

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2474 By: McCall of the House
3
and
4
Treat of the Senate
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6
7 An Act relating to water; amending 82 O.S. 2011,
8 Section 1085.10, which relates to Oklahoma Water
9 Resources Board procedures; directing all
10 applications be disclosed on a website; requiring
11 public notice; requiring certain rule promulgations;
12 and providing an effective date.
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14 AUTHOR: Remove Treat as principal Senate Author, replace with
15 Simpson as principal Senate Author and retain Treat as
16 Senate Coauthor and add Senate Coauthor: McCortney
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18 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
19 entire bill and insert
20
21 "An Act relating to water and water rights; amending
22 82 O.S. 2011, Sections 105.11 and 1020.8, which
23 relate to the Oklahoma Water Resources Board;
24 requiring notice of protest period for certain
permits; requiring Board to publish certain
application information on its website; establishing
timeframe for protest period; updating statutory
language; and providing an effective date.
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
SECTION 1. AMENDATORY 82 O.S. 2011, Section 105.11, is
amended to read as follows:

1 Section 105.11. A. Except as otherwise provided by Section 2
2 105.13 of this ~~act~~ title for limited quantity stream water permits,
3 upon the acceptance of an application which complies with the
4 provisions of Chapter 1 of this title, and the rules promulgated by
5 the Oklahoma Water Resources Board pursuant thereto, the Board shall
6 instruct the applicant to publish, within the time required by the
7 Board, a notice thereof, at the applicant's expense, in a form
8 prescribed by the Board in a newspaper of general circulation in the
9 county of the point of diversion, and in a newspaper of general
10 circulation published within the adjacent downstream county and any
11 other counties designated by the Board once a week for two (2)
12 consecutive weeks. Such notice shall give all the essential facts
13 as to the proposed appropriation, among them, being the places of
14 appropriation and of use, amount of water, the purpose for which it
15 is to be used, name and address of applicant, the hearing date, time
16 and place if a hearing is scheduled by the Board before instructions
17 to publish notice are given, and a thirty-day protest period as well
18 as the manner in which a protest to the application may be made. At
19 the time the Board provides the notice of application to the
20 applicant, the Board shall publish on its website the applications
21 and instructions for public notice, including the draft public
22 notice prepared by the Board. The website publishing is in addition
23 to, and not in lieu of, the requirement for applicants to publish
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1 notice in the newspaper. The time to protest shall run from the
2 date of the first newspaper publication.

3 B. In case of failure to give such notice in accordance with
4 the rules and regulations applicable thereto within the time
5 required, or if such notice is defective, the priority of
6 application shall be lost; however, if proper notice ~~shall be~~ is
7 given within thirty (30) days after the Board has ~~given him notice~~
8 notified the applicant of his or her failure to give effective and
9 proper notice, the application shall thereafter carry the original
10 date of filing, and shall supersede any subsequent application to
11 the same source of water supply. Any interested party shall have
12 the right to protest said application and present evidence and
13 testimony in support of such protest.

14 ~~B.~~ C. If the Board does not schedule a hearing on the
15 application before instructing the applicant to publish notice, a
16 hearing shall be scheduled by the Board upon receipt of a protest
17 which meets the requirements of the Board's rules, the Board shall
18 notify the applicant and protestant of such hearing.

19 SECTION 2. AMENDATORY 82 O.S. 2011, Section 1020.8, is
20 amended to read as follows:

21 Section 1020.8. A. Except as otherwise provided by Section 4
22 1020.10 of this ~~act~~ title for limited quantity groundwater permits,
23 upon the filing of an application which complies with the provisions
24 of Chapter 11 of this title, and the rules promulgated by the

1 Oklahoma Water Resources Board pursuant thereto, the Board shall
2 instruct the applicant to provide notice thereof, at the applicant's
3 expense, and as required by the Board's rules. Such notice shall
4 give all the essential facts as to the proposed taking, among them,
5 being the places of taking and of use, amount of water, the purpose
6 for which it is to be used, name and address of applicant, the
7 hearing date, time and place if a hearing is scheduled by the Board
8 before instructions to provide notice are given, and a thirty-day
9 protest period as well as the manner in which a protest to the
10 application may be made. At the time the Board provides notice of
11 application to the applicant, the Board shall publish on its website
12 the applications and instructions for public notice, including the
13 draft public notice prepared by the Board. The website publishing
14 is in addition to, and not in lieu of, the requirement for
15 applicants to publish notice in the newspaper. The time to protest
16 shall run from the date of the first newspaper publication.

17 B. No hearing shall be had upon the application until proper
18 notice shall have been given. Any interested party shall have the
19 right to protest ~~said~~ the application and present evidence and
20 testimony in support of such protest. If the Board does not
21 schedule a hearing on the application before instructing the
22 applicant to provide notice, a hearing on the application shall be
23 scheduled by the Board upon receipt of a protest which meets the
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requirements of the Board's rules and the Board shall notify the applicant and protestant of such hearing.

SECTION 3. This act shall become effective November 1, 2019."

Passed the Senate the 24th day of April, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2019.

Presiding Officer of the House
of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 2474

By: McCall of the House

3 and

4 Treat of the Senate
5

6 An Act relating to water; amending 82 O.S. 2011,
7 Section 1085.10, which relates to Oklahoma Water
8 Resources Board procedures; directing all
9 applications be disclosed on a website; requiring
public notice; requiring certain rule promulgations;
and providing an effective date.

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

12 SECTION 4. AMENDATORY 82 O.S. 2011, Section 1085.10, is
13 amended to read as follows:

14 Section 1085.10 A. In the exercise of all powers and
15 performance of all duties provided in ~~this act~~ Sections 1085.1
16 through 1085.30a of this title, the Oklahoma Water Resources Board
17 shall comply with the procedures provided in the Administrative
18 Procedures Act. Appeals shall be taken as provided in ~~said act~~ the
19 Administrative Procedures Act. The Oklahoma Water Resources Board
20 may designate a hearing examiner or examiners who shall have the
21 power and authority to conduct such hearings in the name of the
22 Oklahoma Water Resources Board at any time and place subject to the
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1 provisions of this section and any applicable rules, regulations or
2 orders of the Oklahoma Water Resources Board.

3 B. The Oklahoma Water Resources Board shall publish on a
4 central disclosure website all applications for projects the Board
5 receives. The website publishing requirement is in addition to, and
6 not in lieu of, the requirement for applicants to publish notice in
7 the newspaper. In addition, a minimum of thirty (30) days' public
8 notice shall be given before official action is taken on such
9 applications. Notice shall be posted to allow the public to review
10 proposed projects that may affect individual interests.

11 C. The Oklahoma Water Resources Board shall promulgate rules
12 that establish specific days or dates required for hearings and
13 public comments. The aforementioned dates shall be made available
14 on the public disclosure website.

15 SECTION 5. This act shall become effective November 1, 2019.

16 Passed the House of Representatives the 7th day of March, 2019.

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18 _____
19 Presiding Officer of the House
20 of Representatives

21 Passed the Senate the ____ day of _____, 2019.

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23 _____
24 Presiding Officer of the Senate

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