

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2463

By: Adair

AS INTRODUCED

An Act relating to counties; amending 19 O.S. 1991, Sections 901.60 and 901.61, which relate to authority of the State Department of Agriculture to sell firefighting equipment to rural fire departments and to administer rural fire protection program; authorizing the Department to acquire excess supplies or obsolete fire control or fire rescue equipment or other property for support and operation of fire departments and districts; authorizing persons to donate certain equipment; providing for liability of person donating the equipment; providing exceptions; providing for liability of the State Department of Agriculture; defining term; deleting certain authorization of the Department; removing obsolete language; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 901.60, is amended to read as follows:

Section 901.60 A. The State Department of Agriculture is authorized to sell firefighting equipment or fire rescue equipment

to rural fire departments cooperating with the State Department of Agriculture in fire control under the terms of written cooperative agreements.

B. All proceeds derived from the sale of firefighting equipment by the State Department of Agriculture pursuant to the provisions of this act shall be deposited with the State Treasurer to be credited to the Rural Fire Defense Equipment Revolving Fund.

C. The Department is authorized to acquire excess, surplus or obsolete firefighting equipment or fire rescue equipment or other excess, surplus or obsolete property for the support and operation of fire departments and fire districts.

D. 1. A person may donate used or obsolete firefighting equipment or fire rescue equipment or other property to rural fire departments or fire districts and the Department for the use or the distribution to rural fire departments and fire districts.

2. A person is not liable in civil damages for personal injury or property damage resulting from a defect in equipment donated in good faith to the rural fire departments, fire districts or the Department by the person pursuant to this subsection unless the person's act or omission proximately causing the claim, damage or loss constitutes malice, gross negligence, recklessness or intentional misconduct.

3. The Department, the Commission or other officers and employees of the Department are not liable in civil damages for personal injury or property damage resulting from a defect in equipment sold, loaned or otherwise made available to rural fire departments or fire districts in good faith by the Department pursuant to this subsection, unless the act or omission of the Department, the Commission, officers or employees of the Department proximately causing the claim, damage or loss constitutes malice, gross negligence, recklessness or intentional misconduct.

4. The provisions of this subsection shall not abrogate the right of action to recover damages for injuries resulting in death.

5. For purposes of this section, "firefighting equipment" or "fire rescue equipment" includes vehicles, firefighting tools, protective gear, breathing apparatus and other supplies and tools used in firefighting or fire rescue.

6. A breathing apparatus that is donated to a rural fire department, fire district or the Department shall be recertified to manufacturer's specifications by a technician certified by the manufacturer before it is made available to a rural fire department or fire district.

E. The State Department of Agriculture shall promulgate such rules ~~and regulations~~ pursuant to the Administrative Procedures Act and is authorized to require from the rural fire departments such information, forms and reports as are necessary for properly and efficiently administering this section and Section 4 901.58 of this act title.

SECTION 2. AMENDATORY 19 O.S. 1991, Section 901.61, is amended to read as follows:

Section 901.61 A. The State Department of Agriculture is hereby directed to administer a rural fire protection program ~~and is hereby authorized to acquire federal excess property for the support and operation of fire departments and fire districts.~~

B. For the purpose of coordination of improved rural fire protection, rural fire protection coordination districts are hereby created to consist of the following counties:

District 1, composed of Washington, Nowata, Craig, Ottawa, Mayes, Delaware and Rogers Counties.

District 2, composed of Wagoner, Cherokee, Adair, Sequoyah, Muskogee, Okmulgee and McIntosh Counties.

District 3, composed of Pittsburg, Haskell, LeFlore, Pushmataha, Latimer, McCurtain and Choctaw Counties.

District 4, composed of Garvin, Pontotoc, Coal, Atoka, Johnston, Murray, Carter, Love, Marshall and Bryan Counties.

District 5, composed of Lincoln, Okfuskee, Hughes, Seminole, Pottawatomie, Payne, Creek and Pawnee Counties.

District 6, composed of Osage and Tulsa Counties.

District 7, composed of Alfalfa, Grant, Kay, Noble, Garfield, Major, Blaine and Kingfisher Counties.

District 8, composed of Canadian, Oklahoma, Cleveland and Logan Counties.

District 9, composed of Caddo, Comanche, Cotton, Grady, Jefferson, McClain, Stephens and Tillman Counties.

District 10, composed of Roger Mills, Custer, Washita, Beckham, Greer, Kiowa, Jackson and Harmon Counties.

District 11, composed of Cimarron, Texas, Beaver, Harper, Woods, Ellis, Woodward and Dewey Counties.

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

46-2-8975

KSM