

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 1151

By: Barrington

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5
6 AS INTRODUCED

7 An Act relating to state government; amending Section
8 1, Chapter 41, 2nd Extraordinary Session, O.S.L. 2006
9 (62 O.S. Supp. 2008, Section 48), which relates to
10 the Oklahoma Opportunity Fund; qualifying
11 participants; authorizing certain grants; providing
12 administrative support; and declaring an emergency.

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

14 SECTION 1. AMENDATORY Section 1, Chapter 41, 2nd
15 Extraordinary Session, O.S.L. 2006 (62 O.S. Supp. 2008, Section 48),
16 is amended to read as follows:

17 Section 48. A. There is hereby created in the State Treasury a
18 revolving fund for the Oklahoma Department of Commerce to be
19 designated the "Oklahoma Opportunity Fund". The fund shall be a
20 continuing fund, not subject to fiscal year limitations and shall
21 consist of:

22 1. All monies apportioned or allocated to the fund pursuant to
23 law;

24 2. Any amounts appropriated by the Legislature to the fund;

1 3. Interest earned on the investment of money in the fund; and

2 4. Gifts, grants, and other donations received for the fund.

3 B. All monies accruing to the credit of the fund are hereby
4 appropriated and may be budgeted and expended by the Governor for
5 the purposes of economic development and related infrastructure
6 development, subject to the unanimous approval of the Contingency
7 Review Board pursuant to subsection E of this section. Expenditures
8 from the fund shall be made upon warrants issued by the State
9 Treasurer against claims filed as prescribed by law with the
10 Director of State Finance for approval and payment.

11 C. Expenditures from the Oklahoma Opportunity Fund shall be
12 proposed by the Director of the Oklahoma Department of Commerce.
13 The Director of the Oklahoma Department of Commerce shall only
14 propose expenditures that the Director determines are expected to
15 result in a substantial economic benefit to the state through any of
16 the following:

17 1. The creation of new jobs which offer a basic health benefit
18 plan, as defined in the Oklahoma Quality Jobs Program Act;

19 2. The maintenance of existing jobs which are at risk for
20 termination;

21 3. Investment in new real property, plant or equipment or in
22 the improvement or retooling of existing plant or equipment; or

23 4. Additional revenues in either ad valorem, income or sales
24 and use taxes.

1 D. The Oklahoma Department of Commerce shall develop rules for
2 the process of reviewing proposed expenditures from the Oklahoma
3 Opportunity Fund and for determination of whether or not proposed
4 expenditures meet the criteria identified in subsection C of this
5 section. Criteria shall include requirements for economic impact,
6 local participation in the project and average wage thresholds.

7 E. No expenditure shall be made from the Oklahoma Opportunity
8 Fund unless such expenditure has been unanimously approved by the
9 Contingency Review Board.

10 F. The Oklahoma Department of Commerce shall administer the
11 Oklahoma Opportunity Fund. The Governor may, on behalf of this
12 state and with the express approval of the Contingency Review Board,
13 award monies by entering into a written agreement.

14 G. Before awarding any monies pursuant to subsection F of this
15 section, the Governor shall enter into a written agreement with the
16 entity to be awarded the money specifying that:

17 1. If any or all of the amount to be awarded is used to build a
18 capital improvement:

19 a. the state retains a lien or other interest in the
20 capital improvement in proportion to the amount
21 awarded by the written agreement for the capital
22 improvement, and

23 b. if the capital improvement is sold, the recipient of
24 the award shall:

1 (1) repay to the state the money awarded to pay for
2 the capital improvement, with interest at the
3 rate and according to the other terms provided by
4 the agreement, and

5 (2) share with the state a proportionate amount of
6 any profit realized from the sale; and

7 2. If, as of the date certain provided in the agreement, the
8 award recipient has not used monies awarded under this section for
9 the intended purposes, the recipient shall repay that amount and any
10 related interest to the state at the agreed rate and on the agreed
11 terms.

12 H. The Legislature finds that for profit entities, nonprofit
13 entities and state and local governmental entities that qualify for
14 funding pursuant to the provisions of this section are a source of
15 economic benefits for the state, its political subdivisions and its
16 residents that can only be achieved through the use of specialized
17 economic incentives. All expenditures from the Oklahoma Opportunity
18 Fund shall be deemed to be in furtherance of essential governmental
19 functions for public purposes as a method of promoting and
20 sustaining economic growth and activity within the State of
21 Oklahoma.

22 I. Local communities, including Oklahoma City, Midwest City,
23 Enid, Altus, Lawton, McAlester, and other qualified political
24 subdivisions, as defined in subparagraph 3, Section 5062.32 of Title

1 74 of the Oklahoma Statutes, may apply to the State of Oklahoma for
2 matching grants under the Oklahoma Opportunity Fund for the purpose
3 of improving transportation, communication, education, housing,
4 utilities, security infrastructure, capital projects, and fixed
5 assets owned by a municipality or school district.

6 The Oklahoma Opportunity Fund will provide a fifty percent (50%)
7 matching grant for eligible projects funded by a local sales tax or
8 property tax election approved by the local community, or an
9 eligible federal grant that requires a significant local match. The
10 Department of Commerce shall provide administrative support to the
11 program and give priority to the use of Oklahoma Opportunity Fund
12 monies to the military incentive capital projects and grants
13 pursuant to Section 5062.30 et seq. of Title 74 of the Oklahoma
14 Statutes.

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

20 52-1-538 MRB 3/6/2009 1:58:45 AM