

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3819

By: Sims of the House

and

Rader of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to rural hazard mitigation funding;
12 enacting the Oklahoma Disaster Mitigation and
13 Recovery Matching Fund Act; making appropriation to
14 the Oklahoma Disaster Mitigation and Recovery
15 Matching Fund; stating amount; stating purposes;
16 imposing restrictions related to matching for federal
17 funds; providing for administration for fund;
18 creating accounts; providing for subaccounts;
19 authorizing use of funds for certain unincorporated
20 areas; authorizing use of funds for benefit of
21 certain municipalities; prohibiting certain funds
22 transfers; prohibiting use of funds for payment of
23 administrative expenses; prescribing procedures for
24 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.

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

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

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

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

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

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

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

3 C. One account shall be divided equally into two subaccounts.
4 One of the two subaccounts shall be available to each of the
5 entities described by subsection B of Section 4 of this act for
6 distribution to any city or town within the respective jurisdiction
7 of the entity or for the benefit of an unincorporated area.

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

13 E. No monies in the Oklahoma Disaster Mitigation and Recovery
14 Matching Fund shall be used for the payment of administrative
15 expenses, salaries, or any other continuing obligation of the
16 Oklahoma Department of Commerce.

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

20 A. A voluntary association of Oklahoma local governmental
21 jurisdictions or another legal entity, including a public trust or a
22 nonprofit corporation or other entity which performs functions for
23 the benefit of or which exists for the primary benefit of Oklahoma
24 local governmental jurisdictions and which is not described in

1 subsection B of this section, shall be eligible to obtain funding
2 for rural hazard mitigation projects as authorized by Section 5 of
3 this act.

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

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

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

1 to the county. Any funds paid to a county pursuant to the
2 provisions of this subsection shall be expended by the county
3 exclusively for the purpose identified in the request and as
4 required by the provisions of this act.

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

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

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

- 23 1. High winds;
- 24 2. Tornadoes;

1 3. Hail;

2 4. Rain;

3 5. Flooding;

4 6. Freezing rain or ice;

5 7. Heavy snow;

6 8. Wildfires;

7 9. Seismic disturbances; or

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

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

22 C. No entity which qualifies for funds pursuant to the
23 provisions of this act shall be required to provide matching funds
24 or to provide equivalent value in order to obtain available funds or

1 funds for planning expenditures from the Oklahoma Disaster
2 Mitigation and Recovery Matching Fund.

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

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

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

1 SECTION 7. This act shall become effective July 1, 2022.

2 SECTION 8. It being immediately necessary for the preservation
3 of the public peace, health or safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

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7 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
8 dated 03/02/2022 - DO PASS, As Amended and Coauthored.
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