

An Act

ENROLLED SENATE
BILL NO. 429

By: Thompson and Hall of the
Senate

and

Hilbert of the House

An Act relating to the Oklahoma Water Resources Board; making appropriations; stating purposes; requiring that portions of certain funds be utilized for certain grants; establishing certain priority for certain funding; providing requirements and limitations for the grants; allowing certain funds to be reserved; and requiring promulgation of rules and establishment of procedures for administration of grants.

SUBJECT: Oklahoma Water Resources Board

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

SECTION 1. There is hereby appropriated to the Oklahoma Water Resources Board from any monies not otherwise appropriated from the Statewide Recovery Fund created pursuant to Enrolled House Bill No. 3349 of the 2nd Session of the 58th Oklahoma Legislature, the sum of Fifty Million Dollars (\$50,000,000.00) 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.

SECTION 2. From the funds appropriated by Section 1 of this act, the Oklahoma Water Resources Board is hereby authorized to expend Twenty-five Million Dollars (\$25,000,000.00) for a grant program for communities with a population of seven thousand (7,000)

or less as reported in the most recent decennial census published by the United States Bureau of the Census or to rural water districts with less than 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. From the funds appropriated by Section 1 of this act, the Oklahoma Water Resources Board is hereby authorized to expend Twenty Million Dollars (\$20,000,000.00) for a grant program for communities with a population greater than seven thousand (7,000) as reported in the most recent decennial census published by the United States Bureau of the Census or to rural water districts with more than 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. 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 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 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. The Oklahoma Water Resources Board shall promulgate rules and establish procedures for evaluating and awarding grant applications for grant programs provided for in Sections 2, 3, and 4 of this act.

~~SECTION 6. There is hereby appropriated to the Oklahoma Water Resources Board from any monies not otherwise appropriated from the Statewide Recovery Fund created pursuant to Enrolled House Bill No. 3349 of the 2nd Session of the 58th Oklahoma Legislature, the sum of Twenty Million Dollars (\$20,000,000.00) or so much thereof as may be necessary to match tribal investment in rural water infrastructure projects within areas of the state that are tribal reservations. Projects shall 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.~~

VETO

SECTION 7. There is hereby appropriated to the Oklahoma Water Resources Board from any monies not otherwise appropriated from the Statewide Recovery Fund created pursuant to Enrolled House Bill No. 3349 of the 2nd Session of the 58th Oklahoma Legislature, the sum of Twenty-five Million Dollars (\$25,000,000.00) or so much thereof as may be necessary to promote water conservation, encourage economic longevity, and ensure reliable food supply by converting portions of an open ditch irrigation system to pipe within the Lugert-Altus Irrigation District. Projects funded shall meet the federal eligibility requirements of the U.S. Treasury's Coronavirus State and Local Fiscal Recovery Funds Final Rule.

Passed the Senate the 19th day of May, 2022.

Zack Taylor
Presiding Officer of the Senate

Passed the House of Representatives the 20th day of May, 2022.

Alvin Riley
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 20th

day of May, 20 22, at 5:40 o'clock p. M.

By: Jimmie Cunniff

Approved by the Governor of the State of Oklahoma this 26th

day of May, 20 22, at 9:21 o'clock p. M.

[Signature]
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 22, at 9:48 o'clock P. M.

By: Brian Blanton



OFFICE OF

No. SB 429

THE GOVERNOR
STATE OF OKLAHOMA

OKLAHOMA CITY, OKLA., May 26, 2022

TIME SIGNED: 9:21 pm

TO THE HONORABLE PRESIDENT PRO TEMPORE
AND MEMBERS OF THE OKLAHOMA SENATE
SECOND REGULAR SESSION OF THE
FIFTY-EIGHTH OKLAHOMA LEGISLATURE

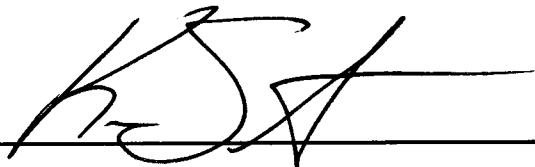
ENROLLED SENATE BILL NO. 429:

Pursuant to the authority vested in me by Section 12 of Article VI of the Oklahoma Constitution to approve or disapprove any appropriation bills, or any item therein contained, I have vetoed Section 6, in its entirety, of Enrolled Senate Bill 429.

Section 6 of Enrolled Senate Bill 429 would appropriate \$20,000,00.00 in State monies to match tribal investment in rural water infrastructure projects within areas the bill describes as "tribal reservations." To date, however, no court has recognized the existence of tribal reservations within the State of Oklahoma except for purposes of federal criminal law. This bill therefore relies on a legal fiction and signing it amounts to a significant and reckless concession of jurisdiction, which the State is unwilling to make.

For these reasons, I have vetoed Section 6, in its entirety, of Enrolled Senate Bill 429.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



Delivered to SENATE: Sumner Cunningham
Date/Time: 5/26/22; 10:00 pm