

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1040

By: Marlatt and Fields of the
Senate

6 and

Armes of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to waters and water rights; amending
11 82 O.S. 2011, Sections 1085.7A and 1085.40, which
12 relate to the Oklahoma Water Resources Board;
13 modifying name of certain funds; modifying use of
14 certain revolving funds; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 82 O.S. 2011, Section 1085.7A, is
18 amended to read as follows:

19 Section 1085.7A A. There is hereby created in the State
20 Treasury a revolving fund for the Oklahoma Water Resources Board to
21 be designated the "Community Water Infrastructure Development and
22 Planning Revolving Fund".

23 B. The fund shall be a continuing fund, not subject to fiscal
24 year limitations, and shall consist of all monies received by the

1 Oklahoma Water Resources Board from the apportionment of gross
2 production tax revenues as prescribed by Section 1004 of Title 68 of
3 the Oklahoma Statutes.

4 C. All monies accruing to the credit of ~~said~~ the fund are
5 hereby appropriated and may be budgeted and expended by the Oklahoma
6 Water Resources Board for the purpose of establishing and
7 maintaining critical water infrastructure in all areas of the state.

8 D. Of the monies accruing to the credit of said fund:

9 1. Fifty percent (50%) of these funds shall be budgeted and
10 expended for financial assistance loans and grants to public water
11 supply and wastewater systems in Oklahoma; and

12 2. Fifty percent (50%) of these funds shall be budgeted and
13 expended to ~~accomplish all phases and funding needs for the Oklahoma~~
14 ~~Comprehensive Water Plan~~ the Statewide Water Development and
15 Planning Revolving Fund.

16 E. Expenditures from ~~said~~ the fund shall be made upon warrants
17 issued by the State Treasurer against claims filed as prescribed by
18 law with the Director of State Finance for approval and payment.

19 F. Other than expenditures directly related to activities
20 authorized in subsection D of this section, no monies in the fund
21 shall be used for the payment of administrative expenses, salary or
22 any other continuing obligation of the Oklahoma Water Resources
23 Board.

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1 G. The provisions of this section shall cease to have the force
2 and effect of law on July 1, 2014. Any monies remaining in the fund
3 created by this section on July 1, 2014, which have been encumbered,
4 but not expended, may be expended according to the terms pursuant to
5 which the monies were encumbered.

6 SECTION 2. AMENDATORY 82 O.S. 2011, Section 1085.40, is
7 amended to read as follows:

8 Section 1085.40 A. There is hereby created in the State
9 Treasury a revolving fund for the Oklahoma Water Resources Board to
10 be designated the "Statewide Water Development and Planning
11 Revolving Fund". The revolving fund shall be a continuing fund, not
12 subject to fiscal year limitations.

13 B. All monies placed in the Statewide Water Development and
14 Planning Revolving Fund, exclusive of such amounts of interest
15 derived from investment deposits necessary to maintain the grant
16 account at its maximum amount as provided in subsection C of this
17 section, may be used by the Board for any and all of the following
18 uses and purposes:

19 1. For the planning and, upon legislative authorization,
20 acquisition of land, construction, operation and maintenance of
21 multipurpose reservoirs and desalination facilities within the State
22 of Oklahoma;

23 2. To provide for and pay the share, contribution or portion of
24 the cost the state shall pay for any legislative-approved, federally

1 funded water project in the state including, but not limited to,
2 projects for bank stabilization, flood control, weather
3 modification, hydroelectric power, water supply, irrigation,
4 recreation and other beneficial uses; and

5 3. To fulfill state contractual obligations upon legislative
6 authorization and pursuant to approved repayment agreements with the
7 federal government and incidental to federally funded water supply
8 storage projects.

9 The Board shall submit annually to the Legislature a list of
10 those projects under consideration for funding under the provisions
11 of this section.

12 C. The principal amount of all monies placed in the Statewide
13 Water Development and Planning Revolving Fund and in the Water
14 Resources Fund Grant Account as provided for in Section 1085.39 of
15 this title shall be invested by the State Treasurer in the manner
16 prescribed by ~~Sections 89.1~~ Section 89.1a et seq. of Title 62 of the
17 Oklahoma Statutes. Interest income derived from the investment of
18 monies placed in the Statewide Water Development and Planning
19 Revolving Fund shall be credited to and placed in the grant account
20 established by Section 1085.39 of Title 82 of the Oklahoma Statutes,
21 provided, the total of all monies held in the grant account shall
22 not exceed Five Million Dollars (\$5,000,000.00). Whenever the
23 aggregate total of all monies placed in the grant account equals
24 Five Million Dollars (\$5,000,000.00), then the principal amount in

1 the grant account shall be kept and maintained at that amount and
2 all additional interest income not required to maintain the balance
3 of the grant account at Five Million Dollars (\$5,000,000.00) shall
4 be retained in the Statewide Water Development and Planning
5 Revolving Fund. The additional interest income not needed to
6 maintain the grant account as herein provided may be utilized by the
7 Board for the purposes and uses enumerated in subsection B of this
8 section.

9 SECTION 3. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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