

THE HOUSE OF REPRESENTATIVES
Thursday, April 10, 2008

ENGROSSED
Senate Bill No. 1866
As Amended

ENGROSSED SENATE BILL NO. 1866 - By: LAUGHLIN of the Senate and HICKMAN of the House.

[public finance - Rural Economic Action Plan - Oklahoma Department of
Commerce - effective date - emergency]

1 SECTION 1. AMENDATORY 62 O.S. 2001, Section 2006, as last amended by
2 Section 2, Chapter 194, O.S.L. 2007 (62 O.S. Supp. 2007, Section 2006), is amended to
3 read as follows:

4 Section 2006. A. There is hereby established a fund within the State Treasury to
5 be known as the Rural Economic Action Plan Fund, to be administered by the Oklahoma
6 Department of Commerce. The fund shall be a continuing fund not subject to fiscal year
7 limitations. Within the Rural Economic Action Plan Fund there shall be established
8 separate accounts as prescribed by Section 2004 of this title into which shall be deposited
9 such funds as may be provided by law.

10 B. Except as otherwise provided by Section 2004 of this title, one of nine accounts
11 shall be available to each entity described in subsection A of Section 2007 of this title.

1 C. Except as otherwise provided by Section 2004 of this title, one account shall be
2 divided equally into two subaccounts. One of the two subaccounts shall be available to
3 each of the entities described by subsection B of Section 2007 of this title for distribution
4 to any city or town within the respective jurisdiction of the entity if the population of
5 such city or town does not exceed seven thousand (7,000) persons according to the latest
6 Federal Decennial Census or for the benefit of an unincorporated area. Funds may also
7 be expended for any city or town with a population below seven thousand (7,000) persons
8 based upon the current population estimate according to the U.S. Census Bureau. Funds
9 may be expended for such cities and towns until the next following Federal Decennial
10 Census.

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

15 SECTION 2. AMENDATORY 62 O.S. 2001, Section 2009, is amended to read
16 as follows:

17 Section 2009. A. In order for an eligible entity to obtain funds provided for by
18 Section 2006 of this title, the entity shall file the organizational plan required by Section
19 2008 of this title with the ~~State Auditor and Inspector~~ Oklahoma Department of
20 Commerce.

21 B. In order to be filed, the plan shall have first been approved by an affirmative
22 vote of two-thirds (2/3) of the governing board of an entity described by subsection A or B

1 of Section 2007 of this title. The vote shall be memorialized in a document, executed
2 under oath, that the record of the vote is a true and accurate account of the proceedings
3 conducted by the governing board to be filed with the ~~State Auditor and Inspector~~
4 Oklahoma Department of Commerce.

5 SECTION 3. AMENDATORY 62 O.S. 2001, Section 2011, is amended to read
6 as follows:

7 Section 2011. A. Except as otherwise provided by subsection C of this section, the
8 funds available pursuant to the provisions of Section 2006 of this title shall not be used
9 to pay any administrative expenses of the entity requesting the funds. The ~~State Auditor~~
10 ~~and Inspector~~ Oklahoma Department of Commerce shall monitor expenditures made
11 pursuant to the Rural Economic Action Plan Act to ensure compliance with the
12 provisions of this section. Such funds shall be audited by the State Auditor and
13 Inspector in the manner provided by law for audits of other state funds. Misuse of funds
14 by an entity shall disqualify the entity from further funding for a period of one (1) year
15 from the date as of which any report by the ~~State Auditor and Inspector~~ Oklahoma
16 Department of Commerce is issued revealing a violation of the requirements of this
17 section.

18 B. Except for funds authorized by subsection C of this section, an entity which
19 violates the provisions of this section shall be liable to the State of Oklahoma for treble
20 the amount of funds identified as having been impermissibly used for the payment or
21 reimbursement of administrative expenses. The payment shall be made to the ~~State~~
22 ~~Auditor and Inspector~~ Oklahoma Department of Commerce for deposit in the Rural

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Economic Action Plan Fund and such funds shall become available for distribution as
2 otherwise provided by ~~this act~~ Section 2001 et seq. of this title except that no such funds
3 shall be paid to an entity which has been required to make the treble damage payment.

4 C. Upon verification by the ~~State Auditor and Inspector's office~~ Oklahoma
5 Department of Commerce that an entity is qualified to receive funds for a purpose
6 authorized by this ~~act~~ section, the entity shall be eligible for an initial planning
7 expenditure payment of not to exceed five percent (5%) of the amount contained in the
8 account created for the entity pursuant to Section 2006 of this title.

9 SECTION 4. This act shall become effective July 1, 2008.

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

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
14 dated 04-09-08 - DO PASS, As Amended.