

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2653

By: Winchester and Peters

COMMITTEE SUBSTITUTE

An Act relating to economic development; enacting the Oklahoma Opportunity Fund Act; providing short title; creating Board of Trustees of the Oklahoma Opportunity Fund; providing for membership of Board of Trustees; authorizing certain actions with respect to payment of monies from Oklahoma Opportunity Fund; providing for negotiations; requiring memorandum of understanding or other agreements; making legislative findings regarding use of Oklahoma Opportunity Fund; creating Oklahoma Opportunity Fund; providing for deposit of monies; providing for expenditure of monies; 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 5001 of Title 62, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Opportunity Fund Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5002 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Opportunity Fund Board of Trustees.

B. The Oklahoma Opportunity Fund Board of Trustees shall consist of the following members:

1. The Governor or a designee;
2. The Speaker of the Oklahoma House of Representatives or a designee;

3. The President Pro Tempore of the Oklahoma State Senate or a designee;

4. The Lieutenant Governor or a designee; and

5. The Executive Director of the Oklahoma Department of Commerce or a designee.

C. The Oklahoma Opportunity Fund Board of Trustees shall be responsible for the management of monies apportioned, appropriated, transferred or otherwise paid to the credit of the Oklahoma Opportunity Fund created by Section 3 of this act.

D. The Board shall have the authority and discretion to make payments from the Oklahoma Opportunity Fund to for-profit entities lawfully conducting business within the State of Oklahoma subject to the requirements of this act.

E. A business shall be eligible to receive a payment from the Oklahoma Opportunity Fund if the Board of Trustees finds that the distribution of monies from the Oklahoma Opportunity Fund would result in the creation of new direct jobs in the state, the investment of capital, consisting of real property, personal property, intangible personal property, intellectual property or the location of business assets having strategic value for the continued improvement of the Oklahoma economy.

F. The Board of Trustees shall be authorized to negotiate with the authorized representatives of a business entity regarding the amount, timing or other matters related to distributions of monies from the Oklahoma Opportunity Fund. The final agreement between the Board of Trustees and the authorized representatives of the business entity shall be memorialized in a memorandum of understanding or other document mutually agreed to by the Board of Trustees and the authorized representatives.

G. The Legislature finds that Oklahoma is effectively required to compete with other states and other governmental jurisdictions with respect to business site location and expansion decisions. The

Legislature finds that other states and government jurisdictions have created specialized funds and other public resources in order to provide incentives or other expenditures in order to induce a business entity to locate or expand business activity in a way that is beneficial for the citizens of those jurisdictions. The Legislature specifically finds that the use of monies in the Oklahoma Opportunity Fund is in furtherance of an essential government and public function because of the relationship between the ability of a state to offer incentives or to expend public funds in a manner that encourages business location or business expansion and the related positive effects upon employment, property valuation, income levels, disposable income and related effects on state and local tax revenues.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5003 of Title 62, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Board of Trustees of the Oklahoma Opportunity Fund to be designated the "Oklahoma Opportunity Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board of Trustees of the Oklahoma Opportunity Fund from such sources as may be provided by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Board of Trustees of the Oklahoma Opportunity Fund for the purposes specified in Section 2 of this act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 4. This act shall become effective July 1, 2006.

SECTION 5. 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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