

1 **SENATE FLOOR VERSION**

2 April 13, 2022

3 ENGROSSED HOUSE
4 BILL NO. 3819

By: Sims of the House

and

Rader of the Senate

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8 [rural hazard mitigation funding - enacting the
9 Oklahoma Disaster Mitigation and Recovery Matching
10 Fund Act - making appropriation to the Oklahoma
Disaster Mitigation and Recovery Matching Fund -
effective date -

emergency]

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

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

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

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

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

4 A. There is hereby established a fund within the State Treasury
5 to be known as the Oklahoma Disaster Mitigation and Recovery
6 Matching Fund, to be administered by the Oklahoma Department of
7 Commerce. The fund shall be a continuing fund not subject to fiscal
8 year limitations. Within the Oklahoma Disaster Mitigation and
9 Recovery Matching Fund there shall be established separate accounts
10 as prescribed by Section 4 of this act into which shall be deposited
11 such funds as may be provided by law.

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

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

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

1 E. No monies in the Oklahoma Disaster Mitigation and Recovery
2 Matching Fund shall be used for the payment of administrative
3 expenses, salaries, or any other continuing obligation of the
4 Oklahoma Department of Commerce.

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

8 A. A voluntary association of Oklahoma local governmental
9 jurisdictions or another legal entity, including a public trust or a
10 nonprofit corporation or other entity which performs functions for
11 the benefit of or which exists for the primary benefit of Oklahoma
12 local governmental jurisdictions and which is not described in
13 subsection B of this section, shall be eligible to obtain funding
14 for rural hazard mitigation projects as authorized by Section 5 of
15 this act.

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

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

3 D. An organization described in subsection A or B of this
4 section shall be authorized to make payment of funds obtained
5 pursuant to Section 5 of this act directly to a county if the funds
6 are used for the benefit of an unincorporated area located within
7 the county to which payment is made. After the county has provided
8 a request to an organization described in subsection A or B of this
9 section for funds to benefit an unincorporated area of the county,
10 together with a statement that the county has conducted a review of
11 the needs of unincorporated areas located within the county and that
12 the funding requested is consistent with the evaluation of
13 priorities for funds by the county, the funds requested may be paid
14 to the county. Any funds paid to a county pursuant to the
15 provisions of this subsection shall be expended by the county
16 exclusively for the purpose identified in the request and as
17 required by the provisions of this act.

18 E. No county to which funds are paid pursuant to the provisions
19 of subsection D of this section shall be liable to any person or
20 other legal entity for damages arising out of any condition, act,
21 omission, or other cause alleged to have arisen as a result of a
22 project upon which funds expended pursuant to the authority of
23 subsection D of this section were paid to the county.

1 SECTION 5. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 2023 of Title 62, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The governing board of an entity described by subsection A
5 or B of Section 4 of this act shall develop a plan for the use of
6 available funds for providing matching amounts as required pursuant
7 to the terms of applicable federal law to obtain federal funds for
8 the prevention of damage or to repair damages caused by a qualifying
9 hazard within areas included within its respective jurisdiction.

10 For purposes of this act, "qualifying hazard" shall include, but
11 shall not be limited to, potential damage or actual damages caused
12 by any one or more of the following conditions or causes:

13 1. High winds;

14 2. Tornadoes;

15 3. Hail;

16 4. Rain;

17 5. Flooding;

18 6. Freezing rain or ice;

19 7. Heavy snow;

20 8. Wildfires;

21 9. Seismic disturbances; or

22 10. Other hazardous condition, whether naturally occurring or
23 resulting from manmade conditions, having the potential to cause or
24 having actually caused damage to public infrastructure assets and

1 for which federal funds may be available pursuant to a declaration
2 of a disaster by the Governor or pursuant to terms of federal law.

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

12 C. No entity which qualifies for funds pursuant to the
13 provisions of this act shall be required to provide matching funds
14 or to provide equivalent value in order to obtain available funds or
15 funds for planning expenditures from the Oklahoma Disaster
16 Mitigation and Recovery Matching Fund.

17 D. No funds allocated pursuant to the provisions of the
18 Oklahoma Disaster Mitigation and Recovery Matching Fund Act shall be
19 used for any purpose other than to provide matching funds, available
20 through the federal government or other sources as authorized by
21 law, to maximize and leverage such available funding, and the funds
22 allocated pursuant to the provisions of this act shall not be used
23 for any direct expenditures on salaries, employee benefits,
24 acquisition of real or personal property, other than the available

1 funding for which the allocated funds may be utilized, or any other
2 purpose.

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

6 The expenditures from the Oklahoma Disaster Mitigation and
7 Recovery Matching Fund and other expenditures governed by this act,
8 if made in accordance with the requirements of this act, shall be
9 construed as an expenditure of public funds in furtherance of
10 governmental functions and for the purpose of conferring general and
11 uniform benefits resulting from the expenditures upon the residents
12 and other legal entities located in areas subject to the
13 jurisdiction of the entities described in subsection A or B of
14 Section 4 of this act.

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
21 April 13, 2022 - DO PASS
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