

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 447

By: Bingman and Sweeden of the
Senate

6 and

7 McNiel, Adkins and Cannaday
8 of the House

9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to public finance; amending 62 O.S.
12 2001, Sections 2004, as amended by Section 2, Chapter
13 219, O.S.L. 2002, 2006, as amended by Section 3,
14 Chapter 219, O.S.L. 2002 and 2007 (62 O.S. Supp.
15 2006, Sections 2004 and 2006), which relate to the
16 Rural Economic Action Plan; providing for deposit of
17 funds based on amount appropriated; modifying
18 procedure for establishing separate accounts;
19 modifying procedure for authorization of certain
20 projects; providing an effective date; and declaring
21 an emergency.

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

23 SECTION 1. AMENDATORY 62 O.S. 2001, Section 2004, as
24 amended by Section 2, Chapter 219, O.S.L. 2002 (62 O.S. Supp. 2006,
Section 2004), is amended to read as follows:

Section 2004. A. 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.

1 There B. In a fiscal year for which the amount appropriated to
2 the Rural Economic Action Plan Fund is less than or equal to the sum
3 of Fifteen Million Five Hundred Thousand Dollars (\$15,500,000.00),
4 there shall be deposited into each of the accounts provided by
5 Section 2006 of this title the sum of one-tenth (1/10) of the amount
6 appropriated to the Rural Economic Action Plan Fund with the
7 exception of one account which shall be divided equally into two
8 subaccounts. One of the two subaccounts shall be available to one
9 and only one of the entities described by subsection B of Section
10 2007 of this title for distribution to cities or towns within the
11 respective jurisdiction of the entity if the population of such city
12 or town does not exceed seven thousand (7,000) persons according to
13 the latest Federal Decennial Census or for the benefit of an
14 unincorporated area. Funds may also be expended for any city or
15 town with a population below seven thousand (7,000) persons based
16 upon the current population estimate according to the U.S. Census
17 Bureau. Funds may be expended for such cities and towns until the
18 next following Federal Decennial Census. Provided, for any fiscal
19 year following the first fiscal year that the provisions of
20 subsection D of this section have taken effect, funds appropriated
21 to the Rural Economic Action Plan Fund shall be deposited as
22 provided in subsection D of this section and the provisions of this
23 subsection shall not be in effect.
24

1 C. In a fiscal year for which the amount appropriated to the
2 Rural Economic Action Plan Fund is greater than Fifteen Million Five
3 Hundred Thousand Dollars (\$15,500,000.00), but less than Seventeen
4 Million Fifty Thousand Dollars (\$17,050,000.00), there shall be
5 deposited into each of nine separate accounts for the entities
6 described by subsection A of Section 2007 of this title the sum of
7 One Million Five Hundred Fifty Thousand Dollars (\$1,550,000.00).
8 There shall be divided equally between two additional accounts for
9 the use and benefit of the entities described by subsection B of
10 Section 2007 of this title the balance of any such appropriation in
11 excess of Thirteen Million Nine Hundred Fifty Thousand Dollars
12 (\$13,950,000.00), but less than Seventeen Million Fifty Thousand
13 Dollars (\$17,050,000.00).

14 D. In the first fiscal year for which the amount appropriated
15 to the Rural Economic Action Plan Fund equals or exceeds the sum of
16 Seventeen Million Fifty Thousand Dollars (\$17,050,000.00), and in
17 every subsequent fiscal year, there shall be deposited an equal
18 amount to each of eleven accounts created for the use and benefit of
19 the entities described by subsections A and B of Section 2007 of
20 this title.

21 E. Regardless of the number of accounts created based upon the
22 appropriation amount to the Rural Economic Action Plan Fund, all
23 expenditures from all accounts shall be governed by the limitations
24 imposed pursuant to Sections 2002 through 2013 of this title,

1 including the limitations applicable to expenditures for the benefit
2 of cities or towns based upon population limits or expenditures for
3 the benefit of unincorporated areas.

4 SECTION 2. AMENDATORY 62 O.S. 2001, Section 2006, as
5 amended by Section 3, Chapter 219, O.S.L. 2002 (62 O.S. Supp. 2006,
6 Section 2006), is amended to read as follows:

7 Section 2006. A. There is hereby established a fund within the
8 State Treasury to be known as the Rural Economic Action Plan Fund.
9 The fund shall be a continuing fund not subject to fiscal year
10 limitations. Within the Rural Economic Action Plan Fund there shall
11 be established ~~ten~~ separate accounts as prescribed by Section 2004
12 of this title into which shall be deposited such funds as may be
13 provided by law.

14 B. ~~One~~ Except as otherwise provided by Section 2004 of this
15 title, one of nine accounts shall be available to each entity
16 described in subsection A of Section 2007 of this title.

17 C. ~~One~~ Except as otherwise provided by Section 2004 of this
18 title, one account shall be divided equally into two subaccounts.
19 One of the two subaccounts shall be available to each of the
20 entities described by subsection B of Section 2007 of this title for
21 distribution to any city or town within the respective jurisdiction
22 of the entity if the population of such city or town does not exceed
23 seven thousand (7,000) persons according to the latest Federal
24 Decennial Census or for the benefit of an unincorporated area.

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

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

11 SECTION 3. AMENDATORY 62 O.S. 2001, Section 2007, is
12 amended to read as follows:

13 Section 2007. A. A voluntary association of Oklahoma local
14 governmental jurisdictions or another legal entity, including a
15 public trust or a nonprofit corporation or other entity which
16 performs functions for the benefit of or which exists for the
17 primary benefit of Oklahoma local governmental jurisdictions and
18 which is not described in subsection B of this section, shall be
19 eligible to obtain funding for rural economic development projects
20 as authorized by Section 2004 of this title or as authorized by
21 subsection B of Section 2006 of this title.

22 B. A voluntary association of Oklahoma local governmental
23 jurisdictions containing at least one municipality with a population
24 in excess of three hundred fifty thousand (350,000) persons

1 according to the latest Federal Decennial Census, shall be eligible
2 to obtain funding as authorized by Section 2004 of this title or as
3 authorized by subsection C of Section 2006 of this title.

4 C. The entities described in subsection A or B of this section
5 and which are eligible for any funds authorized by Section 2006 of
6 this title shall be prohibited from making expenditures on behalf of
7 or from making payment directly to any city or town with a
8 population in excess of seven thousand (7,000) persons using any
9 funds deposited to the Rural Economic Action Plan Fund created by
10 Section 2006 of this title.

11 D. An organization described in subsection A or B of this
12 section shall be authorized to make payment of funds obtained
13 pursuant to Section 2006 of this title directly to a county if the
14 funds are used for the benefit of an unincorporated area located
15 within the county to which payment is made. After the county has
16 provided a request to an organization described in subsection A or B
17 of this section for funds to benefit an unincorporated area of the
18 county, together with a statement that the county has conducted a
19 review of the needs of unincorporated areas located within the
20 county and that the funding requested is consistent with the
21 evaluation of priorities for funds by the county, the funds
22 requested may be paid to the county. Any funds paid to a county
23 pursuant to the provisions of this subsection shall be expended by
24 the county exclusively for the purpose identified in the request.

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

7 SECTION 4. This act shall become effective July 1, 2007.

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

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