

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 998

By: Murdock

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to groundwater; creating the
9 Groundwater Irrigation District Act; defining terms;
10 providing for permit holders to petition for the
11 formation of a groundwater irrigation district;
12 requiring districts to consist of whole counties;
13 creating requirements for a petition; requiring board
14 of county commissioners to verify a petition;
15 requiring board of county commissioners to
16 incorporate district under certain conditions; making
17 groundwater irrigation districts political
18 subdivisions of the state; requiring county
19 commissioners to assign members of an initial
20 district board; requiring the initial district board
21 to adopt bylaws and appoint a director; providing for
22 codification; and providing an effective date.

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

24 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:

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

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

4 As used in this act:

- 5 1. "Board" means the Oklahoma Water Resources Board;
- 6 2. "District" means a groundwater irrigation district;
- 7 3. "District board" means the board of a groundwater irrigation
8 district; and
- 9 4. "Permit holder" means a person who possesses a permit to use
10 groundwater as provided for in Section 1020.11 of Title 82 of the
11 Oklahoma Statutes;

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

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

21 B. Groundwater irrigation districts shall be comprised of a
22 whole county or whole counties adjacent to one or the other but
23 shall only include permit holders who desire to participate in the
24 district. Any permit holder who does not desire to participate

1 shall not be included upon a written document stating such to the
2 district board.

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

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

10 1. A specific description of the county or counties within the
11 proposed district;

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

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

17 4. A request that the district be organized.

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

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

23 1. Verify the authenticity of each signatory whose address is
24 located within the county;

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

5 3. If, upon consideration, it shall be found that such petition
6 is in conformity with the requirements of this act, and that such a
7 district should be created, the board of county commissioners shall
8 thereupon immediately declare the land described in the petition or
9 any part thereof to be incorporated as a district under the name of
10 "Groundwater Irrigation District No. ____, ____ County, Oklahoma"
11 (inserting number in order of incorporation and name of county) and
12 thereupon the district shall be a body politic and corporate and an
13 agency and legally constituted authority of the State of Oklahoma
14 for the public purposes set forth in this act. The board of county
15 commissioners shall thereupon enter upon its records full minutes of
16 such hearing, together with its order creating the district under
17 the corporate name for the purposes of this act. Such districts
18 shall not be political corporations or subdivisions of the state
19 within the meaning of any constitutional debt limitations, nor shall
20 the districts have any power or authority to levy any taxes
21 whatsoever or make any assessments on property, real or personal.

22 B. After the county commissioners and the county commissioners
23 of any participating adjacent county have submitted a request for
24 the formation of a groundwater irrigation district, each county

1 board of commissioners shall assign members of the initial district
2 board. A county board of commissioners shall select three members
3 representing groundwater irrigation users within the county. If
4 multiple counties reside within the district, each county shall have
5 equal representation on the district board. Each of the three
6 members of the initial district board shall be groundwater permit
7 holders who irrigate in the county.

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

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

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

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

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

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

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

15 The Oklahoma Water Resources Board shall promulgate rules to
16 enforce the provisions of this act.

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

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