

1 ENGROSSED HOUSE
2 BILL NO. 1402

By: Pfeiffer of the House

and

Smalley of the Senate

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8 An Act relating to fire protection; amending 19 O.S.
9 2011, Sections 901.56, 901.57, 901.58, as amended by
10 Section 72, Chapter 304, O.S.L. 2012, 901.59, 901.60
11 and 901.61, as amended by Section 1, Chapter 29,
12 O.S.L. 2013 (19 O.S. Supp. 2014, Sections 901.58 and
13 901.61), which relate to the Rural Fire Protection
14 Program Fund Act; stating effectiveness; updating
15 references; modifying requirements of coordinators
16 examining certain financial assistance applications;
17 providing deadline by which coordinator shall certify
18 certain participants; updating language; deleting
19 requirement regarding how financial assistance is
20 expended; requiring certain electronic transfer of
21 funds; updating references; specifying grants to be
22 administered; updating language; providing city
23 population limit for eligible participants; defining
24 term; updating language and references; requiring
electronic transfer of certain funds; updating
references; and providing an effective date.

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

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

Section 901.56 A. The provisions of this section shall become
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 this section.
3 ~~Upon the availability of such funds, the State~~ The Oklahoma
4 Department of Agriculture, Food, and Forestry shall notify ~~the~~
5 ~~coordinator of such available funds~~ coordinators when financial
6 assistance is available.

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

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

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

12 D. ~~In making such determination of needs, the coordinator~~ No
13 participant shall first determine that each fire department to be
14 certified has been duly formed under the appropriate state statutes
15 receive financial assistance merely for the purpose of accumulation.

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

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

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

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

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

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

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

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

20 G. No ~~amount so distributed from the Rural Fire Protection~~
21 ~~Program Fund to any eligible participant~~ financial assistance shall
22 be expended or obligated for the purchase of land or the
23 construction of buildings for fire stations unless all previous
24 debts or obligations ~~previously incurred~~ for such purposes ~~and to be~~

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

18 H. ~~Amounts so~~ Financial assistance distributed ~~from the Rural~~
19 ~~Fire Protection Program Fund~~ to any eligible participant shall be
20 expended under the direction of the chief of the fire department
21 ~~upon duly executed vouchers approved as required by law. In no~~
22 ~~event~~ Financial assistance shall ~~any such monies to be expended for~~
23 ~~any purpose which does not relate to the permitted~~ only be
24

1 distributed for the purposes specifically stated in permitted by
2 this section.

3 I. Financial assistance shall be distributed from the
4 Department to participants by electronic transfer of funds as
5 required by state law.

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

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

17 B. The State Department of Agriculture is authorized to shall
18 allocate ~~such monies~~ funds obtained pursuant to subsection A of this
19 section to eligible ~~entities~~ participants on a matching basis and
20 such matching requirements may be fulfilled by either ~~in~~ cash or in-
21 kind contributions from the participant. Eligible participants
22 include only incorporated cities under ten thousand (10,000)
23 population according to the latest Federal Decennial Census, towns,
24 and rural fire departments formed legally and maintained under

1 applicable state law. In addition, the ~~State Department of~~
2 ~~Agriculture~~ is authorized to establish preferential matching
3 requirements for eligible ~~entities~~ participants which have Insurance
4 Service Organization rates of ten (10) or ~~which~~ have other critical
5 circumstances and needs which ~~are determined by the State Department~~
6 ~~of Agriculture to~~ justify preferential matching requirements as
7 determined by the Department.

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

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

14 2. Each ~~rural fire protection coordination district~~ coordinator
15 desiring to obtain ~~such grant monies~~ matching grants for eligible
16 participants and the improvement of fire protection within ~~such a~~
17 rural fire protection coordination district shall submit ~~such a~~
18 request to the Department, in ~~such~~ the form and ~~in such~~ manner ~~as~~
19 required by the Department, by September ~~17~~ of each year.

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

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

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

12 6. Expenditures made by the participant prior to the date of
13 the matching grant award shall not be ~~considered~~ eligible for
14 reimbursement.

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

20 8. ~~Fire departments~~ Participants shall keep complete and
21 accurate records of grant expenditures and make this information
22 available to the Forestry Services Division or the ~~coordinators~~
23 assigned coordinator on request.

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

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

22 11. Follow-up compliance audits shall be performed by ~~the~~
23 ~~coordinators~~ each coordinator and the Forestry Services Division ~~of~~

1 ~~the State Department of Agriculture. Fire departments are required~~
2 ~~to cooperate~~ Participants shall fully cooperate during the audit.

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

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

15 ~~E. F.~~ F. In addition to any other criteria established by the
16 ~~State Department of Agriculture~~ for ~~receipt~~ distribution of matching
17 grant ~~monies for~~ funds to rural fire protection coordination
18 districts, the ~~State Department of Agriculture~~, pursuant to the
19 Administrative Procedures Act, Article I, Sections 250.3 through
20 308.2 and Article II, Sections 309 through 323 of Title 75 of the
21 Oklahoma Statutes, shall establish criteria to rate and prioritize
22 applications for ~~funding such requests of the~~ matching grants within
23 rural fire protection coordination districts. Such criteria shall
24 include, but not be limited to, consideration for: number of

1 residents, businesses and square miles to be protected; fire runs
2 per calendar year; annual sales and property tax collection; use of
3 volunteers; written fire plan or standard operating procedures plan;
4 fundraising; training; compliance with legal requirements; and
5 workers' compensation and vehicle liability insurance coverage.

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

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

1 filed as prescribed by law with the Director of the Office of
2 Management and Enterprise Services for approval and payment.

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

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

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

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

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

21 B. All proceeds derived from the sale of firefighting equipment
22 by the ~~State~~ Department ~~of Agriculture~~ pursuant to the provisions of
23 this act shall be deposited with the State Treasurer to be credited
24 to the Rural Fire Defense Equipment Revolving Fund.

1 C. The ~~State Department of Agriculture~~ shall promulgate such
2 rules and regulations pursuant to the Administrative Procedures Act
3 and is authorized to require from the rural fire departments such
4 information, forms and reports as are necessary for properly and
5 efficiently administering this section and Section 4 901.58 of this
6 act title.

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

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

15 B. For the purpose of coordination of improved rural fire
16 protection, rural fire protection coordination districts are hereby
17 created to consist of the following counties:

18 District 1, composed of Washington, Nowata, Craig, Ottawa,
19 Mayes, Delaware and Rogers Counties.

20 District 2, composed of Wagoner, Cherokee, Adair, Sequoyah,
21 Muskogee, Okmulgee and McIntosh Counties.

22 District 3, composed of Pittsburg, Haskell, LeFlore, Pushmataha,
23 Latimer, McCurtain and Choctaw Counties.

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

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

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

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

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

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

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

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

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

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1 Passed the House of Representatives the 10th day of March, 2015.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2015.

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9 Presiding Officer of the Senate