

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL 1585

By: Bullard and Burns of the
Senate

and

Dempsey and Humphrey of the
House

COMMITTEE SUBSTITUTE

An Act relating to water and water rights; creating the Charlette Hearne Heritage River Act; defining term; creating a heritage river designation; providing for the Oklahoma Water Resources Board to provide certain designation; establishing protections for heritage rivers against certain uses; prohibiting water sale and transfer from a heritage river; providing the Oklahoma Water Resources Board authority over the provisions and protections of a heritage river; maintaining certain existing practices along heritage rivers; protecting certain property rights for landowners adjacent to a heritage river; 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 897 of Title 82, unless there is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Charlette
2 Hearne Heritage River Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 898 of Title 82, unless there is
5 created a duplication in numbering, reads as follows:

6 A. As used in this section, "heritage river" means any river or
7 stream that has maintained a free-flowing and undammed status for
8 all of Oklahoma's statehood.

9 B. A heritage river, having been free-flowing and undammed
10 since Oklahoma's statehood, possesses natural elements such as
11 water, fish, wildlife, and outdoor recreational values of present
12 and future benefit to the people of the state. For this purpose,
13 the Glover River in McCurtain County shall be designated a heritage
14 river.

15 C. On or after the effective date of this act, any river
16 designated as a heritage river pursuant to this act shall not be
17 impounded by any dam or structure for industrial purposes and no
18 entity shall sell or transfer water from any heritage river.

19 D. The Oklahoma Water Resources Board shall have authority over
20 the provisions of this act and shall promulgate rules. The Oklahoma
21 Water Resources Board shall:

22 1. Prepare, adopt, and publish management plans and other
23 documents to guide public and private activities and programs;
24

1 2. Consider and comment on public and private practices and
2 proposed actions that may affect a heritage river;

3 3. Recommend standards for local government agencies whose
4 political boundaries include all or part of a heritage river;

5 4. Own and control public access points for a heritage river,
6 and purchase easements and fee title to land along a heritage river
7 for public purposes which are to be held by the Board as an agency
8 of this state; and

9 5. Identify public and private nuisances that adversely affect
10 a heritage river and take lawful action to abate nuisances.

11 E. 1. Nothing in this act shall be construed to unduly
12 restrict or adversely affect the use of property within any heritage
13 river basin for farming, ranching, forestry, silviculture, and other
14 agricultural uses if such uses are not inconsistent with the
15 purposes of this act. Present farming, ranching, forestry,
16 silviculture, and other agricultural uses and practices shall be
17 exempt from the provisions of this act.

18 2. The provisions of this act shall not be construed to affect
19 existing rights between a landowner and a utility or pipeline
20 company.

21 3. The property rights of private landowners adjacent to a
22 heritage river shall be the same as in any other area of the state.
23 The unauthorized use of private property shall be deemed trespassing
24 and subject to the penalties provided for such an offense.

1 4. Nothing in this act shall be construed to restrict public
2 recreational uses of a heritage river.

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

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