

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1781

By: Boren

AS INTRODUCED

An Act relating to water and water rights; creating the Municipal Waterworks Repair Grant Program; providing for certain priority scoring; defining term; providing for rescission of funds; providing for certain notification; requiring certain entities to provide certain assistance; creating the Municipal Waterworks Repair Grant Program Revolving Fund; stating purpose of fund; establishing fund source; providing for allocation of certain funds; amending 68 O.S. 2021, Section 1353, as amended by Section 2, Chapter 290, O.S.L. 2023 (68 O.S. Supp. 2023, Section 1353), which relates to the apportionment of sales tax revenue; providing apportionment to the Municipal Waterworks Repair Grant Program Revolving Fund; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 37-129 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. 1. The Oklahoma Water Resources Board shall establish and administer a Municipal Waterworks Repair Grant Program. The Program shall include development of competitive grants to be awarded to municipalities seeking to maintain or repair existing waterworks.

1 The Board shall promulgate rules to effectuate the provisions of
2 this section and award criteria for the Grant Program.

3 2. Grant applicants with a demonstrated lack of funds to
4 effectuate needed maintenance or repair of existing waterworks shall
5 be awarded a higher score in the grant awards process established by
6 the Board.

7 B. All grant awards authorized pursuant to the provisions of
8 this section shall include a clawback provision. For purposes of
9 this subsection, a "clawback provision" shall mean a condition
10 precedent to participate in the Program whereby a grant recipient
11 formally agrees to reimburse the Program all or part of a grant
12 award upon the failure of the recipient to fulfill contract terms
13 included in the grant award.

14 C. A municipal governing body of a municipality shall notify
15 the Oklahoma Water Resources Board, as well as the board of county
16 commissioners of the county in which such municipality is located,
17 if the municipal waterworks of the municipality are in need of
18 maintenance or repair. Such notification shall be done either via
19 mail or electronically. The Oklahoma Water Resources Board or the
20 board of county commissioners shall provide assistance to the
21 municipality in developing the application for the Program.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 37-130 of Title 11, unless there
24 is created a duplication in numbering, reads as follows:

1 There is hereby created in the State Treasury a revolving fund
2 for the Oklahoma Water Resources Board to be designated the
3 "Municipal Waterworks Repair Grant Program Revolving Fund". The
4 fund shall be a continuing fund, not subject to fiscal year
5 limitations, and shall consist of all monies apportioned pursuant to
6 subsection D of Section 1353 of Title 68 of the Oklahoma Statutes.
7 All monies accruing to the credit of the fund are hereby
8 appropriated and may be budgeted and expended by the Board for the
9 purposes provided in this act. Expenditures from the fund shall be
10 made upon warrants issued by the State Treasurer against claims
11 filed as prescribed by law with the Director of the Office of
12 Management and Enterprise Services for approval and payment.

13 SECTION 3. AMENDATORY 68 O.S. 2021, Section 1353, as
14 last amended by Section 2, Chapter 290, O.S.L. 2023 (68 O.S. Supp.
15 2023, Section 1353), is amended to read as follows:

16 Section 1353. A. It is hereby declared to be the purpose of
17 the Oklahoma Sales Tax Code to provide funds for the financing of
18 the program provided for by the Oklahoma Social Security Act and to
19 provide revenues for the support of the functions of the state
20 government of Oklahoma, and for this purpose it is hereby expressly
21 provided that, revenues derived pursuant to the provisions of the
22 Oklahoma Sales Tax Code, subject to the apportionment requirements
23 for the Oklahoma Tax Commission and Office of Management and
24

Enterprise Services Joint Computer Enhancement Fund provided by
Section 265 of this title, shall be apportioned as follows:

1. Except as provided in ~~subsection~~ subsections C and D of this
section, the following amounts shall be paid to the State Treasurer
to be placed to the credit of the General Revenue Fund to be paid
out pursuant to direct appropriation by the Legislature:

Fiscal Year	Amount
FY 2003 and FY 2004	86.04%
FY 2005	85.83%
FY 2006	85.54%
FY 2007	85.04%
FY 2008 through FY 2022	83.61%
FY 2023 through FY 2027	83.36%
FY 2028 and each fiscal year thereafter	83.61%;

2. The following amounts shall be paid to the State Treasurer
to be placed to the credit of the Education Reform Revolving Fund of
the State Department of Education:

- a. for FY 2003, FY 2004 and FY 2005, ten and forty-two
one-hundredths percent (10.42%),
- b. for FY 2006 through FY 2020, ten and forty-six one-
hundredths percent (10.46%),
- c. for FY 2021:

(1) for the month beginning July 1, 2020, through the month ending August 31, 2020, ten and forty-six one-hundredths percent (10.46%), and

(2) for the month beginning September 1, 2020, through the month ending June 30, 2021, eleven and ninety-six one-hundredths percent (11.96%),

d. for FY 2022 and each fiscal year thereafter, ten and forty-six one-hundredths percent (10.46%);

3. The following amounts shall be paid to the State Treasurer to be placed to the credit of the Teachers' Retirement System Dedicated Revenue Revolving Fund:

Fiscal Year	Amount
FY 2003 and FY 2004	3.54%
FY 2005	3.75%
FY 2006	4.0%
FY 2007	4.5%
FY 2008 through FY 2020	5.0%
FY 2021:	

a. for the month beginning July 1, 2020, through the month ending August 31, 2020 5.0%

b. for the month beginning September 1, 2020, through

the month ending June 30,

2021

3.5%

FY 2022

5.0%

FY 2023 through FY 2027

5.25%

FY 2028 and each fiscal year thereafter

5.0%;

4. a. except as otherwise provided in subparagraph b of this paragraph, for the fiscal year beginning July 1, 2022, and for each fiscal year thereafter, eighty-seven one-hundredths percent (0.87%) shall be paid to the State Treasurer to be further apportioned as follows:

(1) twenty-four percent (24%) shall be placed to the credit of the Oklahoma Tourism Promotion Revolving Fund, but in no event shall such apportionment exceed Five Million Dollars (\$5,000,000.00) in any fiscal year,

(2) forty-four percent (44%) shall be placed to the credit of the Oklahoma Tourism Capital Improvement Revolving Fund, but in no event shall such apportionment exceed Nine Million Dollars (\$9,000,000.00) in any fiscal year, and

(3) thirty-two percent (32%) shall be placed to the credit of the Oklahoma Route 66 Commission Revolving Fund, but in no event shall such apportionment exceed Six Million Six Hundred

1 Thousand Dollars (\$6,600,000.00) in any fiscal
2 year, and

3 b. any amounts which exceed the limitations of
4 subparagraph a of this paragraph shall be placed to
5 the credit of the General Revenue Fund; and

6 5. For the fiscal year beginning July 1, 2015, and for each
7 fiscal year thereafter, six one-hundredths percent (0.06%) shall be
8 placed to the credit of the Oklahoma Historical Society Capital
9 Improvement and Operations Revolving Fund, but in no event shall
10 such apportionment exceed the total amount apportioned pursuant to
11 this paragraph for the fiscal year ending on June 30, 2015. Any
12 amounts which exceed the limitations of this paragraph shall be
13 placed to the credit of the General Revenue Fund.

14 B. Provided, for the fiscal year beginning July 1, 2007, and
15 every fiscal year thereafter, an amount of revenue shall be
16 apportioned to each municipality or county which levies a sales tax
17 subject to the provisions of Section 1357.10 of this title and
18 subsection F of Section 2701 of this title equal to the amount of
19 sales tax revenue of such municipality or county exempted by the
20 provisions of Section 1357.10 of this title and subsection F of
21 Section 2701 of this title. The Oklahoma Tax Commission shall
22 promulgate and adopt rules necessary to implement the provisions of
23 this subsection.

1 C. From the monies that would otherwise be apportioned to the
2 General Revenue Fund pursuant to subsection A of this section, there
3 shall be apportioned the following amounts:

4 1. For the month ending August 31, 2019:

5 a. Nine Million Six Hundred Thousand Dollars
6 (\$9,600,000.00) to the credit of the State Highway
7 Construction and Maintenance Fund created in Section
8 1501 of Title 69 of the Oklahoma Statutes, and

9 b. Two Million Dollars (\$2,000,000.00) to the credit of
10 the Oklahoma Railroad Maintenance Revolving Fund
11 created in Section 309 of Title 66 of the Oklahoma
12 Statutes;

13 2. For the month ending September 30, 2019:

14 a. Twenty Million Dollars (\$20,000,000.00) to the credit
15 of the State Highway Construction and Maintenance Fund
16 created in Section 1501 of Title 69 of the Oklahoma
17 Statutes, and

18 b. Two Million Dollars (\$2,000,000.00) to the credit of
19 the Oklahoma Railroad Maintenance Revolving Fund
20 created in Section 309 of Title 66 of the Oklahoma
21 Statutes;

22 3. For the month ending October 31, 2019:

23 a. Twenty Million Dollars (\$20,000,000.00) to the credit
24 of the State Highway Construction and Maintenance Fund
25

1 created in Section 1501 of Title 69 of the Oklahoma
2 Statutes, and

- 3 b. Two Million Dollars (\$2,000,000.00) to the credit of
4 the Oklahoma Railroad Maintenance Revolving Fund
5 created in Section 309 of Title 66 of the Oklahoma
6 Statutes;

7 4. For the month ending November 30, 2019:

- 8 a. Twenty Million Dollars (\$20,000,000.00) to the credit
9 of the State Highway Construction and Maintenance Fund
10 created in Section 1501 of Title 69 of the Oklahoma
11 Statutes, and

- 12 b. Two Million Dollars (\$2,000,000.00) to the credit of
13 the Oklahoma Railroad Maintenance Revolving Fund
14 created in Section 309 of Title 66 of the Oklahoma
15 Statutes; and

16 5. For the month ending December 31, 2019:

- 17 a. Twenty Million Dollars (\$20,000,000.00) to the credit
18 of the State Highway Construction and Maintenance Fund
19 created in Section 1501 of Title 69 of the Oklahoma
20 Statutes, and

- 21 b. Two Million Dollars (\$2,000,000.00) to the credit of
22 the Oklahoma Railroad Maintenance Revolving Fund
23 created in Section 309 of Title 66 of the Oklahoma
24 Statutes.

1 D. For the fiscal year ending June 30, 2025, and for subsequent
2 fiscal years, before any other apportionment otherwise required by
3 this section is made to the General Revenue Fund, there shall be
4 apportioned to the Municipal Waterworks Repair Grant Program
5 Revolving Fund created pursuant to Section 2 of this act the amount
6 of Two Hundred Fifty Million Dollars (\$250,000,000.00).

7 SECTION 4. This act shall become effective July 1, 2024.

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

12
13 59-2-3228 MSBB 1/17/2024 2:23:50 PM
14
15
16
17
18
19
20
21
22
23
24
25