

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1406

By: Bergstrom

4
5 AS INTRODUCED

6 An Act relating to economic development; creating
7 investment rebate program until certain date;
8 providing qualifying criteria; requiring submission
9 of application; requiring the Oklahoma Department of
10 Commerce to approve or disapprove certain claims and
11 issue payment; limiting source of payments; making
12 payments contingent upon deposits to certain fund;
13 providing amount of rebate; authorizing conditional
14 pre-qualification; creating the Water Infrastructure
15 for Economic Development Fund; establishing fund
16 procedures; providing sources of funds; providing for
17 expenditures from fund; directing transfer of
18 unencumbered fund upon certain date; making an
19 appropriation; directing deposit in certain fund;
20 providing for codification; providing an effective
21 date; and declaring an emergency.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 3648.1 of Title 68, unless there
is created a duplication in numbering, reads as follows:

A. There is hereby created until July 1, 2029, an investment
rebate program for the cost of water and wastewater infrastructure
investments by municipalities with a population between five
thousand (5,000) and seven thousand (7,000), according to the latest
Federal Decennial Census.

1 B. To be eligible for consideration for an investment rebate
2 payment awarded under the provisions of this act, the municipality
3 shall:

4 1. Submit an application and documentation to the Oklahoma
5 Department of Commerce, as required by the Department, outlining the
6 planned water and wastewater infrastructure expenditures of at least
7 Thirty-five Million Dollars (\$35,000,000.00);

8 2. Provide documentation that the water and wastewater
9 infrastructure expenditures are to provide services for an
10 establishment, to be placed in service after the effective date of
11 this act, that is defined or classified in the NAICS Manual under
12 Industry Group No. 721211 and whose capital investment exceeds One
13 Hundred Million Dollars (\$100,000,000.00); and

14 3. Have made expenditures of no less than twenty percent (20%)
15 of the water and wastewater infrastructure expenditure plan outlined
16 in the application submitted by the municipality.

17 C. 1. The Oklahoma Department of Commerce shall approve or
18 disapprove claims for rebates and shall issue payment for all
19 approved claims from funds held in the Water Infrastructure for
20 Economic Development Fund created in Section 2 of this act.

21 2. The Department shall disapprove all applications and claims
22 or any portion of applications and claims for rebates that would
23 exceed the balance of available funds in the Water Infrastructure
24 for Economic Development Fund.

1 3. The total amount of applications approved and investment
2 rebate payments awarded under the provisions of this act shall not
3 exceed the total amount of monies designated by law for deposit to
4 the Water Infrastructure for Economic Development Fund.

5 D. 1. Subject to the approval and ongoing review of the
6 eligibility application by the Oklahoma Department of Commerce, the
7 investment rebate payment authorized by this act shall be equal to
8 the cost of the water and wastewater infrastructure expenditures in
9 the year of expenditure.

10 2. The Department is authorized to conditionally pre-qualify
11 and account for anticipated future investment rebate payments. The
12 Oklahoma Department of Commerce shall not pre-qualify investment
13 rebate payments, encumber funds, pre-encumber funds, or otherwise
14 allocate resources that would result in the allocation of investment
15 rebate payments in excess of the balance of available funds in the
16 Water Infrastructure for Economic Development Fund.

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3648.2 of Title 68, unless there
19 is created a duplication in numbering, reads as follows:

20 A. There is hereby created in the State Treasury a fund for the
21 Oklahoma Department of Commerce to be designated the "Water
22 Infrastructure for Economic Development Fund". The fund shall be a
23 continuing fund, not subject to fiscal year limitations, and shall
24 consist of all monies designated for deposit to the fund by law.

1 All monies accruing to the credit of the fund are hereby
2 appropriated and may be budgeted and expended by the Department for
3 the purpose of paying rebates as provided in this act. Expenditures
4 from the fund shall be made upon warrants issued by the State
5 Treasurer against claims filed as prescribed by law with the
6 Director of the Office of Management and Enterprise Services for
7 approval and payment.

8 B. All unencumbered funds remaining in the Water Infrastructure
9 for Economic Development Fund upon July 1, 2029, shall be
10 transferred to the State Treasurer for deposit in the General
11 Revenue Fund.

12 SECTION 3. There is hereby appropriated to the Oklahoma
13 Department of Commerce for deposit in the Water Infrastructure for
14 Economic Development Fund, from any monies not otherwise
15 appropriated from the General Revenue Fund of the State Treasury for
16 the fiscal year ending June 30, 2023, the sum of Thirty-five Million
17 Dollars (\$35,000,000.00).

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

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

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