

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1949

By: Rice

COMMITTEE SUBSTITUTE

(Oklahoma Water Resources Board - amending Section 1, Chapter 373, O.S.L. 1998, as last amended by Section 15, Chapter 402, O.S.L. 2000 (62 O.S. Supp. 2000, Section 2002) - Rural Economic Action Plan Water Projects Fund - authorizing transfer - amending 82 O.S. 1991, Section 1085.12 - powers and duties of the Executive Director - making an appropriation - effective date

emergency)

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

SECTION 1. AMENDATORY Section 1, Chapter 373, O.S.L. 1998, as last amended by Section 15, Chapter 402, O.S.L. 2000 (62 O.S. Supp. 2000, Section 2002), is amended to read as follows:

Section 2002. A. There is hereby created the Rural Economic Action Plan Water Projects Fund. The fund shall be subject to legislative appropriation and shall consist of all monies deposited into the fund by law. The fund shall be a continuing fund not subject to fiscal year limitations.

B. Notwithstanding the provisions of Sections 2003 through 2013 of this title, for the fiscal year ending June 30, 2000, the Oklahoma Water Resources Board is hereby authorized to expend the sum of Two Hundred Twenty-five Thousand Dollars (\$225,000.00) and for the fiscal year ending June 30, 2001, the Oklahoma Water Resources Board is hereby authorized to expend the sum of One Million Dollars (\$1,000,000.00) or so much thereof as may be necessary from the funds deposited to the Rural Economic Action Plan

Water Projects Fund from the gross production tax, as apportioned by Section 1004 of Title 68 of the Oklahoma Statutes, for the Beneficial Use Monitoring Program.

C. For the fiscal year ending June 30, 2001, the Oklahoma Water Resources Board is hereby authorized to expend the sum of Two Million One Hundred Forty-three Thousand Two Hundred Dollars (\$2,143,200.00) or so much thereof as may be necessary from the funds deposited from the gross production tax, as apportioned by Section 1004 of Title 68 of the Oklahoma Statutes to match the FY-99 Federal Drinking Water State Revolving Fund Loan Program grant.

D. The Director of State Finance, on July 1, 2000, shall transfer the sum of One Million Five Hundred Thousand Dollars (\$1,500,000.00) or so much thereof as may be necessary from the Rural Economic Action Plan Water Project Fund of the Oklahoma Water Resources Board from the funds deposited from the gross production tax, as apportioned by Section 1004 of Title 68 of the Oklahoma Statutes to the Oklahoma Conservation Commission Cost-Share Fund for the purpose of matching the EPA 319 Federal Funds for priority watersheds, offsetting associated administrative costs of the cost-share program and the conservation cost-share program.

E. The Oklahoma Water Resources Board is hereby authorized to transfer in any fiscal year up to Five Hundred Thousand Dollars (\$500,000.00) of monies available in the Rural Economic Action Plan Water Projects Fund to the grant account of the Water Resources Fund established under Section 1085.39 of Title 82 of the Oklahoma Statutes for emergency grants.

F. The allocation of funds made pursuant to this section shall not be subject to budgetary limitations.

SECTION 2. AMENDATORY 82 O.S. 1991, Section 1085.12, is amended to read as follows:

Section 1085.12 A. The Oklahoma Water Resources Board shall appoint an Executive Director, who shall have had at least six (6)

years practical and administrative experience in water resource management, and fix ~~his~~ the duties and compensation of the Executive Director.

B. 1. The Oklahoma Water Resources Board is specifically authorized to delegate to such Executive Director such of its powers and duties as it may deem proper, including powers and duties involving the exercise of official discretion. The authority hereby granted to the Oklahoma Water Resources Board to delegate powers and duties to the Executive Director shall extend to any powers and duties given or transferred to the Oklahoma Water Resources Board ~~under~~ pursuant to this act title, or under any other law conferring powers or imposing duties upon the Oklahoma Water Resources Board, and shall also extend to any powers conferred or duties imposed upon the Oklahoma Water Resources Board by any future law, unless such future laws shall expressly negate the authority to make such delegation.

2. Any ~~other part of this act, or any other~~ law granting authority to the Oklahoma Water Resources Board to delegate any powers or duties, shall not be deemed to be a limitation upon the authority conferred by this section.

C. The Executive Director shall exercise any such delegated powers and perform such delegated duties, in accordance with any rules, ~~regulations~~ or orders made by the Oklahoma Water Resources Board which are applicable thereto. Provided, however, the Oklahoma Water Resources Board shall not delegate to such director any power of ~~determining policy~~ promulgating rules of the Board, the ~~execution approval~~ of any contract that obligates funds of the Board or the final adjudication of any claims, applications or controversies not delegated in accordance with rules of the Board, all of which powers and duties shall be exercised solely by the Oklahoma Water Resources Board.

D. The Oklahoma Water Resources Board may by rule delegate authority to the Executive Director to transfer in any fiscal year up to Five Hundred Thousand Dollars (\$500,000.00) of monies available in the Rural Economic Action Plan Water Projects Fund to the grant account of the Water Resources Fund established under Section 1085.39 of this title for emergency grants.

SECTION 3. There is hereby appropriated to the Oklahoma Water Resources Board from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of One Million Dollars (\$1,000,000.00), or so much thereof as may be necessary for deposit to the Flood Hazard Mitigation Account of the Statewide Water Development Revolving Fund to be used pursuant to the Flood Hazard Mitigation Financial Assistance Program.

SECTION 4. Section 3 of this act shall become effective July 1, 2001.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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