

ENROLLED HOUSE  
BILL NO. 1397

By: Braddock, Armes, Calvey,  
Cargill, Case, Claunch,  
O'Neal, Pettigrew,  
Reynolds, Lerblance,  
Harrison, Dorman and Askins  
of the House

and

Leftwich, Aldridge, Gumm,  
Helton, Horner, Kerr,  
Lawler, Milacek, Monson,  
Robinson and Reynolds of  
the Senate

An Act relating to military installations; stating legislative findings; creating the Oklahoma Strategic Military Planning Commission Incentive Fund; providing for distribution of monies in fund; specifying certain duties of local governmental entities and governing boards thereof; requiring certain approval; specifying certain requirements to receive funds; prohibiting certain uses of funds; providing liability for misuse of funds; providing for construction of certain expenditures; providing for codification; 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 5403 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Legislature finds that the five military installations in this state, Tinker Air Force Base, Vance Air Force Base, Altus Air Force Base, Fort Sill Army Post and the McAlester Army Ammunition Plant, are vital to the economic health of Oklahoma businesses and communities and an integral and important part of the state economy. It is therefore in the state interest that these installations not only be retained but if possible, be expanded from their current substantial workforces.

B. There is hereby established a fund within the State Treasury for the Department of Commerce to be known as the "Oklahoma Strategic Military Planning Commission Incentive Fund". The fund shall consist of all monies deposited into the fund by law. The fund shall be a continuing fund not subject to fiscal year limitations. Monies in the fund shall be distributed by the Department to voluntary associations of Oklahoma local governmental jurisdictions or other legal entities which perform functions for the benefit of or which exist for the primary benefit of Oklahoma local governmental entities, for distribution to eligible local

governments, as approved by the Oklahoma Strategic Military Planning Commission.

C. In order for an entity to be eligible to obtain funds from the Oklahoma Strategic Military Planning Commission Incentive Fund, a local governmental entity shall be required to:

1. Demonstrate that it would be affected by realignment or closure of a military installation specified in subsection A of this section; and

2. Develop a plan, and file it and have it approved by the Oklahoma Strategic Military Planning Commission, to expend funds from local sources, matched in whole or in part with monies in the fund, for public projects necessary to protect the interests of the entity and its residents with respect to realignment or closure of the military installation.

D. In order to be filed with and approved by the Commission, the plan shall have first been approved by an affirmative vote of two-thirds (2/3) of the members of the governing board of the local governmental entity. The vote shall be memorialized in a document, executed under oath, that states 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 Department.

E. Any entity which qualifies for funds pursuant to this section shall be required to provide matching funds or to provide equivalent value in order to obtain available funds or funds for planning expenditures. No funds available pursuant to the provisions of this section shall be used to pay any administrative expenses of the entity requesting the funds. The Department shall monitor expenditures made pursuant to this section to ensure compliance with the provisions of this section. Misuse of funds by an entity shall disqualify the entity from further funding for a period of one (1) year from the date as of which any report by the Department is issued revealing a violation of the requirements of this section.

F. An entity which violates the provisions of this section shall be liable to the State of Oklahoma for treble the amount of funds identified as having been impermissibly used for the payment or reimbursement of administrative expenses. The payment shall be made to the Department for deposit in the Oklahoma Strategic Military Planning Commission Incentive Fund and such funds shall become available for distribution as otherwise provided by this section; provided, no such funds shall be paid to an entity which has been required to make the treble damage payment.

G. The expenditures from the Oklahoma Strategic Military Planning Commission Incentive Fund, made in accordance with the requirements of this section, 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.

SECTION 2. This act shall become effective July 1, 2003.

SECTION 3. 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.

Passed the House of Representatives the 28th day of May, 2003.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 29th day of May, 2003.

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Presiding Officer of the Senate