

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1866

By: Coffee

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5
6 AS INTRODUCED

7 An Act relating to public finance; amending 62 O.S.
8 2001, Sections 2006, as last amended by Section 2,
9 Chapter 194, O.S.L. 2007, 2009 and 2011 (62 O.S.
10 Supp. 2007, Section 2006), which relate to the Rural
11 Economic Action Plan; requiring certain funds be
12 administered by Oklahoma Department of Commerce;
13 transferring certain duties from State Auditor and
14 Inspector to Oklahoma Department of Commerce;
15 providing an effective date; and declaring an
16 emergency.

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

18 SECTION 1. AMENDATORY 62 O.S. 2001, Section 2006, as
19 last amended by Section 2, Chapter 194, O.S.L. 2007 (62 O.S. Supp.
20 2007, Section 2006), is amended to read as follows:

21 Section 2006. A. There is hereby established a fund within the
22 State Treasury to be known as the Rural Economic Action Plan Fund,
23 to be administered by the Oklahoma Department of Commerce. The fund
24 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

1 title into which shall be deposited such funds as may be provided by
2 law.

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

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

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

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

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

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

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

18 Section 2011. A. Except as otherwise provided by subsection C
19 of this section, the funds available pursuant to the provisions of
20 Section 2006 of this title shall not be used to pay any
21 administrative expenses of the entity requesting the funds. The
22 ~~State Auditor and Inspector~~ Oklahoma Department of Commerce shall
23 monitor expenditures made pursuant to the Rural Economic Action Plan
24 Act to ensure compliance with the provisions of this section. Such

1 funds shall be audited by the State Auditor and Inspector in the
2 manner provided by law for audits of other state funds. Misuse of
3 funds by an entity shall disqualify the entity from further funding
4 for a period of one (1) year from the date as of which any report by
5 the ~~State Auditor and Inspector~~ Oklahoma Department of Commerce is
6 issued revealing a violation of the requirements of this section.

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

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

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

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

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