

CS for SB 15

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THE STATE SENATE
Wednesday, March 2, 2005

Committee Substitute for
Senate Bill No. 15

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 15 - By: CORN of the Senate
and NANCE of the House.

[public finance - Anti-Crime Operation Program Act of 2005
- codification - effective date -
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 2021 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 "Anti-Crime
Operation Program Act of 2005".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2022 of Title 62, unless there
is created a duplication in numbering, reads as follows:

The Legislature finds that economic conditions in rural areas of
the State of Oklahoma are such that the ability of local governments
to raise funds for essential public services is compromised, and
that it is a public purpose of this state to provide assistance to
such local governments. The Legislature further finds that local
law enforcement agencies provide services in rural areas, without
which the quality of life for residents would be significantly

1 lower, and that decreased population density and other conditions
2 present in rural areas require specialized equipment and other
3 expenditures in order to provide adequate law enforcement
4 capabilities. Pursuant to such findings, there is hereby created
5 the Anti-Crime Operation Program, under which public funds shall be
6 used in a flexible manner for equipment needs for local law
7 enforcement agencies located in predominantly rural areas of the
8 State of Oklahoma.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 2023 of Title 62, unless there
11 is created a duplication in numbering, reads as follows:

12 A. There is hereby established a fund within the State Treasury
13 to be known as the Anti-Crime Operation Program Projects Fund. The
14 fund shall be a continuing fund not subject to fiscal year
15 limitations. The fund shall consist of monies appropriated or
16 otherwise directed thereto by law. The fund shall be administered
17 by the Department of Public Safety as provided by the Anti-Crime
18 Operation Program Act of 2005. The Department is hereby authorized
19 to promulgate rules to implement the provisions of this act.

20 B. Monies in the fund shall be expended by the Department for
21 the purpose of providing grants to any city or town if the
22 population of such city or town does not exceed seven thousand
23 (7,000) persons according to the latest Federal Decennial Census or

1 to a county for the benefit of an unincorporated area. Funds may
2 also be expended for grants to any city or town with a population
3 below seven thousand (7,000) persons based upon the current
4 population estimate according to the U.S. Census Bureau. Funds may
5 be expended for grants to such cities and towns until the next
6 following Federal Decennial Census.

7 C. The Department shall prioritize grants awarded for projects
8 pursuant to the Anti-Crime Operation Program according to the
9 following criteria:

10 1. No grant shall be awarded unless the city, town or county
11 applying has developed and filed a plan for the use of the funds
12 pursuant to the provisions of Sections 5 and 6 of this act;

13 2. Priority shall first be given to those needs set forth in
14 such a plan which the city, town or county can demonstrate are
15 present or which may require greater expenditures than the needs of
16 other law enforcement agencies due to the location in a rural area
17 of the state; and

18 3. Priority shall next be given to cities, towns or counties
19 which lack other sources of funding for such expenditures.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 2024 of Title 62, unless there
22 is created a duplication in numbering, reads as follows:

1 A. Neither the Department of Public Safety nor the entities
2 described in subsection B of Section 3 of this act which are
3 eligible for any funds authorized by Section 3 of this act shall
4 make expenditures on behalf of or make payment directly to any city
5 or town with a population in excess of seven thousand (7,000)
6 persons using any funds deposited to the Anti-Crime Operation
7 Program Projects Fund created by Section 3 of this act.

8 B. The Department of Public Safety shall be authorized to make
9 payment of funds obtained pursuant to Section 3 of this act directly
10 to a county if the funds are used for the benefit of an
11 unincorporated area located within the county to which payment is
12 made. After the county has provided a request to the Department for
13 funds to benefit an unincorporated area of the county, together with
14 a statement that the county has conducted a review of the needs of
15 unincorporated areas located within the county and that the funding
16 requested is consistent with the evaluation of priorities for funds
17 by the county, the funds requested may be paid to the county. Any
18 funds paid to a county pursuant to the provisions of this subsection
19 shall be expended by the county exclusively for the purpose
20 identified in the request.

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 2025 of Title 62, unless there
23 is created a duplication in numbering, reads as follows:

1 Any city, town or county applying for funding pursuant to this
2 act shall develop a plan for the use of monies requested from the
3 Anti-Crime Operations Program Projects Fund for specialized
4 equipment and other expenditures which will enhance the provision of
5 law enforcement services and expand law enforcement capabilities.

6 SECTION 6. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 2026 of Title 62, unless there
8 is created a duplication in numbering, reads as follows:

9 A. In order for a city, town or county to obtain funds provided
10 for by Section 3 of this act, the entity shall file the plan
11 required by Section 5 of this act with the Department of Public
12 Safety. If the plan is revised or updated, the revised or updated
13 plan shall be required to be filed with the Department. No funds
14 shall be distributed for any purposes not specified in the plan.

15 B. Prior to filing, the plan shall have first been approved by
16 an affirmative vote of not less than two-thirds (2/3) of the
17 governing board of the city, town or county. The vote shall be
18 memorialized in a document, executed under oath, that the record of
19 the vote is a true and accurate account of the proceedings conducted
20 by the governing board to be filed with the Department.

21 SECTION 7. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 2027 of Title 62, unless there
23 is created a duplication in numbering, reads as follows:

1 No city, town or county which qualifies for funds shall be
2 required to provide matching funds or to provide equivalent value in
3 order to obtain available funds or funds for planning expenditures.

4 SECTION 8. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 2028 of Title 62, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The funds available pursuant to the provisions of Section 3
8 of this act shall not be used to pay any administrative expenses of
9 the entity requesting the funds. The Department of Public Safety
10 shall monitor expenditures made pursuant to the Anti-Crime Operation
11 Program Act of 2005 to ensure compliance with the provisions of this
12 section. Misuse of funds by an entity shall disqualify the entity
13 from further funding for a period of one (1) year from the date as
14 of which any report by the Department is issued revealing a
15 violation of the requirements of this section. The Department may
16 request the assistance of the Office of the State Auditor and
17 Inspector to determine if an entity is in compliance with this
18 section or any other provision of this act.

19 B. An entity which violates the provisions of this section
20 shall be liable to the State of Oklahoma for treble the amount of
21 funds identified as having been impermissibly used for the payment
22 or reimbursement of administrative expenses. The payment shall be
23 made to the Department for deposit in the Anti-Crime Operation

1 Program Projects Fund and such funds shall become available for
2 distribution as otherwise provided by the Anti-Crime Operation
3 Program Act of 2005; provided, no such funds shall be paid to an
4 entity which has been required to make the treble damage payment.

5 SECTION 9. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 2029 of Title 62, unless there
7 is created a duplication in numbering, reads as follows:

8 Expenditures from the Anti-Crime Operation Program Projects Fund
9 shall be made in the same manner as provided by law for the
10 expenditure of other public funds.

11 The State Auditor and Inspector shall annually conduct an audit
12 of all funds expended pursuant to the provisions of this act.

13 SECTION 10. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 2030 of Title 62, unless there
15 is created a duplication in numbering, reads as follows:

16 The expenditures from the Anti-Crime Operation Program Projects
17 Fund and other expenditures governed by the Anti-Crime Operation
18 Program Act of 2005, if made in accordance with the requirements of
19 the Anti-Crime Operation Program Act of 2005, shall be construed as
20 an expenditure of public funds in furtherance of governmental
21 functions and for the purpose of conferring general and uniform
22 benefits resulting from the expenditures upon the residents and

1 other legal entities located in areas subject to the jurisdiction of
2 the entities described in subsection B of Section 3 of this act.

3 SECTION 11. This act shall become effective July 1, 2005.

4 SECTION 12. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-05 - DO
9 PASS, As Amended and Coauthored.