

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 92

By: Bullard

AS INTRODUCED

An Act relating to water and water rights; creating the Water and Wastewater Infrastructure Investment Program; directing rule promulgation; providing for certain priority scoring; defining terms; providing for clawback of funds; requiring publication of certain information; creating the Water and Wastewater Infrastructure Investment Revolving Fund; stating purpose of fund; establishing fund source; providing for allocation of certain funds; making an appropriation to the Water and Wastewater Infrastructure Investment Revolving Fund; providing for codification; providing for noncodification; 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 1085.66 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. 1. The Oklahoma Water Resources Board shall establish and administer a Water and Wastewater Infrastructure Investment Program. The program shall include development of competitive loans for eligible entities seeking to develop and implement water or wastewater improvement projects. The Board shall promulgate rules

1 to effectuate the provisions of this act and loan criteria for the
2 program.

3 2. Loan applications shall be ranked on criteria including, but
4 not limited to, the critical nature of the project, available
5 financing for the project, conservation and fiscal sustainability
6 efforts as demonstrated by participation in or completion of the
7 Long Range Sustainability Program administered by the Oklahoma Rural
8 Water Association, and pledge of matching funds, either through the
9 entity or a third-party source.

10 3. For the purposes of this section, "eligible entity" or
11 "eligible entities" means an eligible entity as defined pursuant to
12 Section 1085.32 of Title 82 of the Oklahoma Statutes.

13 B. All loans authorized pursuant to the provisions of this act
14 shall include a clawback provision in the funding agreement with an
15 eligible entity. For purposes of this subsection, a "clawback
16 provision" shall mean a condition precedent to participate in the
17 program whereby a loan recipient agrees in writing, signed by all
18 parties, to reimburse the program all or any part of the loan
19 disbursed to the recipient upon the failure of the recipient to
20 fulfill loan contract terms.

21 C. The Board shall create and publish an interactive map on the
22 Board's website displaying critical infrastructure needs and
23 proposed projects to be completed pursuant to the provisions of this
24 act. The map shall also display the status of proposed and approved
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1 projects, estimated completion dates, and any other information
2 deemed necessary by the Board.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1085.67 of Title 82, unless
5 there is created a duplication in numbering, reads as follows:

6 A. 1. There is hereby created in the State Treasury a
7 revolving fund for the Oklahoma Water Resources Board to be
8 designated the "Water and Wastewater Infrastructure Investment
9 Revolving Fund". The fund shall be a continuing fund, not subject
10 to fiscal year limitations, and shall consist of all monies
11 appropriated pursuant to Section 3 of this act. All monies accruing
12 to the credit of the fund are hereby appropriated and may be
13 budgeted and expended by the Board for the purposes provided in this
14 act. The Board may enter into contracts with financial institutions
15 and execute such instruments as may be necessary to hold and
16 disseminate loan funds in accordance with applicable regulations and
17 Board policies.

18 2. Notwithstanding any other provisions of law, income and
19 investment return on fund principal and interest income and
20 repayment of principal on loans made from the balance of the fund
21 shall accrue to the fund.

22 B. 1. The Board may have full discretion of all monies within
23 the fund for enhancements, leveraging, and reserve capacities for
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1 the Board loan and grant programs, system evaluation and risk
2 assessment assistance, and long-range infrastructure planning.

3 2. The Board may reserve up to two percent (2%) per year from
4 the fund for the purpose of administering the Water and Wastewater
5 Infrastructure Investment Program. Any remaining funds may be
6 allocated to satisfy the purposes of paragraph 1 of this subsection.

7 C. The funds remaining following reserves and allocations made
8 pursuant to subsection B of this section shall be loaned to eligible
9 entities as prescribed by the program. Loan monies shall be
10 allocated based on the most current census data available from the
11 Federal Decennial Census or American Community Survey and shall be
12 as follows:

13 1. Twenty-five percent (25%) of the allocated funds shall be
14 for approved projects located within a municipality or county with a
15 population of more than four hundred thousand (400,000), or the
16 equivalent thereof for other eligible entities as prescribed by the
17 Board;

18 2. Twenty-five percent (25%) of the allocated funds shall be
19 for approved projects located within a municipality or county with a
20 population that is greater than thirty thousand (30,000) but less
21 than four hundred thousand (400,000), or the equivalent thereof for
22 other eligible entities as prescribed by the Board; and

23 3. Fifty percent (50%) of the allocated funds shall be for
24 approved projects located within a municipality or county with a
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1 population of less than thirty thousand (30,000), or the equivalent
2 thereof for other eligible entities as prescribed by the Board.

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

5 There is hereby appropriated to the Water and Wastewater
6 Infrastructure Investment Revolving Fund from any monies not
7 otherwise appropriated from the General Revenue Fund of the State
8 Treasury for the fiscal year ending June 30, 2023, the sum of Five
9 Hundred Million Dollars (\$500,000,000.00) or so much thereof as may
10 be necessary to perform the duties imposed upon the Oklahoma Water
11 Resources Board by law.

12 SECTION 4. This act shall become effective July 1, 2025.

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

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