An Act

ENROLLED HOUSE
BILL NO. 2942

By: Wallace, Martinez, and
McBride of the House

and

Thompson (Roger) and Hall
of the Senate

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.

SUBJECT: Oklahoma Water Resources Board

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

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

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

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

From the funds appropriated by Section 1 of this act, the Oklahoma Water Resources Board is hereby authorized to expend Five Million Dollars ($5,000,000.00) for a grant program for communities with a population of seven thousand (7,000) or less as reported in the most recent Federal Decennial Census published by the United States Bureau of the Census or to rural water districts with less than two thousand three hundred (2,300) non-pasture taps for projects that meet the federal eligibility requirements of the U.S. Treasury's Coronavirus State and Local Fiscal Recovery Funds Final Rule for water and wastewater investments. The Board may reserve not more than four percent (4%) from this expenditure authority for purposes of administering the program.

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

From the funds appropriated by Section 1 of this act, the Oklahoma Water Resources Board is hereby authorized to expend Four Million Dollars ($4,000,000.00) for a grant program for communities with a population greater than seven thousand (7,000) as reported in the most recent Federal Decennial Census published by the United States Bureau of the Census or to rural water districts with more than two thousand three hundred (2,300) non-pasture taps for projects that meet the federal eligibility requirements of the U.S.

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

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

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

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

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

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

There is hereby appropriated to the Oklahoma Water Resources Board from any monies not otherwise appropriated from the Statewide Recovery Fund of the State Treasury created in Enrolled House Bill No. 3349 of the 2nd Session of the 58th Oklahoma Legislature, the sum of Three Million One Hundred Eighty-three Thousand Four Hundred Thirty-four Dollars ($3,183,434.00) or so much thereof as may be

necessary for statewide strategic water infrastructure projects. Such funds shall be utilized in a manner consistent with the recommendations adopted by the Joint Committee on Pandemic Relief Funding on May 11, 2023.

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

A. There is hereby created in the State Treasury a Statewide Recovery Special Account for the Oklahoma Water Resources Board for each appropriation section of this act. The duration of such accounts shall continue for the period of time that monies related to the American Rescue Plan Act of 2021 are being budgeted, expended, or managed in the state. The ending of such period shall be determined by the State Treasurer, and shall result in the closing of such accounts as a matter of law. Such accounts shall be continuing accounts as otherwise provided in this section, not subject to fiscal year limitations, and shall exclusively consist of monies related to the relevant appropriations made in this act and as otherwise directed by law. All monies deposited to the credit of such accounts are hereby appropriated and may be budgeted and expended by the Oklahoma Water Resources Board in accordance with the provisions of this act. Expenditures from such accounts shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

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

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

The Oklahoma Water Resources Board may enter into memorandums of understanding with other agencies of the State of Oklahoma for the auditing, documentation, evaluation, implementation, oversight, reporting, and management of funds and associated efforts related to the appropriations made in this act; provided, that no such memorandum of understanding shall require or include, as an option

or condition, the direct or practical transfer or relinquishment of control by the agency appropriated such funds to budget, expend, allocate, and request the distribution of the funds appropriated by this act.

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

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

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

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

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

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

1. Costs incurred by the Oklahoma Water Resources Board; or

2. Costs incurred on the agency's behalf,

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

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

A. The Oklahoma Water Resources Board shall:

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

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

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

2. At the Joint Committee on Pandemic Relief Funding's request, appear before the Joint Committee no later than six (6) months after the effective date of this act, and as otherwise requested by the Joint Committee, to provide a status update regarding the implementation of the provisions of this act.

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

SECTION 13. It being immediately necessary for the preservation of the public peace, health or 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.

Passed the House of Representatives the 17th day of May, 2023.

Presiding Officer of the House of Representatives

Passed the Senate the 19th day of May, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 19th day of May, 20 23, at 12:56 o'clock p. M.

By: [signature]

Approved by the Governor of the State of Oklahoma this _____ day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 26th day of May, 20 23, at 2:58 o'clock P. M.

By: Amy Canton

OFFICE OF

THE GOVERNOR
STATE OF OKLAHOMA

No. HB 2942

OKLAHOMA CITY, OKLA., May 26, 20 23

TIME SIGNED: _____

TO THE HONORABLE SPEAKER OF THE HOUSE
AND MEMBERS OF THE OKLAHOMA HOUSE OF REPRESENTATIVES
FIRST REGULAR SESSION OF THE
FIFTY-NINTH OKLAHOMA LEGISLATURE

ENROLLED HOUSE BILL NO. 2942:

In accordance with Article VI Section 11, of the Oklahoma Constitution, Enrolled House Bill 2942 has become law without the Governor's signature and has been filed with the Oklahoma Secretary of State.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

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Delivered to HOUSE: Sumer Curry

Date/Time: 5/26/23; 2:56pm

HOUSE:

By Collette H Haucher

Date/Time: 5/26/23 3:00pm

RECEIVED
MAY 26 2023
OKLAHOMA SECRETARY
OF STATE