

1 **SENATE FLOOR VERSION**

2 April 4, 2019

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2263

By: Patzkowsky and McBride of
the House

6 and

7 Murdock of the Senate

8
9 COMMITTEE SUBSTITUTE

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

12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. 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 2. 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 this 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 3. 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 ten individual permit holders in a proposed groundwater
10 irrigation district desire to provide for the betterment of and the
11 assistance and procurement of conservation grant funding for
12 groundwater irrigation of such irrigable lands, the holders may
13 propose the organization of a groundwater irrigation district by
14 petition pursuant to this act.

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

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

24

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

5 1. A specific description of the county or counties within the
6 proposed district;

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

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

12 4. A request that the district be organized.

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

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

18 1. Verify the authenticity of each signatory whose address is
19 located within the county;

20 2. Coordinate with the Oklahoma Water Resources Board and, if
21 necessary, the adjacent counties to verify that ten individual
22 permit holders within the proposed district have signed the
23 petition; and
24

1 3. If, upon consideration, it shall be found that such petition
2 is in conformity with the requirements of this act, and that such a
3 district should be created, the board of county commissioners shall
4 thereupon immediately declare the land described in the petition or
5 any part thereof to be incorporated as a district under the name of
6 "____ Groundwater Irrigation District" (inserting unique name of
7 irrigation district) and thereupon the district shall be a body
8 politic and corporate and an agency and legally constituted
9 authority of the State of Oklahoma for the public purposes set forth
10 in this act. The board of county commissioners shall thereupon
11 enter upon its records full minutes of such hearing, together with
12 its order creating the district under the corporate name for the
13 purposes of this act. Such districts shall not be political
14 corporations or subdivisions of the state within the meaning of any
15 constitutional debt limitations, nor shall the districts have any
16 power or authority to levy any taxes whatsoever or make any
17 assessments on property, real or personal.

18 B. After the county commissioners and the county commissioners
19 of any participating adjacent county have submitted a request for
20 the formation of a groundwater irrigation district, each county
21 board of commissioners shall assign members of the initial district
22 board. A county board of commissioners shall select three members
23 representing groundwater irrigation users within the county. If
24 multiple counties reside within the district, each county shall have

1 equal representation on the district board. Each of the three
2 members of the initial district board shall be groundwater permit
3 holders who irrigate in the county. District board members shall
4 serve without compensation.

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

8 At the time and place established by the county commissioners
9 and the county commissioners of any participating adjacent county
10 for the first meeting of the initial district board, the initial
11 district board shall adopt bylaws. In addition to any other
12 provisions normally and properly included in bylaws, the bylaws
13 shall, at a minimum, include provisions regarding the following:

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

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

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

- 1 a. establish the composition of the district board,
2 qualifications of the members and a process to elect a
3 board of directors within one (1) year of the approval
4 of the district by the Oklahoma Water Resources Board,
5 b. set the district board members' terms of office, and
6 c. elect a district board member as director of the
7 district.

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

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
15 April 4, 2019 - DO PASS AS AMENDED
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