

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1520

By: Dorman of the House

and

Schulz and Barrington of
the Senate

8
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to agriculture; creating the Oklahoma
11 Controlled Burn Indemnity Fund; providing for
12 administration; stating purpose; providing procedures
13 for participation; authorizing Oklahoma Conservation
14 Commission to take certain actions; providing
15 procedures for claims; providing for payment under
16 certain circumstances; establishing certain
17 limitations; providing for reimbursement of certain
18 funds; authorizing investigation; creating the
19 Incident Command Site Task Force; providing for
20 membership; providing for appointment of cochairs;
21 providing for travel reimbursement; providing for
22 administrative support; providing for duties;
23 requiring certain report; providing for certain
24 persons to develop a unified command protocol
training program for firefighters; specifying
training content and procedures; providing for
maintenance of firefighter training records;
providing exception; creating the Firefighter
Training Revolving Fund; providing for revenues;
providing for use of fund; providing for
expenditures; providing for codification; and
providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 16-28.3 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 A. There is hereby created within the Oklahoma Conservation
5 Commission, the "Oklahoma Controlled Burn Indemnity Fund".

6 B. The Oklahoma Conservation Commission shall administer the
7 Oklahoma Controlled Burn Indemnity Fund. The Indemnity Fund shall
8 be established for the benefit of landowners who perform controlled
9 burns. The Indemnity Fund shall compensate landowners for losses
10 incurred from a fire that spreads beyond the control of the burner,
11 except for losses covered by insurance.

12 C. In order to participate in the Indemnity Fund, the landowner
13 shall:

14 1. Work with the local conservation district office and the
15 Natural Resources Conservation Service of the United States
16 Department of Agriculture to develop a controlled burn plan based on
17 the United States Department of Agriculture Natural Resources
18 Conservation Service guidelines; and

19 2. At the time of filing the completed plan, provide payment of
20 One Hundred Dollars (\$100.00) to the Conservation Commission.

21 D. The Conservation Commission shall have authority to invest
22 the assessments. All proceeds of the investment shall be placed in
23 the Indemnity Fund. Fifty Thousand Dollars (\$50,000.00) from the
24 interest income for each year on the total proceeds in the Indemnity

1 Fund shall be paid to the Conservation Commission annually for the
2 development of controlled burn plans and for administration of the
3 Indemnity Fund. The balance of the accrued interest each year shall
4 remain a part of the Indemnity Fund.

5 E. When a loss is incurred, the landowner shall present a claim
6 to the Conservation Commission. To verify the claim, the landowner
7 shall present any evidence required by the Conservation Commission
8 including, but not limited to, evidence that the landowner strictly
9 adhered to the plan provided for in subsection C of this section.
10 All landowner claim payments shall be made by the Conservation
11 Commission from the Indemnity Fund as soon as practicable and not
12 later than one (1) year following the date of claim. The price per
13 acre of land shall be established on the day of the loss and shall
14 be for the full market value on that day.

15 F. If there is an insufficient amount of funds in the Indemnity
16 Fund to cover all claims for a certain year, payments shall be made
17 on a pro rata basis up to one hundred percent (100%) of the total
18 loss of each landowner. If payment is not received in the amount of
19 one hundred percent (100%) of total loss for a certain year, then
20 additional amounts shall be paid as funds become available in
21 succeeding years until repayment of one hundred percent (100%) of
22 total loss is attained. If, at any time, a landowner receives
23 payment totaling more than one hundred percent (100%) of total loss,
24 the excess payment shall be returned to the Indemnity Fund within

1 thirty (30) days. Upon final payment of a claim to a landowner from
2 the Indemnity Fund, the landowner shall subrogate the interest to
3 the Conservation Commission in a cause of action against any and all
4 parties, to the amount of loss that the producer was reimbursed by
5 the Indemnity Fund.

6 G. The landowner shall, within sixty (60) days of the date of
7 loss, present the claim to the Conservation Commission. Landowners
8 may submit a written request to the Conservation Commission for a
9 sixty-day extension of the filing period, if the landowner can show
10 that the landowner was not provided notification and reasonable time
11 to file a claim. If the claim of loss is not presented within the
12 time and in the manner required, the claim shall be forever barred
13 and the landowner shall forfeit all rights to remuneration or
14 payment.

15 H. If state funds are appropriated to the Indemnity Fund, the
16 Conservation Commission shall establish the rules and procedures
17 necessary to ensure that the General Revenue Fund shall be
18 reimbursed from the assessments in an amount equal to the total
19 appropriation made to the Indemnity Fund. The reimbursement shall
20 be made in a timely manner, provided the intents and purposes of
21 this section to compensate landowners for losses incurred shall not
22 be adversely affected.

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1 I. The monies deposited in the Indemnity Fund shall at no time
2 become part of the general budget of any state board, commission, or
3 agency, except the Conservation Commission.

4 J. The Executive Director of the Conservation Commission shall
5 investigate all potential civil action claims against persons for
6 recovery of any losses paid by the Indemnity Fund.

7 K. No provision of this section shall preclude any landowner
8 from conducting a lawful burn without participating in the Oklahoma
9 Controlled Burn Indemnity Fund.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 325.2 of Title 74, unless there
12 is created a duplication in numbering, reads as follows:

13 A. There is hereby created, to continue until September 1,
14 2008, the "Incident Command Site Task Force".

15 B. The Task Force shall consist of fifteen (15) members:

16 1. Three members shall be appointed by the Governor as follows:

17 a. one member from the Oklahoma Office of Homeland
18 Security,

19 b. one member from the Oklahoma State Firefighters
20 Association, and

21 c. one member who is a rural fire coordinator with
22 incident command experience;

23 2. Two members shall be appointed by the Speaker of the
24 Oklahoma House of Representatives as follows:

- 1 a. one member who is a firefighter with the rank of
- 2 officer from a rural area, and
- 3 b. one member of the Oklahoma House of Representatives;
- 4 3. Two members shall be appointed by the President Pro Tempore
- 5 of the State Senate as follows:
- 6 a. one member who is a firefighter with the rank of
- 7 officer from an urban area, and
- 8 b. one member of the State Senate;
- 9 4. The State Fire Marshal, or a designee;
- 10 5. The State Director of the Oklahoma Department of Career and
- 11 Technology Education, or a designee;
- 12 6. The Director of Oklahoma State University Fire Service
- 13 Training, or a designee;
- 14 7. The Chair of the Oklahoma Council on Firefighter Training,
- 15 or a designee;
- 16 8. The Commissioner of the Oklahoma Department of Agriculture,
- 17 Food, and Forestry, or a designee;
- 18 9. The Director of the Oklahoma Department of Emergency
- 19 Management, or a designee;
- 20 10. The Commissioner of Public Safety, or a designee; and
- 21 11. The Director of the International Fire Service Training
- 22 Association, or a designee.
- 23 C. The appointed member from the Oklahoma House of
- 24 Representatives and the appointed member from the State Senate shall

1 | serve as cochairs of the Task Force. The cochairs shall convene the
2 | first meeting of the Task Force. The members of the Task Force
3 | shall elect any other officers during the first meeting and upon a
4 | vacancy in any office. The Task Force shall meet as often as
5 | necessary.

6 | D. Appointments to the Task Force shall be made by August 1,
7 | 2007.

8 | E. A majority of the members of the Task Force shall constitute
9 | a quorum. A majority of the members present at a meeting may act
10 | for the Task Force.

11 | F. Nonlegislative members of the Task Force shall be reimbursed
12 | by their respective agencies for necessary travel expenses incurred
13 | in the performance of duties pursuant to the provisions of the State
14 | Travel Reimbursement Act. Legislative members of the Task Force
15 | shall be reimbursed for necessary travel expenses incurred in the
16 | performance of duties in accordance with the provisions of Section
17 | 456 of Title 74 of the Oklahoma Statutes.

18 | G. Administrative support for the Task Force including, but not
19 | limited to, personnel necessary to ensure the proper performance of
20 | the duties and responsibilities of the Task Force shall be provided
21 | by the Office of the State Fire Marshal to be supplemented, if
22 | necessary, by the state agencies involved in the Task Force.

23 | H. The Task Force shall study and make recommendations of
24 | appropriate incident command systems including, but not limited to,

1 unified command for managing multidiscipline and multijurisdictional
2 fire incidents occurring in this state. Recommendations shall be
3 consistent with the National Incident Management System (NIMS).

4 I. The Task Force shall publish a report of findings and
5 recommendations by September 1, 2008, including recommendations for
6 any resulting legislation.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 325.3 of Title 74, unless there
9 is created a duplication in numbering, reads as follows:

10 A. Oklahoma State University Fire Service Training in
11 conjunction with the Oklahoma Office of Homeland Security shall
12 develop a program to educate firefighters on a unified command
13 protocol for fire incidents occurring in this state. This program
14 shall be offered statewide by Oklahoma State University Fire Service
15 Training. Methods of training may include, but are not limited to:

- 16 1. Live classroom sessions with approved instructors;
- 17 2. Live exercises and drills with approved instructors;
- 18 3. Interactive television;
- 19 4. Independent study; and
- 20 5. Web-based methods.

21 B. The training program shall be in compliance with the
22 National Incident Management System (NIMS) and shall include
23 provisions consistent with the National Fire Protection Association
24 training courses.

1 C. The program shall have curriculum and training materials
2 that are consistently utilized by all training providers at all
3 training locations.

4 D. Subject to funding, these programs shall be offered at
5 facilities approved by Oklahoma State University Fire Service
6 Training and shall include, but not be limited to, other
7 institutions of higher education, Oklahoma Department of Career and
8 Technology Education facilities, local fire departments and other
9 qualified entities.

10 E. All firefighter training records for this state shall be
11 maintained by Oklahoma State University Fire Service Training and
12 shall be made available to the Oklahoma Council on Firefighter
13 Training as requested. The provisions of this subsection shall not
14 apply to state and federal wild land fire agencies.

15 SECTION 4. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 325.4 of Title 74, unless there
17 is created a duplication in numbering, reads as follows:

18 There is hereby created in the State Treasury a revolving fund
19 for the Office of the State Fire Marshal to be designated the
20 "Firefighter Training Revolving Fund". The fund shall be a
21 continuing fund, not subject to fiscal year limitations, and shall
22 consist of monies received by the Office of the State Fire Marshal
23 from the General Revenue Fund or any source pursuant to the
24 provisions of any law or agreement. All monies accruing to the

1 credit of the fund are hereby appropriated and may be budgeted and
2 expended by the Office of the State Fire Marshal for payment of the
3 firefighter training programs through Oklahoma State University Fire
4 Service Training. Expenditures from the fund shall be made upon
5 warrants issued by the State Treasurer against claims filed as
6 prescribed by law with the Director of State Finance for approval
7 and payment.

8 SECTION 5. This act shall become effective November 1, 2007.

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