

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1918, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Fields

Fields-QD-FS-Req#3333
2/17/2014 4:39 PM

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1918

By: Fields of the Senate

and

Hickman of the House

6
7
8
9 FLOOR SUBSTITUTE

10 [counties and county officers - Rural Fire
11 Protection Program Fund Act - modifying requirements
12 - modifying definition - the Oklahoma Department of
13 Agriculture, Food, and Forestry - effective date]

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

15 SECTION 1. AMENDATORY 19 O.S. 2011, Section 901.56, is
16 amended to read as follows:

17 Section 901.56. A. The provisions of this section shall become
18 effective when funds are made available for such purpose. ~~Upon the~~
19 ~~availability of such funds, the State Department of Agriculture~~
20 ~~shall notify the coordinator of such available funds.~~

21 B. For the purposes of this section "coordinator" means the
22 rural fire coordinator ~~in~~ for each rural fire protection
23 coordination district as defined in Section 901.61 of this title.
24

1 ~~C. Upon notification of the State Department of Agriculture~~
2 ~~pursuant~~ Pursuant to subsection A of this section on or before the
3 last day of June of each year that funds are available for such
4 purpose, the ~~district~~ coordinators shall consider and determine the
5 relative needs of participants for monies in the Rural Fire
6 Protection Program Fund. Participants shall include incorporated
7 cities under ten thousand (10,000) population according to the
8 latest Federal Decennial Census, towns, and legally formed rural
9 fire departments. Based upon the information available ~~to him~~, the
10 coordinator shall certify to the Commissioner of Agriculture the
11 names of the incorporated cities, towns, and legally formed rural
12 fire departments which ~~he~~ the coordinator determines are in need of
13 financial assistance from the Rural Fire Protection Program and the
14 amount required by each in accordance with the provisions of this
15 section. In making this determination and certification, the
16 coordinator shall consider the intent and purpose of the Rural Fire
17 Protection Program Fund Act. No incorporated city, town or legally
18 formed rural fire department shall receive monies distributed from
19 the Rural Fire Protection Program Fund merely for the purpose of
20 accumulation when such monies are not required to accomplish the
21 purposes of this section.

22 ~~D. C.~~ C. In making such determination of needs, the coordinator
23 shall first determine that each fire department to be certified has
24 been duly formed under the appropriate state statutes.

1 ~~E.~~ D. On or before the last day of August of each year, the
2 ~~State~~ Oklahoma Department of Agriculture, Food and Forestry shall
3 distribute the monies in the Rural Fire Protection Program Fund in
4 the manner provided by law.

5 ~~F.~~ E. Any amount so distributed from the Rural Fire Protection
6 Program Fund to any eligible participant shall be expended only for
7 the maintenance of its fire department, the purchase, construction,
8 maintenance, repair and operation of its fire stations, fire
9 apparatus and equipment, the purchase, rental, installation or
10 maintenance of fire hydrants, the payment of insurance premiums upon
11 fire stations, fire apparatus and equipment, and insurance premiums
12 for injuries or death of fire fighters, as otherwise provided by
13 law. Provided, however, that no monies shall be expended from the
14 fund for any purpose relating to the water supply systems of any
15 participant, nor for the improvement or construction of such systems
16 nor for any other appurtenances relating to the distribution or use
17 of such water supply system. Monies so distributed from the Rural
18 Fire Protection Program Fund to any eligible participant may also be
19 expended, in an amount not to exceed ten percent (10%) of the
20 allocated funds or the sum of One Thousand Dollars (\$1,000.00) in
21 the aggregate during any period of one (1) year, whichever is
22 larger, for the expense of any fire fighters attending a certified
23 fire school.

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1 ~~G.~~ F. No amount so distributed from the Rural Fire Protection
2 Program Fund to any eligible participant shall be expended or
3 obligated for the purchase of land or the construction of buildings
4 for fire stations unless all obligations previously incurred for
5 such purposes and to be paid from monies distributed from the Rural
6 Fire Protection Program Fund by such eligible participant have been
7 fully paid and satisfied. No monies from the fund shall be expended
8 or obligated for the construction of buildings for fire stations
9 unless the participant proposing to expend or obligate monies
10 distributed from the Rural Fire Protection Program Fund for that
11 purpose holds fee simple title, not encumbered by any lien, or holds
12 a lease for a period of not less than ten (10) years, with
13 provisions for renewal of the lease annually, to the land on which
14 it proposes to construct any such building. Provided, however, that
15 this provision shall not prohibit construction or location of a fire
16 station on land donated in whole or part to the participant for the
17 purpose, and use of Rural Fire Protection Program Fund monies for
18 such construction or location, where the donor has reserved right or
19 reversion of such land under stated conditions, if such use be
20 appropriate and reasonable.

21 ~~H.~~ G. Amounts so distributed from the Rural Fire Protection
22 Program Fund to any eligible participant shall be expended under the
23 direction of the chief of the fire department upon duly executed
24 vouchers approved as required by law. In no event shall any such

1 monies to be expended for any purpose which does not relate to the
2 permitted purposes specifically stated in this section.

3 SECTION 2. AMENDATORY 19 O.S. 2011, Section 901.57, is
4 amended to read as follows:

5 Section 901.57. A. When funds are made available for such
6 purpose, the ~~State~~ Oklahoma Department of Agriculture, Food and
7 Forestry shall administer grants from any monies which may be
8 available for the purpose of the improvement of fire protection in
9 rural areas of the State of Oklahoma, to the end that the hazard of
10 loss by fire and fire insurance rates may be reduced and the public
11 safety thereby promoted. Any such monies shall be distributed in
12 the manner provided by law.

13 B. The ~~State~~ Oklahoma Department of Agriculture, Food and
14 Forestry is authorized to allocate such monies obtained pursuant to
15 subsection A of this section to eligible entities on a matching
16 basis and such matching requirements may be fulfilled either in cash
17 or in-kind. In addition, the ~~State Department of Agriculture~~ is
18 authorized to establish preferential matching requirements for
19 eligible entities which have Insurance Service Organization rates of
20 ten (10) or which have other critical circumstances and needs which
21 are determined by the ~~State Department of Agriculture~~ to justify
22 preferential matching requirements.

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1 C. 1. ~~The State Department of Agriculture shall in writing~~
2 ~~notify the rural fire protection coordination districts of any~~
3 ~~available grant monies by August 1st of each year.~~

4 ~~2.~~ Each rural fire protection coordination district desiring to
5 obtain such grant monies for improvement of fire protection within
6 such district shall submit such request to the Department, in such
7 form and in such manner as required by the Department, by September
8 ~~17~~ of each year.

9 ~~3.~~ 2. The Forestry Division shall submit the final list of
10 grantees and their approved amounts prior to the October meeting of
11 the State Board of Agriculture for consideration.

12 ~~4.~~ 3. By October 1 of each year, the Department shall make a
13 determination on the allocation of such monies to the rural fire
14 protection coordination districts.

15 ~~5.~~ 4. Upon approval, the Forestry Division shall distribute the
16 forms required by law to all grantees to certify the grant. The
17 prescribed form must be signed by the grantee and returned to the
18 Forestry Division before the grant becomes official.

19 ~~6.~~ 5. Expenditures made prior to the date of the grant award
20 shall not be considered for reimbursement.

21 ~~7.~~ 6. Fire departments shall submit copies of paid invoices,
22 canceled checks or other proof of purchase, attached to the
23 prescribed form when requesting reimbursement. No more than three
24 (3) partial payment requests are permitted.

1 ~~8.~~ 7. Fire departments shall keep complete and accurate records
2 of grant expenditures and make this information available to the
3 ~~Forestry Division or the~~ coordinators on request.

4 ~~9.~~ 8. Approved claims shall be submitted by the Forestry
5 Division for payment. Checks shall be sent promptly to the fire
6 department's contact person when received.

7 ~~10.~~ 9. The coordinators shall closely track the progress of all
8 grantees in the assigned district to assure their completion by June
9 30. As of April 1, an assessment shall be made to determine the
10 amount of grant funds which remain unobligated in each district, and
11 therefore available to make additional grants within that district.
12 The coordinators shall use the original prioritized list of grant
13 applications to make additional grants, and submit a list of
14 additional grantees and amounts ~~to the Forestry Division~~ for
15 processing through the April meeting of the Board of Agriculture for
16 approval. These grants are still subject to the June 30 cutoff for
17 obligating grant funds. The same procedures will be used as for the
18 first round of grants.

19 ~~11.~~ 10. Follow-up compliance audits shall be performed by the
20 ~~coordinators and the Forestry Division of the State~~ Oklahoma
21 Department of Agriculture, Food and Forestry. Fire departments are
22 required to cooperate fully during the audit.

23 D. In determining the amount of grant monies to be awarded to a
24 rural fire protection coordination district pursuant to the

1 provisions of this section, such district shall be eligible to
2 receive an amount resulting from computing the number of fire
3 departments with service area populations of less than ten thousand
4 (10,000) persons in a rural fire protection coordination district
5 divided by the total number of fire departments with service area
6 populations of less than ten thousand (10,000) persons in this state
7 multiplied by the total amount of the grant monies available to
8 rural fire protection coordination districts in the state.

9 E. In addition to any other criteria established by the ~~State~~
10 Oklahoma Department of Agriculture, Food and Forestry for receipt of
11 grant monies for rural fire protection coordination districts, the
12 ~~State Department of Agriculture~~, pursuant to the Administrative
13 Procedures Act, Article I, Sections 250.3 through 308.2 and Article
14 II, Sections 309 through 323 of Title 75 of the Oklahoma Statutes,
15 shall establish criteria to rate and prioritize applications for
16 funding such requests of the rural fire protection coordination
17 districts. Such criteria shall include, but not be limited to,
18 consideration for: number of residents, businesses and square miles
19 to be protected; fire runs per calendar year; annual sales and
20 property tax collection; use of volunteers; written fire plan or
21 standard operating procedures plan; fundraising; training;
22 compliance with legal requirements; and workers' compensation and
23 vehicle liability insurance coverage.

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1 SECTION 3. AMENDATORY 19 O.S. 2011, Section 901.61, as
2 amended by Section 1, Chapter 29, O.S.L. 2013 (19 O.S. Supp. 2013,
3 Section 901.61), is amended to read as follows:

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

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

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

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

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

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

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

21 District 6, composed of Creek, Osage and Tulsa Counties.

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

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

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

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

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

9 C. After June 30, 2015, the Oklahoma Department of Agriculture,
10 Food and Forestry may modify the rural fire protection coordination
11 districts provided for in subsection B of this section. The
12 Department may modify the total number of rural fire protection
13 coordination districts and the counties comprising such districts.

14 D. The Department shall create a position of rural fire
15 coordinator for each Rural Fire Protection Coordination District.

16 SECTION 4. This act shall become effective November 1, 2014.

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