

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 442

By: Kerr

AS INTRODUCED

An Act relating to funding of the Oklahoma Weather Modification Act; amending 36 O.S. 1991, Section 631, as last amended by Section 1, Chapter 302, O.S.L. 1996 (36 O.S. Supp. 2000, Section 631), which relates to the insurance premium tax; providing for apportionment of certain revenues; authorizing the Oklahoma Weather Modification Board to award certain contract for certain time period; providing for certain review by the Advisory Board; amending Sections 2 and 3, Chapter 400, O.S.L. 1999 (82 O.S. Supp. 2000, Sections 1801.2 and 1801.3), which relate to the Oklahoma Weather Modification Act; modifying name of Board; updating statutory references; and repealing Section 4, Chapter 400, O.S.L. 1999 (82 O.S. Supp. 2000, Section 1801.4), which relates to certain voluntary assessments; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 36 O.S. 1991, Section 631, as last amended by Section 1, Chapter 302, O.S.L. 1996 (36 O.S. Supp. 2000, Section 631), is amended to read as follows:

Section 631. ~~A. Said~~ Except as otherwise provided in this section, the insurance premium tax levied in Section 624 of this title as collected shall be deposited by the thirtieth day of the month of receipt to the credit of the General Revenue Fund subject only to the allocations thereof as otherwise provided by law;
provided:

~~B.~~ 1. That portion of premium tax assessed on the premiums of Medicaid recipients collected from the University of Oklahoma Managed Care Plan sponsored by the University of Oklahoma Health Sciences Center and from qualified health plans that contract with the Oklahoma Health Care Authority to provide managed care to

participants in the State Medicaid program, as provided in Section 624 of this title, shall be paid by the thirtieth day of the month of receipt to the credit of the Medicaid Contingency Revolving Fund, created in Section 1010.8 of Title 56 of the Oklahoma Statutes; and

2. For the fiscal year beginning July 1, 2001, and for each fiscal year thereafter, there shall be deposited into the Oklahoma Weather Revolving Fund from the growth in the premium tax, over the amount collected in the fiscal year ending June 30, 2000, an amount up to Three Million Dollars (\$3,000,000.00). When the growth revenues reach Three Million Dollars (\$3,000,000.00) that amount shall be annually deposited in the Oklahoma Weather Modification Revolving Fund. When deposits to the Oklahoma Weather Modification Revolving Fund equal Three Million Dollars (\$3,000,000.00), the Oklahoma Weather Modification Board shall award a contract for up to Two Hundred Fifty Thousand Dollars (\$250,000.00) to an appropriate weather monitoring entity for an annual assessment of the program. The initial contract may be awarded for up to five (5) years. The Oklahoma Weather Modification Board shall assess the performance of the entity awarded the contract and is authorized to extend, renew or terminate the contract annually by majority vote of the members of the Board, subject to the availability of funds.

SECTION 2. AMENDATORY Section 2, Chapter 400, O.S.L. 1999 (82 O.S. Supp. 2000, Section 1801.2), is amended to read as follows:

Section 1801.2 There is hereby created in the Oklahoma Water Resources Board a division to administer the provisions of the Oklahoma Weather Modification Act. The Oklahoma Weather Modification ~~Advisory~~ Board, created pursuant to this act, shall be authorized to employ a Director of the Weather Modification Division. In addition to the Director, the Oklahoma Weather Modification ~~Advisory~~ Board is authorized to employ one full-time-equivalent employee to implement the provisions of this act.

Funding for such positions shall be provided by the proceeds of the account created pursuant to ~~subsection F~~ of Section 4 1 of this act. The Director of the Weather Modification Division shall be authorized to contract with individuals or entities experienced with cloud-seeding operations in order to increase beneficial rainfall when needed and appropriate cloud formations are available, and to suppress hail in order to prevent property and crop damages. The Oklahoma Weather Modification ~~Advisory~~ Board may acquire equipment to accomplish the objectives of this act.

SECTION 3. AMENDATORY Section 3, Chapter 400, O.S.L. 1999 (82 O.S. Supp. 2000, Section 1801.3), is amended to read as follows:

Section 1801.3 A. For the purpose of directing the activities of the Oklahoma Weather Modification Program, there is hereby created the Oklahoma Weather Modification ~~Advisory~~ Board. The Board shall consist of the Executive Director of the Oklahoma Water Resources Board, the Commissioner of Agriculture, the Executive Director of the Oklahoma Department of Tourism and Recreation, the Insurance Commissioner, or their designees, one member, appointed by the Governor, who shall be familiar with the insurance industry, two members appointed by the President Pro Tempore of the Senate and two members appointed by the Speaker of the House of Representatives. The appointed members shall serve for a term of four (4) years.

B. The Executive Director of the Oklahoma Water Resources Board shall be the Chair of the Oklahoma Weather Modification ~~Advisory~~ Board. Staff and legal assistance for the Board shall be provided by the Oklahoma Water Resources Board.

C. The Oklahoma Weather Modification ~~Advisory~~ Board shall make decisions regarding staffing for the program and other issues as the ~~Advisory~~ Board deems necessary. The Oklahoma Weather Modification ~~Advisory~~ Board is hereby authorized to promulgate rules to implement the provisions of ~~this act~~ Section 1801.1 et seq. of this title.

SECTION 4. REPEALER Section 4, Chapter 400, O.S.L. 1999 (82 O.S. Supp. 2000, Section 1801.4), is hereby repealed.

SECTION 5. This act shall become effective July 1, 2001.

SECTION 6. 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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