

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1330

By: Corn

AS INTRODUCED

An Act relating to public finance; creating the Anti-Crime Operation Program Act of 2006; providing short title; stating legislative findings; creating Anti-Crime Operation Program; establishing Anti-Crime Operation Program Projects Fund and providing procedures related thereto; providing for expenditure of monies in fund for certain grants and specifying criteria for priority; prohibiting certain expenditures and payments; requiring governing boards of certain entities to develop fund use plan; requiring plan to be filed with Department of Public Safety and approved by certain vote; providing that matching funds or equivalent value not be required; prohibiting use of funds for administrative expenses; specifying duties of Department; providing for disqualification of entities upon misuse of funds; providing penalties for violations; providing for manner and construction of expenditure of funds; requiring certain audits; 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 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 2006".

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

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

A. There is hereby established a fund within the State Treasury to be known as the Anti-Crime Operation Program Projects Fund. The fund shall be a continuing fund not subject to fiscal year limitations. The fund shall consist of monies appropriated or otherwise directed thereto by law. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Public Safety as provided by the Anti-Crime Operation Program Act of 2006. The Department is hereby authorized to promulgate rules to implement the provisions of this act.

B. Monies in the fund shall be expended by the Department for the purpose of providing grants to any city or town if the population of such city or town does not exceed seven thousand (7,000) persons according to the latest Federal Decennial Census or to a county for the benefit of an unincorporated area. Funds may also be expended for grants to any city or town 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 grants to such cities and towns until the next following Federal Decennial Census.

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

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

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

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

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

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

B. The Department of Public Safety shall be authorized to make payment of funds obtained pursuant to Section 3 of this act 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 the Department 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.

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

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

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

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

B. Prior to filing, the plan shall have first been approved by an affirmative vote of not less than two-thirds (2/3) of the governing board of the city, town or county. 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 Department.

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

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

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

A. The funds available pursuant to the provisions of Section 3 of this act shall not be used to pay any administrative expenses of the entity requesting the funds. The Department of Public Safety shall monitor expenditures made pursuant to the Anti-Crime Operation Program Act of 2006 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 five (5) years from the date as of which any report by the Department is issued revealing a violation of the requirements of this section. The Department may request the assistance of the Office of the State Auditor and Inspector to determine if an entity is in compliance with this section or any other provision of this act.

B. 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 Anti-Crime Operation Program Projects Fund and such funds shall become available for distribution as otherwise provided by the Anti-Crime Operation Program Act of 2006; provided, no such funds shall be paid to an entity which has been required to make the treble damage payment.

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

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

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

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

The expenditures from the Anti-Crime Operation Program Projects Fund and other expenditures governed by the Anti-Crime Operation Program Act of 2006, if made in accordance with the requirements of the Anti-Crime Operation Program Act of 2006, 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 B of Section 3 of this act.

SECTION 11. This act shall become effective July 1, 2006.

SECTION 12. 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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