

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

☐ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend House Bill No. 2474, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Simpson

Simpson-CB-FS-Req#2206  
4/10/2019 3:54 PM

(Floor Amendments Only)    Date and Time Filed: \_\_\_\_\_

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 FLOOR SUBSTITUTE

4 FOR ENGROSSED

HOUSE BILL NO. 2474

By: McCall of the House

5 and

6 Simpson and Treat of the  
7 Senate

8  
9  
10 FLOOR SUBSTITUTE

11 [ Oklahoma Water Resources Board procedures -  
12 applications - public notice - effective date ]  
13

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

15 SECTION 1. AMENDATORY 82 O.S. 2011, Section 105.11, is  
16 amended to read as follows:

17 Section 105.11. A. Except as otherwise provided by Section 2  
18 105.13 of this ~~act~~ title for limited quantity stream water permits,  
19 upon the acceptance of an application which complies with the  
20 provisions of Chapter 1 of this title, and the rules promulgated by  
21 the Oklahoma Water Resources Board pursuant thereto, the Board shall  
22 instruct the applicant to publish, within the time required by the  
23 Board, a notice thereof, at the applicant's expense, in a form  
24 prescribed by the Board in a newspaper of general circulation in the

1 county of the point of diversion, and in a newspaper of general  
2 circulation published within the adjacent downstream county and any  
3 other counties designated by the Board once a week for two (2)  
4 consecutive weeks. Such notice shall give all the essential facts  
5 as to the proposed appropriation, among them, being the places of  
6 appropriation and of use, amount of water, the purpose for which it  
7 is to be used, name and address of applicant, the hearing date, time  
8 and place if a hearing is scheduled by the Board before instructions  
9 to publish notice are given, and a thirty-day protest period as well  
10 as the manner in which a protest to the application may be made. At  
11 the time the Board provides the notice of application to the  
12 applicant, the Board shall publish on its website the applications  
13 and instructions for public notice, including the draft public  
14 notice prepared by the Board. The website publishing is in addition  
15 to, and not in lieu of, the requirement for applicants to publish  
16 notice in the newspaper. The time to protest shall run from the  
17 date of the first newspaper publication.

18 B. In case of failure to give such notice in accordance with  
19 the rules and regulations applicable thereto within the time  
20 required, or if such notice is defective, the priority of  
21 application shall be lost; however, if proper notice ~~shall be~~ is  
22 given within thirty (30) days after the Board has ~~given him notice~~  
23 notified the applicant of his or her failure to give effective and  
24 proper notice, the application shall thereafter carry the original

1 date of filing, and shall supersede any subsequent application to  
2 the same source of water supply. Any interested party shall have  
3 the right to protest said application and present evidence and  
4 testimony in support of such protest.

5 ~~B.~~ C. If the Board does not schedule a hearing on the  
6 application before instructing the applicant to publish notice, a  
7 hearing shall be scheduled by the Board upon receipt of a protest  
8 which meets the requirements of the Board's rules, the Board shall  
9 notify the applicant and protestant of such hearing.

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

12 Section 1020.8. A. Except as otherwise provided by Section 4  
13 1020.10 of this ~~act~~ title for limited quantity groundwater permits,  
14 upon the filing of an application which complies with the provisions  
15 of Chapter 11 of this title, and the rules promulgated by the  
16 Oklahoma Water Resources Board pursuant thereto, the Board shall  
17 instruct the applicant to provide notice thereof, at the applicant's  
18 expense, and as required by the Board's rules. Such notice shall  
19 give all the essential facts as to the proposed taking, among them,  
20 being the places of taking and of use, amount of water, the purpose  
21 for which it is to be used, name and address of applicant, the  
22 hearing date, time and place if a hearing is scheduled by the Board  
23 before instructions to provide notice are given, and a thirty-day  
24 protest period as well as the manner in which a protest to the

1 application may be made. At the time the Board provides notice of  
2 application to the applicant, the Board shall publish on its website  
3 the applications and instructions for public notice, including the  
4 draft public notice prepared by the Board. The website publishing  
5 is in addition to, and not in lieu of, the requirement for  
6 applicants to publish notice in the newspaper. The time to protest  
7 shall run from the date of the first newspaper publication.

8 B. No hearing shall be had upon the application until proper  
9 notice shall have been given. Any interested party shall have the  
10 right to protest ~~said~~ the application and present evidence and  
11 testimony in support of such protest. If the Board does not  
12 schedule a hearing on the application before instructing the  
13 applicant to provide notice, a hearing on the application shall be  
14 scheduled by the Board upon receipt of a protest which meets the  
15 requirements of the Board's rules and the Board shall notify the  
16 applicant and protestant of such hearing.

17 SECTION 3. This act shall become effective November 1, 2019.  
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19 57-1-2206 CB 4/10/2019 3:54:48 PM  
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