

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 3819

By: Sims

COMMITTEE SUBSTITUTE

An Act relating to rural hazard mitigation funding; enacting the Oklahoma Disaster Mitigation and Recovery Matching Fund Act; making appropriation to the Oklahoma Disaster Mitigation and Recovery Matching Fund; stating amount; stating purposes; imposing restrictions related to matching for federal funds; providing for administration for fund; creating accounts; providing for subaccounts; authorizing use of funds for certain unincorporated areas; authorizing use of funds for benefit of certain municipalities; prohibiting certain funds transfers; prohibiting use of funds for payment of administrative expenses; prescribing procedures for certain entities to obtain funds; providing immunity from certain liability; requiring development of plans; defining term; identifying certain qualifying hazards; requiring expenditure summary; providing matching funds not required to obtain funding; providing expenditure of funds in furtherance of essential state government functions; providing for noncodification; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be  
codified in the Oklahoma Statutes reads as follows:

1        This act shall be known and may be cited as the "Oklahoma  
2 Disaster Mitigation and Recovery Matching Fund Act".

3        SECTION 2. There is hereby appropriated to the Oklahoma  
4 Disaster Mitigation and Recovery Matching Fund from any monies not  
5 otherwise appropriated from the General Revenue Fund of the State  
6 Treasury for the fiscal year ending June 30, 2023, the sum of Five  
7 Million Dollars (\$5,000,000.00) or so much thereof as may be  
8 necessary to perform the duties imposed upon the Oklahoma Department  
9 of Commerce by law.

10        SECTION 3.        NEW LAW        A new section of law to be codified  
11 in the Oklahoma Statutes as Section 2021 of Title 62, unless there  
12 is created a duplication in numbering, reads as follows:

13        A. There is hereby established a fund within the State Treasury  
14 to be known as the Oklahoma Disaster Mitigation and Recovery  
15 Matching Fund, to be administered by the Oklahoma Department of  
16 Commerce. The fund shall be a continuing fund not subject to fiscal  
17 year limitations. Within the Oklahoma Disaster Mitigation and  
18 Recovery Matching Fund there shall be established separate accounts  
19 as prescribed by Section 4 of this act into which shall be deposited  
20 such funds as may be provided by law.

21        B. One of nine accounts shall be available to each entity  
22 described in subsection A of Section 4 of this act.

23        C. One account shall be divided equally into two subaccounts.  
24 One of the two subaccounts shall be available to each of the

1 entities described by subsection B of Section 4 of this act for  
2 distribution to any city or town within the respective jurisdiction  
3 of the entity or for the benefit of an unincorporated area.

4 D. No funds deposited into one account or subaccount shall be  
5 transferred to any other account. No entity may access any more  
6 than one account per fiscal year and the total expenditure from any  
7 one account for each fiscal year may not exceed the amount of funds  
8 available to each account as may be provided by law.

9 E. No monies in the Oklahoma Disaster Mitigation and Recovery  
10 Matching Fund shall be used for the payment of administrative  
11 expenses, salaries, or any other continuing obligation of the  
12 Oklahoma Department of Commerce.

13 SECTION 4. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 2022 of Title 62, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. A voluntary association of Oklahoma local governmental  
17 jurisdictions or another legal entity, including a public trust or a  
18 nonprofit corporation or other entity which performs functions for  
19 the benefit of or which exists for the primary benefit of Oklahoma  
20 local governmental jurisdictions and which is not described in  
21 subsection B of this section, shall be eligible to obtain funding  
22 for rural hazard mitigation projects as authorized by Section 5 of  
23 this act.  
24

1       B. A voluntary association of Oklahoma local governmental  
2 jurisdictions containing at least one municipality with a population  
3 in excess of three hundred fifty thousand (350,000) persons  
4 according to the latest Federal Decennial Census, shall be eligible  
5 to obtain funding as authorized by Section 5 of this act.

6       C. The entities described in subsection A or B of this section  
7 and which are eligible for any funds authorized by Section 5 of this  
8 act may make expenditures on behalf of any city or town using funds  
9 deposited to the Oklahoma Disaster Mitigation and Recovery Matching  
10 Fund created by Section 3 of this act.

11       D. An organization described in subsection A or B of this  
12 section shall be authorized to make payment of funds obtained  
13 pursuant to Section 5 of this act directly to a county if the funds  
14 are used for the benefit of an unincorporated area located within  
15 the county to which payment is made. After the county has provided  
16 a request to an organization described in subsection A or B of this  
17 section for funds to benefit an unincorporated area of the county,  
18 together with a statement that the county has conducted a review of  
19 the needs of unincorporated areas located within the county and that  
20 the funding requested is consistent with the evaluation of  
21 priorities for funds by the county, the funds requested may be paid  
22 to the county. Any funds paid to a county pursuant to the  
23 provisions of this subsection shall be expended by the county  
24

1 exclusively for the purpose identified in the request and as  
2 required by the provisions of this act.

3 E. No county to which funds are paid pursuant to the provisions  
4 of subsection D of this section shall be liable to any person or  
5 other legal entity for damages arising out of any condition, act,  
6 omission, or other cause alleged to have arisen as a result of a  
7 project upon which funds expended pursuant to the authority of  
8 subsection D of this section were paid to the county.

9 SECTION 5. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 2023 of Title 62, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. The governing board of an entity described by subsection A  
13 or B of Section 4 of this act shall develop a plan for the use of  
14 available funds for providing matching amounts as required pursuant  
15 to the terms of applicable federal law to obtain federal funds for  
16 the prevention of damage or to repair damages caused by a qualifying  
17 hazard within areas included within its respective jurisdiction.  
18 For purposes of this act, "qualifying hazard" shall include, but  
19 shall not be limited to, potential damage or actual damages caused  
20 by any one or more of the following conditions or causes:

- 21 1. High winds;
- 22 2. Tornadoes;
- 23 3. Hail;
- 24 4. Rain;

1        5.    Flooding;

2        6.    Freezing rain or ice;

3        7.    Heavy snow;

4        8.    Wildfires;

5        9.    Seismic disturbances; or

6        10.   Other hazardous condition whether naturally occurring or  
7 resulting from manmade conditions having the potential to cause or  
8 having actually caused damage to public infrastructure assets and  
9 for which federal funds may be available pursuant to a declaration  
10 of a disaster by the Governor or pursuant to terms of federal law.

11        B.   Not later than July 31, each entity described by Section 4  
12 of this act shall transmit, in such electronic form as may be  
13 prescribed by the Oklahoma Department of Commerce for purposes of  
14 access to such information on the website maintained by the  
15 Department, a summary of each project upon which matching funds  
16 received by the entity from the Oklahoma Disaster Mitigation and  
17 Recovery Matching Fund were expended during the fiscal year ending  
18 on the June 30 date immediately preceding the July 31 reporting  
19 date.

20        C.   No entity which qualifies for funds pursuant to the  
21 provisions of this act shall be required to provide matching funds  
22 or to provide equivalent value in order to obtain available funds or  
23 funds for planning expenditures from the Oklahoma Disaster  
24 Mitigation and Recovery Matching Fund.

1 D. No funds allocated pursuant to the provisions of the  
2 Oklahoma Disaster Mitigation and Recovery Matching Fund Act shall be  
3 used for any purpose other than to provide matching funds, available  
4 through the federal government or other sources as authorized by  
5 law, to maximize and leverage such available funding and the funds  
6 allocated pursuant to the provisions of this act shall not be used  
7 for any direct expenditures on salaries, employee benefits,  
8 acquisition of real or personal property, other than the available  
9 funding for which the allocated funds may be utilized, or any other  
10 purpose.

11 SECTION 6. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 2024 of Title 62, unless there  
13 is created a duplication in numbering, reads as follows:

14 The expenditures from the Oklahoma Disaster Mitigation and  
15 Recovery Matching Fund and other expenditures governed by this act,  
16 if made in accordance with the requirements of this act, shall be  
17 construed as an expenditure of public funds in furtherance of  
18 governmental functions and for the purpose of conferring general and  
19 uniform benefits resulting from the expenditures upon the residents  
20 and other legal entities located in areas subject to the  
21 jurisdiction of the entities described in subsection A or B of  
22 Section 4 of this act.

23 SECTION 7. This act shall become effective July 1, 2022.  
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SECTION 8. It being immediately necessary for the preservation of the public peace, health or 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.

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