

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2263

By: Patzkowsky

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to groundwater; creating the
10 Groundwater Irrigation District Act; defining terms;
11 providing for permit holders to petition for the
12 formation of a groundwater irrigation district;
13 requiring districts to consist of whole counties;
14 designating groundwater irrigation districts
15 political subdivisions of the state; specifying
16 requirements for a petition; requiring county
17 commissioners to verify a petition and submit a
18 request to the Oklahoma Water Resources Board for
19 district formation; requiring county commissioners to
20 assign members of a district board; requiring the
21 district board to adopt certain bylaws and appoint a
22 director; requiring district board to submit bylaws
23 for approval or disapproval; requiring the Oklahoma
24 Water Resources Board to promulgate rules; 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 1021.1 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 "Groundwater
2 Irrigation District Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1021.2 of Title 82, unless there
5 is created a duplication in numbering, reads as follows:

6 As used in the Groundwater Irrigation District Act:

- 7 1. "Board" means the Oklahoma Water Resources Board;
- 8 2. "District" means a groundwater irrigation district;
- 9 3. "District board" means the board of a groundwater irrigation
10 district; and

- 11 4. "Permit holder" means a person who possesses a permit to use
12 groundwater as provided for in Section 1020.11 of Title 82 of the
13 Oklahoma Statutes.

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1021.3 of Title 82, unless there
16 is created a duplication in numbering, reads as follows:

17 A. If eight percent (8%) of permit holders in a proposed
18 groundwater irrigation district desire to provide for the assistance
19 and procurement of conservation grant funding for groundwater
20 irrigation of such irrigable lands, the holders may propose the
21 organization of a groundwater irrigation district by petition
22 pursuant to the Groundwater Irrigation District Act.

23 B. Groundwater irrigation districts shall be comprised of a
24 whole county or whole counties adjacent to one another but shall

1 only include permit holders who desire to participate in the
2 district. Any permit holder who does not desire to participate in
3 the district shall not be included upon a written document stating
4 such to the district board.

5 C. Groundwater irrigation districts shall be designated
6 political subdivisions of the state.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1021.4 of Title 82, unless there
9 is created a duplication in numbering, reads as follows:

10 The petition shall be signed by the petitioners, filed with the
11 county commissioners of a petitioning county and the county
12 commissioners of a participating adjacent county within the proposed
13 district, and shall contain the following information:

14 1. A specific description of the county or counties within the
15 proposed district;

16 2. The names and addresses of all of the permit holders who
17 have signed the petition within the proposed district as reflected
18 by the permit records of the Oklahoma Water Resources Board;

19 3. The proposed plan of organization, operation and such
20 additional data and information required by rules of the Board; and

21 4. A request that the district be organized.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1021.5 of Title 82, unless there
24 is created a duplication in numbering, reads as follows:

1 A. After receipt of the petition, the county commissioners and
2 the county commissioners of any participating adjacent county shall:

3 1. Verify the authenticity of each signatory whose address is
4 located within the county;

5 2. Coordinate with the Oklahoma Water Resources Board and, if
6 necessary, the adjacent counties to verify that eight percent (8%)
7 of permit holders within the proposed district have signed the
8 petition; and

9 3. If all requirements of the petition are met, submit a
10 request to the Board for the formation of the groundwater irrigation
11 district.

12 B. After the county commissioners and the county commissioners
13 of any participating adjacent county have submitted a request for
14 the formation of a groundwater irrigation district, each county
15 board of commissioners shall assign members of the initial district
16 board. A county board of commissioners shall select three members
17 representing groundwater irrigation users within the county. Each
18 of the three members of the initial board shall be permit holders
19 who irrigate in the county. If multiple counties reside within the
20 district, each county shall have an equal representation of the
21 three members on the district board.

22 SECTION 6. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1021.6 of Title 82, unless there
24 is created a duplication in numbering, reads as follows:

1 A. At the time and place established by the county
2 commissioners and the county commissioners of any participating
3 adjacent county for the first meeting of the initial district board,
4 the initial district board shall adopt bylaws. In addition to any
5 other provisions normally and properly included in bylaws, the
6 bylaws shall, at a minimum, include provisions regarding the
7 following:

8 1. Establishing the district's name and principal place of
9 business;

10 2. Requiring an annual meeting of the district board and
11 providing that a notice of such annual meeting be given not less
12 than fifteen (15) days prior to the annual meeting in newspapers
13 that are published in counties within the district. If no newspaper
14 is published in the county, the notice shall be posted in three
15 public places in the county, one of which shall be the county
16 courthouse; and

17 3. Requiring that the initial district board, pursuant to the
18 provisions of this section, shall:

- 19 a. establish the composition of the district board,
20 qualifications of the members and a process to elect a
21 board of directors within one (1) year of the approval
22 of the district by the Oklahoma Water Resources Board,
23 b. set the district board members' terms of office, and
24

1 c. elect a district board member as director of the
2 district.

3 B. Following the first meeting of electors, the district board
4 shall submit the initial bylaws to the Board for its approval or
5 disapproval. The Board shall either approve or disapprove the
6 bylaws within sixty (60) days after receiving written notification
7 and a copy of the bylaws from the board. The failure of the Board
8 to disapprove the bylaws within sixty (60) days shall constitute
9 approval.

10 SECTION 7. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1021.7 of Title 82, unless there
12 is created a duplication in numbering, reads as follows:

13 The Oklahoma Water Resources Board shall promulgate rules to
14 enforce the provisions of the Groundwater Irrigation District Act.

15 SECTION 8. This act shall become effective November 1, 2019.

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17 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,
18 dated 02/27/2019 - DO PASS, As Amended.