

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1569

By: Biggs

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5
6 AS INTRODUCED

7 An Act relating to fire protection; amending 19 O.S.
8 2011, Sections 901.56, 901.57, 901.58, as amended by
9 Section 72, Chapter 304, O.S.L. 2012 (19 O.S. Supp.
10 2014, Section 901.58), 901.59, 901.60, 901.61, as
11 amended by Section 1, Chapter 29, O.S.L. 2013 (19
12 O.S. Supp. 2014, Section 901.61), which relate to the
13 Rural Fire Protection Program Fund Act; stating
14 effectiveness; updating references; modifying
15 requirements of coordinators examining certain
16 financial assistance applications; providing deadline
17 coordinator shall certify certain participants;
18 requiring certain financial assistance not expended
19 to be returned; updating language; deleting
20 requirement regarding how financial assistance is
21 expended; requiring certain electronic transfer of
22 funds; updating references; specifying grants to be
23 administered; updating language; providing city
24 population limit for eligible participants; defining
term; updating language and references; requiring
electronic transfer of certain funds; updating
references; and providing an effective date.

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

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

23 Section 901.56 A. The provisions of this section shall become
24 effective when funds are made available ~~for such purpose~~ to the

1 Rural Fire Protection Program Fund for distribution of financial
2 assistance to eligible participants as defined by the section. ~~Upon~~
3 ~~the availability of such funds, the State~~ The Oklahoma Department of
4 Agriculture, Food, and Forestry shall notify ~~the coordinator of such~~
5 ~~available funds~~ coordinators when financial assistance is available.

6 B. For the purposes of this section "coordinator" ~~means~~ shall
7 mean the rural fire coordinator in each rural fire protection
8 coordination district as defined in Section 901.61 of this title.

9 C. Upon notification of the ~~State Department of Agriculture~~
10 that financial assistance is available pursuant to subsection A of
11 this section ~~on or before the last day of June of each year that~~
12 ~~funds are available for such purpose, the district~~ coordinators
13 shall ~~consider and~~ determine the relative needs of participants for
14 ~~monies in the Rural Fire Protection Program Fund,~~ financial
15 assistance. ~~Participants~~ Coordinators shall examine each
16 participant applying for financial assistance and certify that
17 eligible participants include only incorporated cities under ten
18 thousand (10,000) population according to the latest Federal
19 Decennial Census, towns, and ~~legally formed~~ rural fire departments
20 formed legally and maintained under applicable state law. ~~Based~~
21 ~~upon the information available to him~~ On or before the last day of
22 June during a year in which financial assistance is available, the
23 coordinator shall certify to the Commissioner of Agriculture the
24 names of ~~the incorporated cities, towns, and legally formed rural~~

1 ~~fire departments~~ participants which ~~he determines~~ are in need of and
2 eligible for financial assistance from the Rural Fire Protection
3 Program, and the amount of financial assistance required by each in
4 accordance with the provisions of this section. In making this
5 determination and certification, the coordinator shall consider the
6 intent and purpose of the Rural Fire Protection Program Fund Act.
7 No incorporated city, town or legally formed rural fire department
8 shall receive monies distributed from the Rural Fire Protection
9 Program Fund merely for the purpose of accumulation when such monies
10 are not required to accomplish the purposes of this section.

11 D. In making such determination of needs, the coordinator No
12 participant shall first determine that each fire department to be
13 certified has been duly formed under the appropriate state statutes
14 receive financial assistance merely for the purpose of accumulation.
15 Any financial assistance not expended by the participant on or
16 before the last day of April following the grant of financial
17 assistance shall be returned to the Department for redistribution to
18 other participants in need of financial assistance.

19 E. On or before the last day of August of each year financial
20 assistance is available, the ~~State Department of Agriculture~~ shall
21 distribute ~~the monies in the Rural Fire Protection Program Fund~~
22 financial assistance in the manner provided by ~~law~~ this section.
23
24

1 F. Any ~~amount so~~ financial assistance distributed ~~from the~~
2 ~~Rural Fire Protection Program Fund~~ to any eligible participant shall
3 be expended only for ~~the maintenance of its fire department, the:~~

4 1. The purchase, construction, maintenance, repair and
5 operation of ~~its~~ fire stations, ~~;~~

6 2. The purchase, maintenance, and repair of fire apparatus and
7 equipment, ~~the;~~

8 3. The purchase, rental, installation, or maintenance of fire
9 hydrants, ~~the;~~

10 4. The payment of insurance premiums upon fire stations, fire
11 apparatus, and equipment, ~~;~~ and

12 5. The payment of insurance premiums for injuries or death of
13 ~~fire fighters, as otherwise provided by law~~ firefighters.

14 Provided, however, that no ~~monies~~ financial assistance shall be
15 expended ~~from the fund~~ for any purpose relating to the water supply
16 systems of any participant, nor for the improvement or construction
17 of such systems nor for any other appurtenances relating to the
18 distribution or use of such water supply system. ~~Monies so~~
19 Financial assistance distributed ~~from the Rural Fire Protection~~
20 ~~Program Fund~~ to any eligible participant may also be expended, in an
21 amount not to exceed ten percent (10%) of the allocated funds or the
22 sum of One Thousand Dollars (\$1,000.00) in the aggregate during any
23 period of one (1) year, whichever is larger, for the expense of any
24 ~~fire fighters~~ firefighters attending a certified fire school.

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

23 H. ~~Amounts so~~ Financial assistance distributed ~~from the Rural~~
24 ~~Fire Protection Program Fund~~ to any eligible participant shall be

1 expended under the direction of the chief of the fire department
2 ~~upon duly executed vouchers approved as required by law. In no~~
3 ~~event Financial assistance shall any such monies to be expended for~~
4 ~~any purpose which does not relate to the permitted only be~~
5 ~~distributed for the purposes specifically stated in permitted by~~
6 this section.

7 I. Financial assistance shall be distributed from the
8 Department to participants by electronic transfer of funds as
9 required by state law.

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

12 Section 901.57 A. When funds are made available for such
13 purpose, the ~~State~~ Oklahoma Department of Agriculture, Food, and
14 Forestry shall administer matching grants ~~from any monies which may~~
15 ~~be available~~ for the purpose of the ~~improvement of~~ improving fire
16 protection in rural areas of the State of Oklahoma, ~~to the end that~~
17 mitigating the hazard of loss by fire ~~and,~~ reducing fire insurance
18 rates ~~may be reduced,~~ and the promoting public safety ~~thereby~~
19 ~~promoted. Any such monies shall be distributed in the manner~~
20 ~~provided by law.~~

21 B. The State Department ~~of Agriculture is authorized to~~ shall
22 allocate ~~such monies~~ funds obtained pursuant to subsection A of this
23 section to eligible ~~entities~~ participants on a matching basis and
24 such matching requirements may be fulfilled by either in cash or in-

1 kind contributions from the participant. Eligible participants
2 include only incorporated cities under ten thousand (10,000)
3 population according to the latest Federal Decennial Census, towns,
4 and rural fire departments formed legally and maintained under
5 applicable state law. In addition, the ~~State Department of~~
6 ~~Agriculture~~ is authorized to establish preferential matching
7 requirements for eligible ~~entities~~ participants which have Insurance
8 Service Organization rates of ten (10) or ~~which~~ have other critical
9 circumstances and needs which ~~are determined by the State Department~~
10 ~~of Agriculture to~~ justify preferential matching requirements as
11 determined by the Department.

12 C. For the purposes of this section "coordinator" shall mean
13 the rural fire coordinator in each rural fire protection
14 coordination district as defined in Section 901.61 of this title.

15 D. 1. The ~~State Department of Agriculture~~ shall ~~in writing~~
16 notify the ~~rural fire protection coordination districts~~ coordinator
17 of any available grant monies by August 1st of each year.

18 2. Each ~~rural fire protection coordination district~~ coordinator
19 desiring to obtain ~~such grant monies for~~ matching grants for
20 eligible participants and the improvement of fire protection within
21 ~~such a rural fire protection coordination~~ district shall submit ~~such~~
22 a request to the Department, in such the form and in such manner as
23 required by the Department, by September 1, of each year.
24

1 3. The Forestry Services Division of the Department shall
2 submit the final list of ~~grantees~~ eligible participants and ~~their~~
3 approved amounts ~~prior~~ of matching grants to ~~the October meeting of~~
4 the State Board of Agriculture for consideration prior to October 1
5 of each year.

6 4. By October 1 of each year, the Department shall ~~make a~~
7 ~~determination on~~ approve the allocation of ~~such monies~~ matching
8 grants to ~~the rural fire protection coordination districts~~
9 participants.

10 5. Upon approval by the State Board of Agriculture, the
11 Forestry Services Division shall distribute the prescribed forms
12 ~~required by law~~ awarding matching grants to all ~~grantees to certify~~
13 participants for the purpose of certifying the grant. The
14 prescribed form ~~must~~ shall be signed by the ~~grantee~~ participant and
15 returned to the Forestry Services Division before the matching grant
16 ~~becomes official~~ is awarded.

17 6. Expenditures made by the participant prior to the date of
18 the matching grant award shall not be ~~considered~~ eligible for
19 reimbursement.

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

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

5 9. ~~Approved claims shall be submitted by the Forestry Division~~
6 ~~for payment. Checks shall be sent promptly to the fire department's~~
7 ~~contact person when received~~ Upon receipt and approval of the
8 prescribed form requesting reimbursement and supporting
9 documentation from participants, the Forestry Services Division
10 shall electronically transfer matching grant funds to participants.

11 10. ~~The coordinators~~ Each coordinator shall ~~closely~~ track the
12 progress of all ~~grantees~~ participants ~~in the assigned district~~ to
13 ~~assure their~~ ensure the completion by June 30. As of April 1, each
14 coordinator shall make an assessment ~~shall be made~~ to determine the
15 amount of matching grant funds which remain unobligated in each
16 rural fire protection coordination district, and therefore available
17 to make additional matching grants within that district. ~~The~~
18 ~~coordinators~~ Each coordinator shall use the original prioritized
19 list of matching grant applications to make additional matching
20 grants, and submit a list of additional ~~grantees~~ participants and
21 amounts to the Forestry Services Division for processing through the
22 ~~April~~ earliest available meeting of the State Board of Agriculture
23 for approval. ~~These~~ Additional matching grants are still subject to
24

1 the June 30 cutoff for obligating grant funds. The same procedures
2 ~~will~~ shall be used as for the first round of matching grants.

3 11. Follow-up compliance audits shall be performed by ~~the~~
4 ~~coordinators~~ each coordinator and the Forestry Services Division ~~of~~
5 ~~the State Department of Agriculture.~~ ~~Fire departments are required~~
6 ~~to cooperate.~~ Participants shall fully cooperate during the audit.

7 ~~D. In determining the amount of grant monies to be awarded to a~~

8 E. Each rural fire protection coordination district ~~pursuant to~~
9 ~~the provisions of this section, such district~~ shall be eligible to
10 receive ~~an~~ a funding amount resulting from computing the number of
11 fire departments with service area populations of less than ten
12 thousand (10,000) persons ~~in a~~ within the rural fire protection
13 coordination district divided by the total number of fire
14 departments with service area populations of less than ten thousand
15 (10,000) persons ~~in this state~~ within the State of Oklahoma
16 multiplied by the total amount of the matching grant monies
17 available to rural fire protection coordination districts ~~in the~~
18 ~~state.~~

19 ~~E. F.~~ F. In addition to any other criteria established by the
20 ~~State Department of Agriculture for receipt~~ distribution of matching
21 grant ~~monies for~~ funds to rural fire protection coordination
22 districts, the ~~State Department of Agriculture,~~ pursuant to the
23 Administrative Procedures Act, Article I, Sections 250.3 through
24 308.2 and Article II, Sections 309 through 323 of Title 75 of the

1 Oklahoma Statutes, shall establish criteria to rate and prioritize
2 applications for ~~funding such requests of the~~ matching grants within
3 rural fire protection coordination districts. Such criteria shall
4 include, but not be limited to, consideration for: number of
5 residents, businesses and square miles to be protected; fire runs
6 per calendar year; annual sales and property tax collection; use of
7 volunteers; written fire plan or standard operating procedures plan;
8 fundraising; training; compliance with legal requirements; and
9 workers' compensation and vehicle liability insurance coverage.

10 SECTION 3. AMENDATORY 19 O.S. 2011, Section 901.58, as
11 amended by Section 72, Chapter 304, O.S.L. 2012 (19 O.S. Supp. 2014,
12 Section 901.58), is amended to read as follows:

13 Section 901.58 There is hereby created in the State Treasury a
14 revolving fund for the ~~State~~ Oklahoma Department of Agriculture,
15 Food, and Forestry, to be designated the "Rural Fire Defense
16 Equipment Revolving Fund". The fund shall be a continuing fund, not
17 subject to fiscal year limitations, and shall consist of all monies
18 received by the State Department of Agriculture from any monies
19 received from appropriations, deposits made pursuant to the
20 provisions of this act, proceeds resulting from the sale of
21 equipment purchased out of monies in the fund, and such other monies
22 specifically designated by law. All monies accruing to the credit
23 of said fund are hereby appropriated and may be budgeted and
24 expended by the Oklahoma Department of Agriculture, Food, and

1 Forestry for the purpose of purchasing new firefighting equipment
2 for purchase by rural fire departments and such other purposes
3 specifically designated by law. Expenditures from said fund shall
4 be made upon warrants issued by the State Treasurer against claims
5 filed as prescribed by law with the Director of the Office of
6 Management and Enterprise Services for approval and payment.

7 SECTION 4. AMENDATORY 19 O.S. 2011, Section 901.59, is
8 amended to read as follows:

9 Section 901.59 A. The ~~State~~ Oklahoma Department of
10 Agriculture, Food, and Forestry is hereby authorized to use the
11 Rural Fire Defense Equipment Revolving Fund to purchase new
12 firefighting equipment for purchase by rural fire departments.

13 B. The State Department of Agriculture is hereby authorized to
14 acquire space for storing firefighting equipment while not in
15 possession of a fire department and to pay the necessary costs
16 thereof from the Rural Fire Defense Equipment Revolving Fund as
17 funds become available.

18 SECTION 5. AMENDATORY 19 O.S. 2011, Section 901.60, is
19 amended to read as follows:

20 Section 901.60 A. The ~~State~~ Oklahoma Department of
21 Agriculture, Food, and Forestry is authorized to sell firefighting
22 equipment to rural fire departments cooperating with the State
23 Department of Agriculture in fire control under the terms of written
24 cooperative agreements.

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

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

10 SECTION 6. AMENDATORY 19 O.S. 2011, Section 901.61, as
11 amended by Section 1, Chapter 29, O.S.L. 2013 (19 O.S. Supp. 2014,
12 Section 901.61), is amended to read as follows:

13 Section 901.61 A. The ~~State~~ Oklahoma Department of
14 Agriculture, Food, and Forestry is hereby directed to administer a
15 rural fire protection program and is hereby authorized to acquire
16 federal excess property for the support and operation of rural fire
17 departments and rural fire protection coordination districts.

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

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

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

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

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

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

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

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

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

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

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

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

18 SECTION 7. This act shall become effective November 1, 2015.

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20 55-1-5147 AMM 01/16/15
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