

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1585

By: Bullard, Burns, and  
Stephens of the Senate

3

and

4

Dempsey and Humphrey of the  
House

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6

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An Act relating to water and water rights; defining  
term; creating a heritage river designation;  
8 providing for the Oklahoma Water Resources Board to  
provide certain designation; establishing protections  
9 for heritage rivers against certain uses; prohibiting  
water sale and transfer from a heritage river;  
10 providing the Oklahoma Water Resources Board  
authority over the provisions and protections of a  
11 heritage river; maintaining certain existing  
practices along heritage rivers; protecting certain  
12 property rights for landowners adjacent to a heritage  
river; providing for codification; and providing an  
13 effective date.

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15 AUTHORS: Add the following House Coauthors: West (Josh),  
Moore, Burns, Lawson, Sims, Johns, Bashore,  
16 Wallace, Sterling, McDugle, Cornwell, Sneed, and  
Culver

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18 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
and insert:

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"An Act relating to waters and water rights; enacting  
the Mitchell McDaniel Historic Act for the Glover  
21 River; prohibiting the Oklahoma Water Resources  
Board from approving or permitting the construction  
22 of dams on Glover River; providing for codification;  
providing for noncodification; and providing an  
23 effective date.

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

2 SECTION 1. NEW LAW A new section of law not to be  
3 codified in the Oklahoma Statutes reads as follows:

4 This act shall be known and may be cited as the "Mitchell  
5 McDaniel Historic Act for the Glover River".

6 SECTION 2. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 110.13 of Title 82, unless there  
8 is created a duplication in numbering, reads as follows:

9 The Oklahoma Water Resources Board shall neither approve any  
10 application nor permit the construction of a dam on Glover River in  
11 McCurtain County.

12 SECTION 3. This act shall become effective November 1, 2022."

13 Passed the House of Representatives the 27th day of April, 2022.

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16 \_\_\_\_\_  
Presiding Officer of the House of  
17 Representatives

18 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

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Presiding Officer of the Senate

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1 ENGROSSED SENATE  
2 BILL NO. 1585

By: Bullard, Burns, and  
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7 An Act relating to water and water rights; defining  
8 term; creating a heritage river designation;  
9 providing for the Oklahoma Water Resources Board to  
10 provide certain designation; establishing protections  
11 for heritage rivers against certain uses; prohibiting  
12 water sale and transfer from a heritage river;  
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14 authority over the provisions and protections of a  
15 heritage river; maintaining certain existing  
16 practices along heritage rivers; protecting certain  
17 property rights for landowners adjacent to a heritage  
18 river; providing for codification; and providing an  
19 effective date.

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

21 SECTION 4. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 897 of Title 82, unless there is  
23 created a duplication in numbering, reads as follows:

24 A. As used in this section, "heritage river" means any river or  
stream that has maintained a free-flowing and undammed status for  
all of Oklahoma's statehood.

B. A heritage river, having been free-flowing and undammed  
since Oklahoma's statehood, possesses natural elements such as  
water, fish, wildlife, and outdoor recreational values of present

1 and future benefit to the people of the state. For this purpose,  
2 the Glover River in McCurtain County shall be designated a heritage  
3 river.

4 C. On or after the effective date of this act, any river  
5 designated as a heritage river pursuant to this act shall not be  
6 impounded by any large dam or structure for industrial purposes and  
7 no entity shall sell or transfer water from any heritage river.

8 D. The Oklahoma Water Resources Board shall have authority over  
9 the provisions of this act and shall promulgate rules.

10 1. The Oklahoma Water Resources Board shall:

11 a. prepare, adopt, and publish management plans and other  
12 documents to guide public and private activities and  
13 programs,

14 b. consider and comment on public and private practices  
15 and proposed actions that may affect a heritage river,  
16 and

17 c. recommend standards for local government agencies  
18 whose political boundaries include all or part of a  
19 heritage river; and

20 2. The Oklahoma Water Resources Board may:

21 a. own and control public access points for a heritage  
22 river, and purchase easements and fee title to land  
23 along a heritage river for public purposes which are  
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1 to be held by the Board as an agency of this state,  
2 and

3 b. identify public and private nuisances that adversely  
4 affect a heritage river and take lawful action to  
5 abate nuisances.

6 E. 1. Nothing in this act shall be construed to unduly  
7 restrict or adversely affect the use of property within any heritage  
8 river basin for farming, ranching, forestry, silviculture, and other  
9 agricultural uses if such uses are not inconsistent with the  
10 purposes of this act. Present farming, ranching, forestry,  
11 silviculture, and other agricultural uses and practices shall be  
12 exempt from the provisions of this act.

13 2. The provisions of this act shall not be construed to affect  
14 existing rights between a landowner and a utility or pipeline  
15 company.

16 3. The property rights of private landowners adjacent to a  
17 heritage river shall be the same as in any other area of the state.  
18 The unauthorized use of private property shall be deemed trespassing  
19 and subject to the penalties provided for such an offense.

20 4. Nothing in this act shall be construed to restrict public  
21 recreational uses of a heritage river.

22 SECTION 5. This act shall become effective November 1, 2022.  
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