

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 2942

By: Wallace and Martinez of the  
House

and

Thompson (Roger) and Hall  
of the Senate

COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Water Resources Board; making appropriations; making certain appropriation contingent upon execution of certain agreement; identifying source; establishing amount; providing purpose; requiring and limiting the utilization of funds; creating certain special accounts; limiting duration of accounts; requiring certain determination; providing and limiting the nature of accounts and funds within accounts; authorizing agency to submit request for certain deposit or transfer; requiring certain compliance and verification; authorizing certain memorandums of understanding; limiting scope; prohibiting certain memoranda terms; authorizing and limiting the promulgation of rules and utilization of procedures; providing certain authorizations for certain purposes; requiring compliance with certain regulations and policies; authorizing and limiting the retention of monies for administration costs; requiring certain reports and submissions to certain entities; requiring appearance before certain joint committee; limiting duration of certain requirements; providing determination process; providing for noncodification; and declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law not to be  
3 codified in the Oklahoma Statutes reads as follows:

4 There is hereby appropriated to the Oklahoma Water Resources  
5 Board from any monies not otherwise appropriated from the Statewide  
6 Recovery Fund of the State Treasury created in Enrolled House Bill  
7 No. 3349 of the 2nd Session of the 58th Oklahoma Legislature, the  
8 sum of Ten Million Dollars (\$10,000,000.00) or so much thereof as  
9 may be necessary to establish grant programs that facilitate the  
10 design, construction, and maintenance of water and wastewater  
11 infrastructure, and to improve the condition of publicly owned,  
12 deficient dams regulated by the Oklahoma Water Resources Board.  
13 Such funds shall be utilized in a manner consistent with the  
14 recommendations adopted by the Joint Committee on Pandemic Relief  
15 Funding on May 11, 2023.

16 SECTION 2. NEW LAW A new section of law not to be  
17 codified in the Oklahoma Statutes reads as follows:

18 From the funds appropriated by Section 1 of this act, the  
19 Oklahoma Water Resources Board is hereby authorized to expend Five  
20 Million Dollars (\$5,000,000.00) for a grant program for communities  
21 with a population of seven thousand (7,000) or less as reported in  
22 the most recent Federal Decennial Census published by the United  
23 States Bureau of the Census or to rural water districts with less  
24 than 2,300 non-pasture taps for projects that meet the federal

1 eligibility requirements of the U.S. Treasury's Coronavirus State  
2 and Local Fiscal Recovery Funds Final Rule for water and wastewater  
3 investments. The Board may reserve not more than four percent (4%)  
4 from this expenditure authority for purposes of administering the  
5 program.

6 SECTION 3. NEW LAW A new section of law not to be  
7 codified in the Oklahoma Statutes reads as follows:

8 From the funds appropriated by Section 1 of this act, the  
9 Oklahoma Water Resources Board is hereby authorized to expend Four  
10 Million Dollars (\$4,000,000.00) for a grant program for communities  
11 with a population greater than seven thousand (7,000) as reported in  
12 the most recent Federal Decennial Census published by the United  
13 States Bureau of the Census or to rural water districts with more  
14 than 2,300 non-pasture taps for projects that meet the federal  
15 eligibility requirements of the U.S. Treasury's Coronavirus State  
16 and Local Fiscal Recovery Funds Final Rule for water and wastewater  
17 investments. The Board may reserve not more than four percent (4%)  
18 from this expenditure authority for purposes of administering the  
19 program.

20 SECTION 4. NEW LAW A new section of law not to be  
21 codified in the Oklahoma Statutes reads as follows:

22 From the funds appropriated by Section 1 of this act, the  
23 Oklahoma Water Resources Board is hereby authorized to expend One  
24 Million Dollars (\$1,000,000.00) for a grant program for communities

1 that own dams with the latest condition assessment of poor or  
2 unsatisfactory. Priority for funding shall be given to communities  
3 that have a population of less than seven thousand (7,000) as  
4 reported in the most recent Federal Decennial Census published by  
5 the United States Bureau of the Census. Projects funded by the  
6 grant program shall be limited to up to One Million Dollars  
7 (\$1,000,000.00) per community and must meet the federal eligibility  
8 requirements of the U.S. Treasury's Coronavirus State and Local  
9 Fiscal Recovery Funds Final Rule. The Board may reserve not more  
10 than seven and one-half percent (7.5%) from this expenditure  
11 authority for purposes of administering the program.

12 SECTION 5. NEW LAW A new section of law not to be  
13 codified in the Oklahoma Statutes reads as follows:

14 There is hereby appropriated to the Oklahoma Water Resources  
15 Board from any monies not otherwise appropriated from the Statewide  
16 Recovery Fund of the State Treasury created in Enrolled House Bill  
17 No. 3349 of the 2nd Session of the 58th Oklahoma Legislature, the  
18 sum of Fifteen Million Dollars (\$15,000,000.00) or so much thereof  
19 as may be necessary to establish a grant program and to match tribal  
20 investment in rural water infrastructure projects. Such funds shall  
21 be utilized in a manner consistent with the recommendations adopted  
22 by the Joint Committee on Pandemic Relief Funding on May 11, 2023.

23 SECTION 6. NEW LAW A new section of law not to be  
24 codified in the Oklahoma Statutes reads as follows:

1        There is hereby appropriated to the Oklahoma Water Resources  
2 Board from any monies not otherwise appropriated from the Statewide  
3 Recovery Fund of the State Treasury created in Enrolled House Bill  
4 No. 3349 of the 2nd Session of the 58th Oklahoma Legislature, the  
5 sum of Three Million One Hundred Eighty-three Thousand Four Hundred  
6 Thirty-four Dollars (\$3,183,434.00) or so much thereof as may be  
7 necessary for statewide strategic water infrastructure projects.  
8 Such funds shall be utilized in a manner consistent with the  
9 recommendations adopted by the Joint Committee on Pandemic Relief  
10 Funding on May 11, 2023.

11        SECTION 7.        NEW LAW        A new section of law not to be  
12 codified in the Oklahoma Statutes reads as follows:

13        A.    There is hereby created in the State Treasury a Statewide  
14 Recovery Special Account for the Oklahoma Water Resources Board for  
15 each appropriation section of this act.    The duration of such  
16 accounts shall continue for the period of time that monies related  
17 to the American Rescue Plan Act of 2021 are being budgeted,  
18 expended, or managed in the state.    The ending of such period shall  
19 be determined by the State Treasurer, and shall result in the  
20 closing of such accounts as a matter of law.    Such accounts shall be  
21 continuing accounts as otherwise provided in this section, not  
22 subject to fiscal year limitations, and shall exclusively consist of  
23 monies related to the relevant appropriations made in this act and  
24 as otherwise directed by law.    All monies deposited to the credit of

1 such accounts are hereby appropriated and may be budgeted and  
2 expended by the Oklahoma Water Resources Board in accordance with  
3 the provisions of this act. Expenditures from such accounts shall  
4 be made upon warrants issued by the State Treasurer against claims  
5 filed as prescribed by law with the Director of the Office of  
6 Management and Enterprise Services for approval and payment.

7 B. The Oklahoma Water Resources Board is authorized to request  
8 in writing that the monies appropriated by the provisions of this  
9 act be deposited or transferred to the accounts created pursuant to  
10 subsection A of this section. No later than seven (7) calendar days  
11 from the date of such request, the Director of the Office of  
12 Management and Enterprise Services shall comply with such request  
13 and verify to the requesting agency that such deposit or transfer  
14 has been completed.

15 SECTION 8. NEW LAW A new section of law not to be  
16 codified in the Oklahoma Statutes reads as follows:

17 The Oklahoma Water Resources Board may enter into memorandums of  
18 understanding with other agencies of the State of Oklahoma for the  
19 auditing, documentation, evaluation, implementation, oversight,  
20 reporting, and management of funds and associated efforts related to  
21 the appropriations made in this act; provided, that no such  
22 memorandum of understanding shall require or include, as an option  
23 or condition, the direct or practical transfer or relinquishment of  
24 control by the agency appropriated such funds to budget, expend,

1 allocate, and request the distribution of the funds appropriated by  
2 this act.

3 SECTION 9. NEW LAW A new section of law not to be  
4 codified in the Oklahoma Statutes reads as follows:

5 The Oklahoma Water Resources Board may promulgate rules, utilize  
6 existing rules, establish procedures, and utilize existing  
7 procedures to implement the provisions of this act; provided, such  
8 rules and procedures do not conflict with or impede the provisions  
9 of this act.

10 SECTION 10. NEW LAW A new section of law not to be  
11 codified in the Oklahoma Statutes reads as follows:

12 The Oklahoma Water Resources Board is authorized to enter into  
13 contracts with financial institutions and execute such instruments  
14 as may be necessary and convenient to hold and disseminate grant  
15 funds in accordance with applicable federal and state regulations  
16 and Board policies.

17 SECTION 11. NEW LAW A new section of law not to be  
18 codified in the Oklahoma Statutes reads as follows:

19 From the funds appropriated by Sections 6 through 8 of this act,  
20 the Oklahoma Water Resources Board shall retain no more than four  
21 percent (4%) of the funds appropriated by this act to reimburse:

- 22 1. Costs incurred by the Oklahoma Water Resources Board; or  
23 2. Costs incurred on the agency's behalf,

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1 associated with the administration of the appropriated funds and  
2 programming required by the Oklahoma Water Resources Board under the  
3 provisions of this act; provided, that no funds shall be retained  
4 that would be disallowable under the provisions of the American  
5 Rescue Plan Act of 2021.

6 SECTION 12. NEW LAW A new section of law not to be  
7 codified in the Oklahoma Statutes reads as follows:

8 A. The Oklahoma Water Resources Board shall:

9 1. Submit to the Chairs of the Joint Committee on Pandemic  
10 Relief Funding, or any successor Senate legislative or House of  
11 Representatives legislative committee or joint committee, as  
12 designated by the President Pro Tempore of the Senate and the  
13 Speaker of the House of Representatives:

14 a. a written or electronic quarterly report detailing the  
15 budgeting, expenditure, and management of all monies  
16 appropriated in this act, and

17 b. a copy of all memorandums of understanding and  
18 contracts with third parties entered into by the  
19 Oklahoma Water Resources Board to facilitate, assist,  
20 or administer powers and duties provided to the  
21 Oklahoma Water Resources Board under the provisions of  
22 this act; and

23 2. At the Joint Committee on Pandemic Relief Funding's request,  
24 appear before the Joint Committee no later than six (6) months after



1 the effective date of this act, and as otherwise requested by the  
2 Joint Committee to provide a status update regarding the  
3 implementation of the provisions of this act.

4 B. The provisions of subsection A of this section shall remain  
5 applicable for the period of time that monies appropriated under  
6 this act are being budgeted, expended, or managed in the state. The  
7 ending of such period shall be determined by the State Treasurer,  
8 and shall be reported to the Governor, President Pro Tempore of the  
9 Senate, and the Speaker of the House of Representatives.

10 SECTION 13. It being immediately necessary for the preservation  
11 of the public peace, health or safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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