

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1574

By: Fields

AS INTRODUCED

An Act relating to the Oklahoma Water Resources Board; amending 82 O.S. 2011, Sections 1085.32 and 1085.36, which relate to definitions and eligible entities for loans; modifying definition; adding federally recognized Indian tribes to the list of eligible entities; clarifying language; amending 82 O.S. 2011, Section 1085.52, which relates to definitions; modifying definition; amending 82 O.S. 2011, Section 1085.72, which relates to definitions; modifying definition; updating statutory references; and providing an effective date.

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

SECTION 1. AMENDATORY 82 O.S. 2011, Section 1085.32, is amended to read as follows:

Section 1085.32. As used in Sections 1085.33 through 1085.39 of this title:

1. "Project" means:

a. any engineering undertaking or work to conserve and develop surface or subsurface water resources or to control or develop sewage treatment facilities of the state for all useful and lawful purposes by the

1 acquisition, improvement, extension or construction of
2 dams, reservoirs and other water storage projects,
3 including underground storage projects, filtration and
4 water treatment plants,

5 b. any system necessary to distribute water from storage
6 to points of distribution, or to filtration and
7 treatment plants,

8 c. facilities for the distribution of water from storage
9 or filtration and treatment plants to wholesale or
10 retail purchasers, and

11 d. any system necessary to improve or develop sewage
12 treatment, collection or distribution capabilities.

13 2. "Investment certificate" means any note or bond, including
14 any renewal note or refunding bond, authorized and issued by the
15 Board for the purposes set forth in Sections 1085.31 through 1085.39
16 of this title.

17 3. "Eligible entity" means any city, town, county or the State
18 of Oklahoma, and any rural water or sewer district, irrigation
19 district, public trust, master conservancy district, federally-
20 recognized Indian tribe, or other political subdivision or any
21 combination thereof.

22 SECTION 2. AMENDATORY 82 O.S. 2011, Section 1085.36, is
23 amended to read as follows:
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1 Section 1085.36. Whenever any municipality, public trust, rural
2 water or sewer district, federally-recognized Indian tribe, or any
3 other eligible entity proposes to acquire or construct a project
4 and/or refinance any indebtedness originally incurred to acquire or
5 construct a project, the Oklahoma Water Resources Board is hereby
6 authorized to advance to the municipality, public trust, rural water
7 district, federally-recognized Indian tribe, or other eligible
8 entity or combination thereof sufficient funds for such purposes.
9 Such loans by the Board shall be made pursuant to notes, bonds,
10 revenue bonds or other appropriate form of evidence of indebtedness
11 to the Board by the municipality, public trust, rural water
12 district, federally-recognized Indian tribe, or other eligible
13 entity. The interest rate and loan term shall be determined by the
14 Board, provided, however, that the interest rate for loans made to
15 rural water or sewer districts, created and existing under the
16 provisions of Section 1324.1 et seq. of this title, for the purposes
17 of acquiring or constructing a project and/or refinancing any
18 indebtedness originally incurred to acquire or construct a project,
19 shall not exceed fourteen percent (14%) per annum. As security, the
20 Board may take a mortgage on the entire project, and a pledge of the
21 revenues derived from the operation thereof or such other revenues
22 as may be pledged by the applicant for such purposes. The Board, in
23 its discretion, may defer the principal or an installment on such
24 loans but the total cumulating time such payment may be deferred

1 shall not exceed five (5) years. After a loan or other financial
2 assistance is obtained under Sections 1085.31 through 1085.65 of
3 this title, and during the term of such loan or other financial
4 assistance, no person, other than the eligible entity obtaining the
5 financial assistance, shall be authorized to provide services of the
6 type relied on for security of the loan or other financial
7 assistance to customers of the portion of the system that is
8 identified in the loan documents as collateral for the loan and
9 either (1) in existence at the time of the loan or other financial
10 assistance or (2) financed by the loan or other financial
11 assistance.

12 SECTION 3. AMENDATORY 82 O.S. 2011, Section 1085.52, is
13 amended to read as follows:

14 Section 1085.52. For the purposes of the Clean Water State
15 Revolving Fund Program:

16 1. "Water quality project" means:

- 17 a. any engineering undertaking or work to control or
18 develop sewage treatment facilities of the state for
19 all useful and lawful purposes,
- 20 b. any system necessary to improve or develop sewage
21 treatment, collection or distribution capabilities,
- 22 c. urban storm water activities that are administered
23 under the Oklahoma Brownfields Voluntary Redevelopment
24 Act for eligible entities that have obtained a draft

1 or final permit pursuant to the National Pollution
2 Discharge Elimination Act or the Oklahoma Pollution
3 Discharge Elimination Act, or

4 d. capital works, capital improvements, capital
5 equipment, environmental cleanups, land acquisition,
6 or implementation of management practices for the
7 purpose of protecting or improving surface or
8 underground water quality through watershed management
9 or reduction of nonpoint source pollution as
10 authorized by the federal Water Quality Act of 1987
11 and Section 1085.65 of this title,

12 e. any implementation of estuary conservation and
13 management programs as authorized by the federal Water
14 Quality Act of 1987,

15 f. any other water quality project as may be authorized
16 by the federal Water Quality Act of 1987;

17 2. "Investment certificate" means any note or bond, including
18 any renewal note or refunding bond, authorized and issued by the
19 Board pursuant to the provisions of ~~this act~~ Section 1085.51 of this
20 title;

21 3. "Eligible entity" means any city, town, county or the State
22 of Oklahoma, and any rural sewer district, public trust, master
23 conservancy district, federally-recognized Indian tribe, any other
24 political subdivision or any combination thereof;

1 4. "Board" means the Oklahoma Water Resources Board;

2 5. "Clean Water State Revolving Fund Loan Account" means the
3 Clean Water State Revolving Fund Loan Account created pursuant to
4 Section 1085.53 of this title;

5 6. "Clean Water State Revolving Fund Loan Administrative Fund"
6 means the Clean Water State Revolving Fund Loan Administrative Fund
7 created pursuant to Section 1085.64 of this title;

8 7. "Conservation Commission" means the Oklahoma Conservation
9 Commission;

10 8. "Department" means the Department of Environmental Quality;
11 and

12 9. "Federal Water Quality Act of 1987" means the federal Water
13 Quality Act of 1987 as exists on July 1, 1988, as may be amended,
14 and any successor statute.

15 SECTION 4. AMENDATORY 82 O.S. 2011, Section 1085.72, is
16 amended to read as follows:

17 Section 1085.72. For the purposes of ~~this act~~ Section 1085.71
18 et seq. of this title:

19 1. "Drinking water treatment project" means:

20 a. any engineering undertaking or work to control or
21 develop drinking water treatment facilities of
22 eligible entities for all useful and lawful purposes,
23
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1 b. any system necessary to improve or develop drinking
2 water supply, treatment or distribution capabilities,
3 or

4 c. any implementation of water source protection programs
5 as authorized by the federal Safe Drinking Water Act
6 and ~~this act~~ Section 1085.71 of this title;

7 2. "Investment certificate" means any note or bond, including
8 any renewal note or refunding bond, authorized and issued by the
9 Board pursuant to the provisions of ~~this act~~ Section 1085.71 of this
10 title;

11 3. "Eligible entity" means any city, town, county or the State
12 of Oklahoma, and any rural water district, public trust, master
13 conservancy district, federally-recognized Indian tribe, any other
14 political subdivision or any combination thereof;

15 4. "Board" means the Oklahoma Water Resources Board;

16 5. "Department" means the Department of Environmental Quality;
17 and

18 6. "Safe Drinking Water Act" means the federal Safe Drinking
19 Water Act as exists on ~~the effective date of this act~~ July 1, 1994,
20 as may be amended, or any successor statute.

21 SECTION 5. This act shall become effective November 1, 2018.

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