

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUE  
FOR  
SENATE BILL 156

By: Harrison of the Senate

and

Sweeden of the House

COMMITTEE SUBSTITUE

An Act relating to public finance; amending Sections 4 and 6, Chapter 193, O.S.L. 1996, as last amended by Sections 2 and 3, Chapter 369, O.S.L. 1999, Section 7, Chapter 193, O.S.L. 1996, as amended by Section 1, Chapter 236, O.S.L. 1997, Section 8, Chapter 193, O.S.L. 1996, as amended by Section 4, Chapter 382, O.S.L. 1997, Section 9, Chapter 193, O.S.L. 1996, as amended by Section 2, Chapter 236, O.S.L. 1997 and Section 13, Chapter 193, O.S.L. 1996, as amended by Section 6, Chapter 382, O.S.L. 1997 (62 O.S. Supp. 2000, Sections 2004, 2006, 2007, 2008, 2009 and 2013), which relate to the Rural Economic Action Plan; modifying amount required to deposited into certain accounts; deleting requirement for certain subaccount; modifying associations eligible to obtain funding for rural economic development projects and modifying requirements for obtaining such funding; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 4, Chapter 193, O.S.L. 1996, as last amended by Section 2, Chapter 369, O.S.L. 1999 (62 O.S. Supp. 2000, Section 2004), is amended to read as follows:

Section 2004. The monies appropriated to the Rural Economic Action Plan Fund shall be subject to all of the requirements of Sections 2006 through 2013 of this title. There shall be deposited into each of the accounts provided by Section 2006 of this title the sum of ~~one-tenth (1/10)~~ one-eleventh (1/11) of the amount appropriated to the Rural Economic Action Plan Fund ~~with the exception of one account which shall be divided equally into two~~

~~subaccounts. One of the two subaccounts shall be available to one and only one of the entities described by subsection B of Section 2007 of this title for distribution to cities or towns within the respective jurisdiction of the entity if the population of such city or town does not exceed seven thousand (7,000) persons according to the latest Federal Decennial Census or for the benefit of an unincorporated area. However, funds may also be expended for cities or towns with a population below seven thousand (7,000) persons based upon the current population estimate according to the U.S. Census Bureau. Funds may be expended for those cities and towns until the next Federal Decennial Census subsequent to the passage of this act.~~

SECTION 2. AMENDATORY Section 6, Chapter 193, O.S.L. 1996, as last amended by Section 3, Chapter 369, O.S.L. 1999 (62 O.S. Supp. 2000, Section 2006), is amended to read as follows:

Section 2006. A. There is hereby established a fund within the State Treasury to be known as the Rural Economic Action Plan Fund. The fund shall be a continuing fund not subject to fiscal year limitations. Within the Rural Economic Action Plan Fund there shall be established ~~ten~~ eleven separate accounts into which shall be deposited such funds as may be provided by law.

~~B. One of nine accounts shall be available to each entity described in subsection A of Section 2007 of this title.~~

~~C. One account shall be divided equally into two subaccounts. One of the two subaccounts shall be available to each of the entities described by subsection B of Section 2007 of this title for distribution to cities or towns within the respective jurisdiction of the entity if the population of such city or town does not exceed seven thousand (7,000) persons according to the latest Federal Decennial Census or for the benefit of an unincorporated area. However, funds may also be expended for cities or towns with a population below seven thousand (7,000) persons based upon the~~

~~current population estimate according to the U.S. Census Bureau. Funds may be expended for those cities and towns until the next Federal Decennial Census subsequent to the passage of this act.~~

D. No funds deposited into one account ~~or subaccount~~ shall be transferred to any other account. No entity may access any more than one account per fiscal year and the total expenditure from any one account for each fiscal year may not exceed the amount of funds available to each account as may be provided by law.

SECTION 3. AMENDATORY Section 7, Chapter 193, O.S.L. 1996, as amended by Section 1, Chapter 236, O.S.L. 1997 (62 O.S. Supp. 2000, Section 2007), is amended to read as follows:

Section 2007. A. ~~A voluntary association of Oklahoma local governmental jurisdictions or another legal entity, including a public trust or a nonprofit corporation or other entity which performs functions for the benefit of or which exists for the primary benefit of Oklahoma local governmental jurisdictions and which is not described in subsection B of this section,~~ An entity described in subsection B of Section 2003 of this title shall be eligible to obtain funding for rural economic development projects as authorized ~~by subsection B of~~ in Section 2006 of this title.

B. ~~A voluntary association of Oklahoma local governmental jurisdictions containing at least one municipality with a population in excess of three hundred fifty thousand (350,000) persons according to the latest Federal Decennial Census, shall be eligible to obtain funding as authorized by subsection C of Section 2006 of this title.~~

C. The entities described in subsection A ~~or B of this section~~ and Section 2003 of this title which are eligible for any funds authorized by Section 2006 of this title shall be prohibited from making expenditures on behalf of or from making payment directly to any city or town with a population in excess of seven thousand

(7,000) persons using any funds deposited to the Rural Economic Action Plan Fund created by Section 2006 of this title.

~~D.~~ C. An organization described in subsection ~~A or B of this section~~ Section 2003 of this title shall be authorized to make payment of funds obtained pursuant to Section 2006 of this title directly to a county if the funds are used for the benefit of an unincorporated area located within the county to which payment is made. After the county has provided a request to such an organization ~~described in subsection A or B of this section~~ for funds to benefit an unincorporated area of the county, together with a statement that the county has conducted a review of the needs of unincorporated areas located within the county and that the funding requested is consistent with the evaluation of priorities for funds by the county, the funds requested may be paid to the county. Any funds paid to a county pursuant to the provisions of this subsection shall be expended by the county exclusively for the purpose identified in the request.

~~E.~~ D. No county to which funds are paid pursuant to the provisions of subsection ~~D~~ C of this section shall be liable to any person or other legal entity for damages arising out of any condition, act, omission or other cause alleged to have arisen as a result of a project upon which funds expended pursuant to the authority of subsection ~~D~~ C of this section were paid to the county.

SECTION 4. AMENDATORY Section 8, Chapter 193, O.S.L. 1996, as amended by Section 4, Chapter 382, O.S.L. 1997 (62 O.S. Supp. 2000, Section 2008), is amended to read as follows:

Section 2008. The governing board of an entity described by subsection ~~A or B of Section 2007~~ 2003 of this title shall develop a plan for the use of available funds for the economic development of areas included within its respective jurisdiction. For purposes of this act, "economic development" shall include, but shall not be limited to, the following purposes:

1. Rural water quality projects, including acquisition, treatment, distribution and recovery of water for consumption by humans or animals or both;

2. Rural solid waste disposal, treatment or similar projects;

3. Rural sanitary sewer construction or improvement projects;

4. Rural road or street construction or improvement projects;

5. Provision of health care services, including emergency medical care, in rural areas;

6. Construction or improvement of telecommunication facilities or systems;

7. Improvement of municipal energy distribution systems;

8. Expenditures designed to increase the employment level within the jurisdiction of the entity; and

9. Such other purposes as may be certified pursuant to an affirmative vote of two-thirds (2/3) of the governing board of an entity described by subsection ~~A or~~ B of Section ~~2007~~ 2003 of this title.

SECTION 5. AMENDATORY Section 9, Chapter 193, O.S.L. 1996, as amended by Section 2, Chapter 236, O.S.L. 1997 (62 O.S. Supp. 2000, Section 2009), is amended to read as follows:

Section 2009. A. In order for an eligible entity to obtain funds provided for by Section 2006 of this title, the entity shall file the organizational plan required by Section 2008 of this title with the State Auditor and Inspector.

B. In order to be filed, the plan shall have first been approved by an affirmative vote of two-thirds (2/3) of the governing board of an entity described by subsection ~~A or~~ B of Section ~~2007~~ 2003 of this title. The vote shall be memorialized in a document, executed under oath, that the record of the vote is a true and accurate account of the proceedings conducted by the governing board to be filed with the State Auditor and Inspector.

SECTION 6. AMENDATORY Section 13, Chapter 193, O.S.L. 1996, as amended by Section 6, Chapter 382, O.S.L. 1997 (62 O.S. Supp. 2000, Section 2013), is amended to read as follows:

Section 2013. The expenditures from the Rural Economic Action Plan Fund and other expenditures governed by ~~this act~~ Section 2001 et seq. of this title, if made in accordance with the requirements of ~~this act~~ Section 2001 et seq. of this title, shall be construed as an expenditure of public funds in furtherance of governmental functions and for the purpose of conferring general and uniform benefits resulting from the expenditures upon the residents and other legal entities located in areas subject to the jurisdiction of the entities described in subsection ~~A or~~ B of Section ~~2007~~ 2003 of this title.

SECTION 7. This act shall become effective July 1, 2001.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and 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.

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