

Water for 2060 Act is devastating and must be repealed

by Randy Bright <http://www.tulsabeacon.com/?p=6064>

Recently, an article by Professor Jonathan H. Adler appeared on the Atlantic website entitled, "Property Rights and the Tragedy of the Commons." Adler is referring to the 1968 "Tragedy of the Commons" essay by Garrett Hardin, who had addressed the notion that the community could benefit by holding certain properties in common (meaning open-access) for the use of the community.

The example Hardin used to demonstrate why this would not work was to suppose that a community offered land for grazing cattle.

As cattle owners place their herds on the common pasture, each has an incentive to add one more cow to the herd. As more and more cattle are added, the land is overgrazed and the cattle starve. The point of Hardin's example was that the incentive of the cattle owners was not to limit the number of cattle to protect the land. The risk of the consequences of overgrazing their own property would outweigh the desire to expand their herd, but in the case of grazing the herd on the commons was that they could profit at the expense of the community.

Adler wrote, "As Hardin recognized, where property rights are well-defined and secure, the tragedy of the commons is less likely for each owner has ample incentive to act as a steward, caring for the underlying resource and preventing its overuse, both for themselves, and others who may value the underlying resource. In this way, the institution of property rights "deters us from exhausting the positive resources of the earth."

It is always amazing and disturbing to see our legislatures embrace the concept of the "commons" - regardless of the knowledge of the benefits of property rights. Both Democrats and Republicans in this state tout our Constitution in public speeches for election and re-election, but what they actually vote for in the legislature is quite another thing.

Last month the Oklahoma Legislature passed a bill that should have been widely publicized long before its passage, but for obvious reasons it was kept very quiet.

I am referring to HB 3055, the Water for 2060 Act.

It states, "The Legislature hereby declares that, in order to protect Oklahoma citizens from increased water supply shortages and groundwater depletions by the year 2060 in most of the eighty-two watershed planning basins in the state as described in the 2012 Update of the Oklahoma Comprehensive Water Plan, the public policy of this state is to establish and work toward a goal of consuming no more fresh water in the year 2060 than is consumed statewide in the year 2012, while continuing to grow the population and economy of the state and to achieve this goal through utilizing existing water supplies more efficiently and expanding the use of alternatives such as wastewater, brackish water, and other nonpotable supplies. Provided,

however, that nothing in the Water for 2060 Act shall be construed as amending the provisions of law pertaining to rights or permits to use water.”

This bill has been signed into law, and it provides for the establishment of an “Advisory Council” consisting of the Executive Director of the Oklahoma Water Resources Board and 14 others who are appointed by the governor, the Speaker, and the Senate Pro Tempore, all of whom serve at the pleasure of the one who appointed them. In other words, unaccountable to the public.

The impact of this bill, regardless of its writer’s intent, will be devastating to this state’s economy. Who among us, with even a modicum of common sense, doesn’t see the problems this bill will create? This bill says to industry, don’t come to our state because we don’t have enough water for you, our industries are already fighting with the government about how much water they used in 2012.

It says to citizens, don’t move to our state, even though our reservoirs are full to the brim, we don’t have enough water for you.

This is a bill that will create a bureaucracy whose ultimate result will be regulation of water by landowners.

Think it can’t happen? Several years ago, a friend of mine was told by the State of Colorado that he had to destroy the beaver dams on his property and let the water flow downhill because the water belonged to the state. He fought it in court at great cost and won, but what about those who don’t have the resources to defend their rights?

And what happens to the great wealth of water we have in this state?

At the conclusion of his article, Adler said, “We understand the importance of property rights for economic prosperity, but we are also beginning to understand the importance of property rights for ecological sustainability.”

This is a terrible law, and it should be repealed.

©2012 Randy W. Bright

Randy W. Bright, AIA, NCARB, is an architect who specializes in church and church-related projects. You may contact him at 918-582-3972, rwbrightchurcharch@sbcglobal.net or www.churcharchitect.net.

This entry was posted on Thursday, June 28th, 2012 and is filed under [Columns](#).