

1 **SENATE FLOOR VERSION**

2 February 28, 2019

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 998

6 By: Murdock

7 [Groundwater Irrigation District Act - whole
8 counties - petition - political subdivisions of the
9 state - district board - codification - effective
10 date]

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

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

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

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

20 As used in this act:

- 21 1. "Board" means the Oklahoma Water Resources Board;
22 2. "District" means a groundwater irrigation district;
23 3. "District board" means the board of a groundwater irrigation
24 district; and

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

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

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

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

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

22 The petition shall be signed by the petitioners, filed with the
23 county commissioners of a petitioning county and the county
24

1 commissioners of a participating adjacent county within the proposed
2 district, and shall contain the following information:

3 1. A specific description of the county or counties within the
4 proposed district;

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

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

10 4. A request that the district be organized.

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

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

16 1. Verify the authenticity of each signatory whose address is
17 located within the county;

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

22 3. If, upon consideration, it shall be found that such petition
23 is in conformity with the requirements of this act, and that such a
24 district should be created, the board of county commissioners shall

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

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

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

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

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

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

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

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

- 1 b. set the district board members' terms of office, and
2 c. elect a district board member as director of the
3 district.

4 SECTION 7. 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 this act.

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

10 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
11 February 28, 2019 - DO PASS AS AMENDED