

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 3291

By: Mc Niel and Fields of the
House

7 and

Justice of the Senate

8
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to public finance; amending 62 O.S. 2001,
11 Sections 2003, as amended by Section 1, Chapter 219, O.S.L.
12 2002, 2007, as amended by Section 3, Chapter 194, O.S.L. 2007
13 and 2008 (62 O.S. Supp. 2009, Sections 2003 and 2007), which
14 relate to the Rural Economic Action Plan; prescribing
15 population limit for certain areas; modifying eligible
16 projects; deleting reference to certain projects; imposing
17 expenditure requirements for certain project types; imposing
18 certain reporting requirements; authorizing Oklahoma
19 Department of Commerce to prescribe form of reporting;
20 amending 25 O.S. 2001, Section 304, as amended by Section 1,
21 Chapter 142, O.S.L. 2007 (25 O.S. Supp. 2009, Section 304),
22 which relates to the Oklahoma Open Meeting Act; modifying
23 definition; providing an effective date; and declaring an
24 emergency.

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

SECTION 1. AMENDATORY 62 O.S. 2001, Section 2003, as
amended by Section 1, Chapter 219, O.S.L. 2002 (62 O.S. Supp. 2009,
Section 2003), is amended to read as follows:

1 Section 2003. A. Monies appropriated by law to the Oklahoma
2 Water Resources Board for the purpose of funding the Rural Economic
3 Action Plan grant program and the Rural Economic Action Plan Water
4 Projects Fund shall be administered by the Oklahoma Water Resources
5 Board as provided by this section.

6 B. The monies referred to in subsection A of this section shall
7 be distributed to eligible cities and towns, unincorporated areas or
8 other qualified entities located within the areas represented by the
9 following organizations:

- 10 1. Association of Central Oklahoma Governments (ACOG);
- 11 2. Association of South Central Oklahoma Governments (ASCOG);
- 12 3. Central Oklahoma Economic Development District (COEDD);
- 13 4. Eastern Oklahoma Economic Development District (EOEDD);
- 14 5. Grand Gateway Economic Development Association (GGEDA);
- 15 6. Indian Nations Council of Governments (INCOG);
- 16 7. Kiamichi Economic Development District (KEDDO);
- 17 8. Northern Oklahoma Development Association (NODA);
- 18 9. Oklahoma Economic Development Association (OEDA);
- 19 10. Southern Oklahoma Development Association (SODA); and
- 20 11. South Western Oklahoma Development Authority (SWODA).

21 C. The monies referred to in subsection A of this section shall
22 not be expended for the benefit of cities or towns with a population
23 in excess of seven thousand (7,000) persons according to the latest
24 Federal Decennial Census. Funds may also be expended for any city

1 or town with a population below seven thousand (7,000) persons based
2 upon the current population estimate according to the U.S. Census
3 Bureau. Funds may be expended for such cities and towns until the
4 next following Federal Decennial Census. Any municipality may enter
5 into an agreement with an entity described in subsection B of this
6 section to apply for available funds described by this section if
7 the municipality is located within the area served by the entity.
8 Upon approval of the application, funds shall be paid to the
9 municipality requesting the funds.

10 D. An entity described in subsection B of this section may
11 apply for a grant to be used for the benefit of an unincorporated
12 area within a county served by that entity if the area benefited
13 does not contain a population in excess of seven thousand (7,000)
14 persons. Any county may enter into an agreement with an entity
15 described in subsection B of this section if the county is located
16 within the area served by the entity. Upon approval of the
17 application, funds shall be paid to the county requesting the funds.

18 E. The monies referred to in subsection A of this section may
19 be expended for water quality projects, including but not limited to
20 sewer line construction or repair and related storm or sanitary
21 sewer projects, water line construction or repair, water treatment,
22 water acquisition, distribution or recovery and related projects.

23 F. Any city or town with a population less than one thousand
24 seven hundred fifty (1,750) persons according to the latest Federal

1 Decennial Census shall have a higher priority for funds allocated by
2 the Oklahoma Water Resources Board from the amount referred to in
3 subsection A of this section than jurisdictions of greater size.
4 Among such cities or towns, those municipalities having relatively
5 weaker fiscal capacity shall have a priority for project funding in
6 preference to other municipalities.

7 G. The Oklahoma Water Resources Board shall establish ten
8 separate accounts containing one-tenth (1/10) of the amount annually
9 appropriated to the Rural Economic Action Plan Water Projects Fund
10 per account. Each account shall be available for distribution to
11 qualified entities located within the area served by entities
12 described in subsection A of Section 2007 of this title or for
13 distribution to benefit unincorporated areas with the exception of
14 one account which shall be divided equally into two subaccounts.
15 Each one of the two subaccounts shall be available for distribution
16 to qualified entities located within the respective jurisdiction of
17 one of the entities described by subsection B of Section 2007 of
18 this title or for distribution to benefit unincorporated areas. No
19 funds deposited into one account or subaccount shall be transferred
20 to any other account. The total expenditure from any one account or
21 subaccount for each fiscal year may not exceed the amount of funds
22 available to each account as may be provided by law.

23 H. No city, town or other entity to which funds will be awarded
24 pursuant to this section shall be required to provide any form of

1 match to obtain the funds, whether through cash, services or any
2 other method.

3 I. The Oklahoma Water Resources Board shall not be allowed to
4 retain any of the funds referred to in subsection A of this section
5 for administration. All such funds shall be distributed to eligible
6 entities as authorized by law.

7 J. In order to ensure fair and equitable distribution of the
8 funds referred to in subsection A of this section, the Oklahoma
9 Water Resources Board shall promulgate rules for administering,
10 determining priority of, approving and funding applications for such
11 funds. The rules shall implement the provisions of this section
12 including the following:

13 1. No qualified entity shall be approved nor funded for more
14 than One Hundred Fifty Thousand Dollars (\$150,000.00) from such
15 funds in any twelve-month period;

16 2. If a qualified entity has previously been approved for or
17 received such funds and makes a subsequent application, that
18 subsequent application may be assigned lower priority than an
19 application by qualified entities who have not previously been
20 approved for or received such funds;

21 3. In order to prevent substantially the same entity or area
22 from receiving an undue advantage, a political subdivision and all
23 its public trusts and similar subordinate entities together shall be
24 treated as one and the same qualified entity; provided rural water

1 or sewer districts shall not be construed to be subordinate entities
2 of counties unless the effect would be to make multiple grants to
3 substantially the same entity or service area; and

4 4. The Oklahoma Water Resources Board may establish limited
5 time periods for processing applications for available funds.

6 SECTION 2. AMENDATORY 62 O.S. 2001, Section 2007, as
7 amended by Section 3, Chapter 194, O.S.L. 2007 (62 O.S. Supp. 2009,
8 Section 2007), is amended to read as follows:

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

18 B. A voluntary association of Oklahoma local governmental
19 jurisdictions containing at least one municipality with a population
20 in excess of three hundred fifty thousand (350,000) persons
21 according to the latest Federal Decennial Census, shall be eligible
22 to obtain funding as authorized by Section 2004 of this title or as
23 authorized by subsection C of Section 2006 of this title.

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1 C. The entities described in subsection A or B of this section
2 and which are eligible for any funds authorized by Section 2006 of
3 this title shall be prohibited from making expenditures on behalf of
4 or from making payment directly to any city or town with a
5 population in excess of seven thousand (7,000) persons using any
6 funds deposited to the Rural Economic Action Plan Fund created by
7 Section 2006 of this title. Funds may also be expended for any city
8 or town with a population below seven thousand (7,000) persons based
9 upon the current population estimate according to the U.S. Census
10 Bureau. Funds may be expended for such cities and towns until the
11 next following Federal Decennial Census.

12 D. An organization described in subsection A or B of this
13 section shall be authorized to make payment of funds obtained
14 pursuant to Section 2006 of this title directly to a county if the
15 funds are used for the benefit of an unincorporated area located
16 within the county to which payment is made if the area benefited
17 does not contain a population in excess of seven thousand (7,000)
18 persons. After the county has provided a request to an organization
19 described in subsection A or B of this section for funds to benefit
20 an unincorporated area of the county, together with a statement that
21 the county has conducted a review of the needs of unincorporated
22 areas located within the county and that the funding requested is
23 consistent with the evaluation of priorities for funds by the
24 county, the funds requested may be paid to the county. Any funds

1 paid to a county pursuant to the provisions of this subsection shall
2 be expended by the county exclusively for the purpose identified in
3 the request.

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

10 SECTION 3. AMENDATORY 62 O.S. 2001, Section 2008, is
11 amended to read as follows:

12 Section 2008. A. The governing board of an entity described by
13 subsection A or B of Section 2007 of this title shall develop a plan
14 for the use of available funds for the economic development of areas
15 included within its respective jurisdiction. For purposes of this
16 act, "economic development" shall include, but shall not be limited
17 to, the following purposes:

18 1. Rural water quality projects, including acquisition,
19 treatment, distribution and recovery of water for consumption by
20 humans or animals or both;

21 2. Rural solid waste disposal, treatment or similar projects;

22 3. Rural sanitary sewer construction or improvement projects;

23 4. Rural road or street construction or improvement projects;

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1 5. ~~Provision of health care services, including emergency~~
2 ~~medical care, in rural areas~~ rural fire protection services and
3 public safety services;

4 6. ~~Provision of rural fire protection services~~ Expenditures
5 designed to increase the employment level within the jurisdiction of
6 the entity;

7 7. ~~Construction or improvement of telecommunication facilities~~
8 ~~or systems~~ Provision of health care services, including emergency
9 medical care, in rural areas;

10 8. ~~Improvement of municipal energy distribution systems~~
11 Construction or improvement of telecommunication facilities or
12 systems;

13 9. ~~Expenditures designed to increase the employment level~~
14 ~~within the jurisdiction of the entity~~ Improvement of municipal
15 energy distribution systems; and

16 10. ~~Such other purposes as may be certified pursuant to an~~
17 ~~affirmative vote of two thirds (2/3) of the governing board of an~~
18 ~~entity described by subsection A or B of Section 2007 of this title~~
19 Community buildings, courthouses, town halls, senior nutrition
20 centers, meeting rooms or similar public facilities.

21 B. Effective July 1, 2010, at least eighty percent (80%) of any
22 funds distributed to an entity as provided by this section shall be
23 expended for assets described in paragraphs 1 through 6 of
24 subsection A of this section. The remaining amount of any funds

1 distributed to an entity as provided by this section may be expended
2 on assets or purposes described in paragraphs 5 through 9 of
3 subsection A of this section.

4 C. Not later than July 31, each entity described by Section
5 2007 of this title shall transmit, in such electronic form as may be
6 prescribed by the Oklahoma Department of Commerce for purposes of
7 access to such information on the website maintained by the
8 Department, a summary of each project upon which funds received by
9 the entity from the Rural Economic Action Plan Fund were expended
10 during the fiscal year ending on the June 30 date immediately
11 preceding the July 31 reporting date.

12 SECTION 4. AMENDATORY 25 O.S. 2001, Section 304, as
13 amended by Section 1, Chapter 142, O.S.L. 2007 (25 O.S. Supp. 2009,
14 Section 304), is amended to read as follows:

15 Section 304. As used in the Oklahoma Open Meeting Act:

16 1. "Public body" means the governing bodies of all
17 municipalities located within this state, boards of county
18 commissioners of the counties in this state, boards of public and
19 higher education in this state and all boards, bureaus, commissions,
20 agencies, trusteeships, authorities, councils, committees, public
21 trusts or any entity created by a public trust, including any
22 committee or subcommittee composed of any of the members of a public
23 trust or other legal entity receiving funds from the Rural Economic
24 Action Plan Fund as authorized by Section 2007 of Title 62 of the

1 Oklahoma Statutes, task forces or study groups in this state
2 supported in whole or in part by public funds or entrusted with the
3 expending of public funds, or administering public property, and
4 shall include all committees or subcommittees of any public body.
5 Public body shall not include the state judiciary, the Council on
6 Judicial Complaints when conducting, discussing, or deliberating any
7 matter relating to a complaint received or filed with the Council,
8 the Legislature, or administrative staffs of public bodies,
9 including, but not limited to, faculty meetings and athletic staff
10 meetings of institutions of higher education when those staffs are
11 not meeting with the public body, or entry-year assistance
12 committees. Furthermore, public body shall not include the
13 multidisciplinary team provided for in subsection C of Section 1-
14 502.2 of Title 63 of the Oklahoma Statutes or any school board
15 meeting for the sole purpose of considering recommendations of a
16 multidisciplinary team and deciding the placement of any child who
17 is the subject of the recommendations. Furthermore, public body
18 shall not include meetings conducted by stewards designated by the
19 Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title
20 3A of the Oklahoma Statutes when the stewards are officiating at
21 races or otherwise enforcing rules of the Commission;

22 2. "Meeting" means the conduct of business of a public body by
23 a majority of its members being personally together or, as
24 authorized by Section 307.1 of this title, together pursuant to a

1 videoconference. Meeting shall not include informal gatherings of a
2 majority of the members of the public body when no business of the
3 public body is discussed;

4 3. "Regularly scheduled meeting" means a meeting at which the
5 regular business of the public body is conducted;

6 4. "Special meeting" means any meeting of a public body other
7 than a regularly scheduled meeting or emergency meeting;

8 5. "Emergency meeting" means any meeting called for the purpose
9 of dealing with an emergency. For purposes of the Oklahoma Open
10 Meeting Act, an emergency is defined as a situation involving injury
11 to persons or injury and damage to public or personal property or
12 immediate financial loss when the time requirements for public
13 notice of a special meeting would make such procedure impractical
14 and increase the likelihood of injury or damage or immediate
15 financial loss;

16 6. "Continued or reconvened meeting" means a meeting which is
17 assembled for the purpose of finishing business appearing on an
18 agenda of a previous meeting. For the purposes of the Oklahoma Open
19 Meeting Act, only matters on the agenda of the previous meeting at
20 which the announcement of the continuance is made may be discussed
21 at a continued or reconvened meeting; and

22 7. "Videoconference" means a conference among members of a
23 public body remote from one another who are linked by interactive
24 telecommunication devices permitting both visual and auditory

1 communication between and among members of the public body and
2 members of the public. During any videoconference both the visual
3 and auditory communications functions of the device shall be
4 utilized. Whenever the term "teleconference" appears in any law in
5 relation to a meeting of a public body, it shall be deemed to mean a
6 videoconference as defined in this paragraph.

7 SECTION 5. This act shall become effective July 1, 2010.

8 SECTION 6. 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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