

SB 1866

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THE STATE SENATE  
Monday, February 25, 2008

Senate Bill No. 1866  
As Amended

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 ]

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

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

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

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

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

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

21 Section 2009. A. In order for an eligible entity to obtain  
22 funds provided for by Section 2006 of this title, the entity shall  
23 file the organizational plan required by Section 2008 of this title

1 with the ~~State Auditor and Inspector~~ Oklahoma Department of  
2 Commerce.

3 B. In order to be filed, the plan shall have first been  
4 approved by an affirmative vote of two-thirds (2/3) of the governing  
5 board of an entity described by subsection A or B of Section 2007 of  
6 this title. The vote shall be memorialized in a document, executed  
7 under oath, that the record of the vote is a true and accurate  
8 account of the proceedings conducted by the governing board to be  
9 filed with the ~~State Auditor and Inspector~~ Oklahoma Department of  
10 Commerce.

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

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

1 the ~~State Auditor and Inspector~~ Oklahoma Department of Commerce is  
2 issued revealing a violation of the requirements of this section.

3 B. Except for funds authorized by subsection C of this section,  
4 an entity which violates the provisions of this section shall be  
5 liable to the State of Oklahoma for treble the amount of funds  
6 identified as having been impermissibly used for the payment or  
7 reimbursement of administrative expenses. The payment shall be made  
8 to the ~~State Auditor and Inspector~~ Oklahoma Department of Commerce  
9 for deposit in the Rural Economic Action Plan Fund and such funds  
10 shall become available for distribution as otherwise provided by  
11 ~~this act~~ Section 2001 et seq. of this title except that no such  
12 funds shall be paid to an entity which has been required to make the  
13 treble damage payment.

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

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

22 SECTION 5. It being immediately necessary for the preservation  
23 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.  
3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-20-08 - DO  
4 PASS, As Amended and Coauthored.