

An Act

ENROLLED HOUSE
BILL NO. 3819

By: Sims of the House

and

Rader of the Senate

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.

SUBJECT: Rural hazard mitigation funding

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

E. No county to which funds are paid pursuant to the provisions of subsection D of this section shall be liable to any person or other legal entity for damages arising out of any condition, act, omission, or other cause alleged to have arisen as a result of a

project upon which funds expended pursuant to the authority of subsection D of this section were paid to the county.

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

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

1. High winds;
2. Tornadoes;
3. Hail;
4. Rain;
5. Flooding;
6. Freezing rain or ice;
7. Heavy snow;
8. Wildfires;
9. Seismic disturbances; or

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

B. Not later than July 31, each entity described by Section 4 of this act shall transmit, in such electronic form as may be prescribed by the Oklahoma Department of Commerce for purposes of access to such information on the website maintained by the

Department, a summary of each project upon which matching funds received by the entity from the Oklahoma Disaster Mitigation and Recovery Matching Fund were expended during the fiscal year ending on the June 30 date immediately preceding the July 31 reporting date.

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

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

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

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

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

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.

Passed the House of Representatives the 20th day of May, 2022.

Presiding Officer of the House
of Representatives

Passed the Senate the 25th day of April, 2022.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____