

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1588

By: Bullard and Burns of the
Senate

and

Humphrey of the House

COMMITTEE SUBSTITUTE

An Act relating to water and water rights; creating the Oklahoma Water Economic Impact Study Act; defining terms; creating the Oklahoma Water Economic Impact Study Fund; stating purpose of fund; making fund continuing and nonfiscal; stating sources of revenue; establishing procedures of expenditures of monies accruing to the credit of the fund; authorizing the Oklahoma Water Resources Board to conduct instream flow studies upon certain agreement; requiring studies to include certain information and recommendations; requiring certain cooperation in conduction of studies; requiring submission of completed study to certain entities; requiring promulgation of rules by Oklahoma Water Resources Board; requiring certain legislative appropriation; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1702 of Title 82, unless there is created a duplication in numbering, reads as follows:

1 A. This act shall be known and may be cited as the "Oklahoma
2 Water Economic Impact Study Act".

3 B. As used in this section:

4 1. "Instream flow" means the water flow required to maintain
5 the functions and resilience of freshwater stream systems and the
6 needs of communities that depend on the healthy ecosystems; and

7 2. "Instream flow study" means a study to develop the instream
8 flow determinations and biological assessments needed to maintain
9 instream flows and support a sound ecological environment.

10 C. There is hereby created in the State Treasury a revolving
11 fund for the Oklahoma Water Resources Board to be designated the
12 "Oklahoma Water Economic Impact Study Fund" for the purpose of
13 conducting instream flow studies. The revolving fund shall be a
14 continuing fund, not subject to fiscal year limitations, and shall
15 consist of all monies received by the Oklahoma Water Resources Board
16 from the appropriations, apportionments, donations, federal grants,
17 and fee revenues designated for the purposes of implementing the
18 provisions of this act. All monies accruing to the credit of the
19 fund may be budgeted and expended by the Secretary of Energy and
20 Environment, in agreement with the Executive Director of the
21 Oklahoma Water Resources Board, the Director of the Department of
22 Wildlife Conservation, the Secretary of Agriculture, and the
23 Secretary of Commerce. Expenditures from the fund shall be made
24 upon warrants issued by the State Treasurer against claims filed as

1 prescribed by law with the Director of the Office of Management and
2 Enterprise Services for approval and payment.

3 D. 1. The Secretary of Energy and Environment, the Executive
4 Director of the Oklahoma Water Resources Board, the Director of the
5 Department of Wildlife Conservation, the Secretary of Agriculture,
6 and the Secretary of Commerce, shall be consulted in the
7 consideration of conducting an instream flow study. Upon agreement
8 of four of the five entities, the Board may conduct an instream flow
9 study on any body of water agreed upon by the entities to enable the
10 protection, conservation, recreational use, and economic development
11 of water resources and to protect the rights of the citizens of this
12 state to use water for riparian and domestic use, as authorized
13 pursuant to Section 105.2 of Title 82 of the Oklahoma Statutes.

14 2. The agreement to conduct an instream flow study by four of
15 the five entities listed in paragraph 1 of this subsection shall be
16 memorialized by a notarized letter originating from each entity and
17 submitted to the Oklahoma Water Resources Board. Such notarized
18 letter shall be a public document and is subject to the provisions
19 of the Oklahoma Open Records Act.

20 3. Such study shall include the identification of the
21 methodology and metric to be measured by the instream flow study and
22 any biological assessments that are to be made during the study, and
23 shall include recommendations for the completion of instream flow
24

1 determinations in the body of water that is the subject of the
2 study.

3 E. The Oklahoma Water Resources Board shall work in cooperation
4 with the Oklahoma Department of Commerce to conduct an instream flow
5 study required pursuant to this section. A final copy of the
6 completed instream flow study shall be submitted to the Governor,
7 the President Pro Tempore of the Senate, the Speaker of the House of
8 Representatives, the Secretary of Energy and Environment, and the
9 Department of Wildlife Conservation. The Oklahoma Water Resources
10 Board shall promulgate rules to implement the provisions of this
11 act.

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1703 of Title 82, unless there
14 is created a duplication in numbering, reads as follows:

15 There is hereby appropriated to the Oklahoma Water Resources
16 Board any monies not otherwise appropriated from the General Revenue
17 Fund of the State Treasury for the fiscal year ending June 30, 2023,
18 the sum of Three Million Dollars (\$3,000,000.00) to transfer to the
19 Oklahoma Water Economic Impact Study Fund created pursuant to
20 Section 1 of this act.

21 SECTION 3. This act shall become effective November 1, 2022.
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