

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2263

By: Patzkowsky and McBride of
the House

4 and

5 Murdock of the Senate

6
7
8 [groundwater - creating the Groundwater Irrigation
9 District Act - effective date]

10

11

12 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
13 and entire bill and insert

13

14

"An Act relating to groundwater; creating the
Groundwater Irrigation District Act; defining terms;
15 providing for permit holders to petition for the
16 formation of a groundwater irrigation district;
17 requiring districts to consist of whole counties;
18 authorizing permit holders to request not to
19 participate in districts; designating groundwater
20 irrigation districts political subdivisions of the
21 state; specifying requirements for a petition;
22 requiring county commissioners to verify a petition
23 and coordinate with the Oklahoma Water Resources
24 Board for district formation; requiring county
commissioners to assign members of a district board;
requiring that district board members serve without
compensation; requiring the district board to adopt
certain bylaws and appoint a director; requiring
district board to submit bylaws for approval or
disapproval; authorizing the Oklahoma Water Resources
Board to promulgate rules; providing for
codification; and providing an effective date.

24

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 1021.1 of Title 82, unless there
4 is created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "Groundwater
6 Irrigation District Act".

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

10 As used in this act:

- 11 1. "Board" means the Oklahoma Water Resources Board;
- 12 2. "District" means a groundwater irrigation district;
- 13 3. "District board" means the board of a groundwater irrigation
14 district; and
- 15 4. "Permit holder" means a person who possesses a permit to use
16 groundwater as provided for in Section 1020.11 of Title 82 of the
17 Oklahoma Statutes.

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

- 21 A. If ten individual permit holders in a proposed groundwater
22 irrigation district desire to provide for the betterment of and the
23 assistance and procurement of conservation grant funding for
24 groundwater irrigation of such irrigable lands, the holders may

1 propose the organization of a groundwater irrigation district by
2 petition pursuant to this act.

3 B. Groundwater irrigation districts shall be comprised of a
4 whole county or whole counties adjacent to one or the other but
5 shall only include permit holders who desire to participate in the
6 district. Any permit holder who does not desire to participate
7 shall not be included upon a written document stating such to the
8 district board.

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

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

16 1. A specific description of the county or counties within the
17 proposed district;

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

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

23 4. A request that the district be organized.
24

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

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

6 1. Verify the authenticity of each signatory whose address is
7 located within the county;

8 2. Coordinate with the Oklahoma Water Resources Board and, if
9 necessary, the adjacent counties to verify that ten individual
10 permit holders within the proposed district have signed the
11 petition; and

12 3. If, upon consideration, it shall be found that such petition
13 is in conformity with the requirements of this act, and that such a
14 district should be created, the board of county commissioners shall
15 thereupon immediately declare the land described in the petition or
16 any part thereof to be incorporated as a district under the name of
17 "____ Groundwater Irrigation District" (inserting unique name of
18 irrigation district) and thereupon the district shall be a body
19 politic and corporate and an agency and legally constituted
20 authority of the State of Oklahoma for the public purposes set forth
21 in this act. The board of county commissioners shall thereupon
22 enter upon its records full minutes of such hearing, together with
23 its order creating the district under the corporate name for the
24 purposes of this act. Such districts shall not be political

1 corporations or subdivisions of the state within the meaning of any
2 constitutional debt limitations, nor shall the districts have any
3 power or authority to levy any taxes whatsoever or make any
4 assessments on property, real or personal.

5 B. After the county commissioners and the county commissioners
6 of any participating adjacent county have submitted a request for
7 the formation of a groundwater irrigation district, each county
8 board of commissioners shall assign members of the initial district
9 board. A county board of commissioners shall select three members
10 representing groundwater irrigation users within the county. If
11 multiple counties reside within the district, each county shall have
12 equal representation on the district board. Each of the three
13 members of the initial district board shall be groundwater permit
14 holders who irrigate in the county. District board members shall
15 serve without compensation.

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

19 At the time and place established by the county commissioners
20 and the county commissioners of any participating adjacent county
21 for the first meeting of the initial district board, the initial
22 district board shall adopt bylaws. In addition to any other
23 provisions normally and properly included in bylaws, the bylaws
24 shall, at a minimum, include provisions regarding the following:

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

3 2. Requiring an annual meeting of the district board and
4 providing that a notice of such annual meeting be given, not less
5 than fifteen (15) days prior to the annual meeting, in newspapers
6 that are published in counties within the district. If no newspaper
7 is published in the county, the notice shall be posted in three
8 public places in the county, one of which shall be the county
9 courthouse; and

10 3. Requiring that the initial district board pursuant to the
11 provisions of this section shall:

- 12 a. establish the composition of the district board,
13 qualifications of the members and a process to elect a
14 board of directors within one (1) year of the approval
15 of the district by the Oklahoma Water Resources Board,
- 16 b. set the district board members' terms of office, and
- 17 c. elect a district board member as director of the
18 district.

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

22 The Oklahoma Water Resources Board may promulgate rules to
23 enforce the provisions of this act.

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

1 ENGROSSED HOUSE
2 BILL NO. 2263

By: Patzkowsky and McBride of
the House

3 and

4 Murdock of the Senate
5
6
7

8 [groundwater - creating the Groundwater Irrigation
9 District Act - effective date]
10
11
12

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

14 SECTION 9. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1021.1 of Title 82, unless there
16 is created a duplication in numbering, reads as follows:

17 This act shall be known and may be cited as the "Groundwater
18 Irrigation District Act".

19 SECTION 10. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1021.2 of Title 82, unless there
21 is created a duplication in numbering, reads as follows:

22 As used in the Groundwater Irrigation District Act:

- 23 1. "Board" means the Oklahoma Water Resources Board;
24 2. "District" means a groundwater irrigation district;

1 3. "District board" means the board of a groundwater irrigation
2 district; and

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

6 SECTION 11. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1021.3 of Title 82, unless there
8 is created a duplication in numbering, reads as follows:

9 A. If eight percent (8%) of permit holders in a proposed
10 groundwater irrigation district desire to provide for the assistance
11 and procurement of conservation grant funding for groundwater
12 irrigation of such irrigable lands, the holders may propose the
13 organization of a groundwater irrigation district by petition
14 pursuant to the Groundwater Irrigation District Act.

15 B. Groundwater irrigation districts shall be comprised of a
16 whole county or whole counties adjacent to one another but shall
17 only include permit holders who desire to participate in the
18 district. Any permit holder who does not desire to participate in
19 the district shall not be included upon a written document stating
20 such to the district board.

21 C. Groundwater irrigation districts shall be designated
22 political subdivisions of the state.

23
24

1 SECTION 12. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1021.4 of Title 82, unless there
3 is created a duplication in numbering, reads as follows:

4 The petition shall be signed by the petitioners, filed with the
5 county commissioners of a petitioning county and the county
6 commissioners of a participating adjacent county within the proposed
7 district, and shall contain the following information:

8 1. A specific description of the county or counties within the
9 proposed district;

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

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

15 4. A request that the district be organized.

16 SECTION 13. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1021.5 of Title 82, unless there
18 is created a duplication in numbering, reads as follows:

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

21 1. Verify the authenticity of each signatory whose address is
22 located within the county;

23 2. Coordinate with the Oklahoma Water Resources Board and, if
24 necessary, the adjacent counties to verify that eight percent (8%)

1 of permit holders within the proposed district have signed the
2 petition; and

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

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

16 SECTION 14. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1021.6 of Title 82, unless there
18 is created a duplication in numbering, reads as follows:

19 A. At the time and place established by the county
20 commissioners and the county commissioners of any participating
21 adjacent county for the first meeting of the initial district board,
22 the initial district board shall adopt bylaws. In addition to any
23 other provisions normally and properly included in bylaws, the
24

1 bylaws shall, at a minimum, include provisions regarding the
2 following:

3 1. Establishing the district's name and principal place of
4 business;

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

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

14 a. establish the composition of the district board,
15 qualifications of the members and a process to elect a
16 board of directors within one (1) year of the approval
17 of the district by the Oklahoma Water Resources Board,
18 b. set the district board members' terms of office, and
19 c. elect a district board member as director of the
20 district.

21 B. Following the first meeting of electors, the district board
22 shall submit the initial bylaws to the Board for its approval or
23 disapproval. The Board shall either approve or disapprove the
24 bylaws within sixty (60) days after receiving written notification

1 and a copy of the bylaws from the board. The failure of the Board
2 to disapprove the bylaws within sixty (60) days shall constitute
3 approval.

4 SECTION 15. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1021.7 of Title 82, unless there
6 is created a duplication in numbering, reads as follows:

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

9 SECTION 16. This act shall become effective November 1, 2019.

10 Passed the House of Representatives the 5th day of March, 2019.

11

12

Presiding Officer of the House
of Representatives

13

14

Passed the Senate the ___ day of _____, 2019.

15

16

17

Presiding Officer of the Senate

18

19

20

21

22

23

24