

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1841

By: Rice

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to flood hazard mitigation; amending
9 63 O.S. 1991, Sections 683.1, 683.2, 683.3, 683.4,
10 683.6, and 683.8, which relate to the Oklahoma Civil
11 Defense and Emergency Resources Management Act;
12 modifying short title; modifying purpose and
13 legislative intent; adding and modifying definitions;
14 modifying and adding to powers and duties of the
15 Director of the Department of Civil Defense; updating
16 language; modifying and adding to powers of the
17 Department of Civil Defense; clarifying and adding to
18 responsibility of the Governor; creating the Oklahoma
19 Flood Hazard Mitigation Program; specifying purpose;
20 defining terms; adding to powers and duties of the
21 Oklahoma Department of Civil Emergency Management;
22 providing process for grant or loan; requiring
23 prioritization; setting priorities; creating the
24 State Hazard Mitigation Team; providing membership
25 and duties; authorizing political subdivisions to
26 acquire real property for specific uses; providing
27 procedures; authorizing uses; expanding use of the
28 Statewide Water Development Revolving Fund;
29 establishing a Flood Hazard Mitigation Financial
30 Assistance Program; defining terms; creating the
31 Flood Hazard Mitigation Account; specifying purpose;
32 providing for uses, deposits and expenditures; adding
to powers and duties of the Oklahoma Water Resources
Board relating to flood mitigation funding; requiring
certain agreements; providing for codification;
providing an effective date; and declaring an
emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 683.1, is
amended to read as follows:

This act may be cited as the "Oklahoma Civil Defense and
Emergency Resources Management Act" ~~of 1967~~.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 683.2, is
amended to read as follows:

1 Section 683.2 A. Because of the existing and increasing
2 possibility of the occurrence of disasters of unprecedented size and
3 destructiveness resulting from enemy attack, sabotage, or other
4 hostile action, ~~or~~ from fire, flood, tornado, earthquake, or from
5 other causes, ~~and~~ in order to ~~insure~~ ensure that preparations of
6 this state will adequately deal with such disasters and emergencies,
7 ~~and~~ to generally provide for the common defense and to protect the
8 public peace, health, and safety, ~~and~~ to preserve the lives and
9 property of the people of this state, and to carry out the
10 objectives of state and national survival and recovery in the event
11 of enemy attack, it is hereby found and declared to be necessary to:

12 1. ~~To create a State~~ Create the Oklahoma Department of Civil
13 ~~Defense Agency, and to authorize~~ Emergency Management;

14 2. Authorize the creation of local organizations for civil
15 defense in the political subdivisions of ~~the~~ this state;

16 2. ~~To provide~~ 3. Provide for the formulation and execution of
17 a plan of emergency resources management;

18 3. ~~To confer~~ 4. Confer upon the Governor and upon the
19 executive heads or governing bodies of the political subdivisions of
20 the state the emergency powers provided ~~herein~~ by the Oklahoma Civil
21 Defense and Emergency Resources Management Act;

22 4. ~~To provide~~ 5. Provide for the rendering of mutual aid among
23 the political subdivisions of ~~the~~ this state and with other states
24 to cooperate with the federal government with respect to carrying
25 out civil defense and emergency resources management functions and
26 hazard mitigation; and

27 5. ~~To provide~~ 6. Provide sufficient organization to meet,
28 prevent or reduce emergencies in the general interest and welfare of
29 the public and ~~the~~ this state.

30 B. It is further declared to be the purpose of ~~this act~~ the
31 Oklahoma Civil Defense and Emergency Resources Management Act and
32 the policy of this state that all civil defense ~~and,~~ emergency

1 resources management and hazard mitigation functions of this state
2 be coordinated to the maximum extent with the comparable functions
3 of the federal government, including its various departments and
4 agencies, of other states and localities, and of private agencies of
5 every type, to the end that the most effective preparation and use
6 may be made of available ~~manpower~~ workforce, resources and
7 facilities for dealing with disaster and hazard mitigation.

8 SECTION 3. AMENDATORY 63 O.S. 1991, Section 683.3, is
9 amended to read as follows:

10 Section 683.3 As used ~~herein~~ in the Oklahoma Civil Defense and
11 Emergency Resources Management Act:

12 1. "Civil defense" ~~shall mean~~ means the preparation for and the
13 carrying out of all emergency functions, other than functions for
14 which the military services are primarily responsible, by organized
15 and trained volunteer civilian persons, who will extend existent
16 governmental functions and provide other necessary nongovernmental
17 functions, ~~as listed below~~, to prevent, minimize and repair injury
18 and damage resulting from enemy attack, sabotage, or other hostile
19 action, or disasters caused by fire, flood, tornado, earthquake, or
20 other causes developing to such an extent to cause an extreme
21 emergency situation to arise which by declaration of the Governor
22 jeopardizes the welfare of the citizens of this state. These
23 emergency functions include ~~without limitation~~, but are not limited
24 to, fire fighting services, police services, medical and health
25 services, rescue, engineering, air raid warning services,
26 communications, radiological, chemical and other special weapons of
27 defense, evacuations of persons from stricken areas, emergency
28 welfare services, (civilian war aid), emergency transportation,
29 existing or properly assigned functions of plant protection,
30 integration of industry emergency plans into civil defense plans,
31 assistance to private and public utility companies in the temporary
32 restoration of public utility services, and other functions related

1 to civilian protection, together with all other activities necessary
2 or incidental to the preparation for and carrying out of the
3 ~~foregoing~~ emergency functions-;

4 2. "Emergency Resources Management Plan" shall ~~mean~~ means that
5 plan which sets forth the organization, administration and functions
6 for the civil defense emergency resources management by the state
7 government of essential resources and economic stabilization within
8 the state. Such plan shall provide an emergency organization and
9 emergency administrative policies and procedures for the
10 conservation, allocation, distribution, and use of essential
11 resources available to the state following a civil defense emergency
12 such as an attack upon the United States. ~~The~~ The Emergency
13 Resources Management Plan shall be supplemental to the national plan
14 for emergency preparedness adopted by the President of the United
15 States, and shall become operative upon the establishment of a civil
16 defense emergency. To the extent that the federal government is
17 either incapable of or not prepared to conduct its emergency
18 resources management program, the state plan will substitute for and
19 replace the federal program until such time as the federal program
20 becomes effective in the state-;

21 3. "Civil defense ~~or disaster~~ emergency" ~~in Oklahoma~~ means any
22 state of emergency caused by enemy attack upon the United States or
23 a state of emergency declared by the President of the United States
24 or the Governor of Oklahoma upon the occurrence of an attack upon
25 the United States or when such attack is imminent or when an
26 emergency is caused by a disaster, ~~natural or manmade~~. A civil
27 defense ~~or disaster~~ emergency terminates upon declaration of the
28 Governor of Oklahoma or concurrent resolution of the Oklahoma
29 Legislature to such effect, or at the end of thirty (30) days if not
30 renewed by the Governor or the Legislature, with the following
31 exception: A proclamation of the Governor establishing a civil
32 defense emergency, when an enemy attack upon the United States is

1 imminent, shall not be issued on a legislative day when the Oklahoma
2 Legislature is in session without first being approved by concurrent
3 resolution of the Legislature. A proclamation of the Governor
4 terminating a civil defense emergency for an enemy attack upon the
5 United States shall not be issued during the time that the Oklahoma
6 Legislature is in session without first being approved by concurrent
7 resolution of the Legislature-;

8 4. "Emergency" means any occasion or instance for which, in the
9 determination of the President of the United States or the Governor
10 of the State of Oklahoma, federal or state assistance is needed to
11 supplement state and local efforts and capabilities to save lives
12 and to protect property and public health and safety, or to lessen
13 or avert threat of a catastrophe in any part of the State;

14 5. "Enemy attack" means an actual attack by a foreign nation by
15 hostile air raids, or other forms of warfare upon this state or any
16 other state or territory of the United States-;

17 5- 6. "Hazard mitigation" means any cost-effective measure
18 which will reduce or eliminate the effects of a natural disaster;

19 7. "Local organization for civil defense" ~~shall mean~~ means an
20 organization created in accordance with the provisions of ~~this act~~
21 the Oklahoma Civil Defense and Emergency Resources Management Act by
22 state or local authority to perform local civil defense functions-;

23 6- 8. "Mobile support units" ~~shall mean~~ means an organization
24 for civil defense created in accordance with the provisions of ~~this~~
25 ~~act~~ the Oklahoma Civil Defense and Emergency Resources Management
26 Act by state or local authority to be dispatched by the Governor to
27 supplement local organizations for civil defense in a stricken
28 area-;

29 7- 9. "Natural disaster" means any natural catastrophe,
30 including, but not limited to, a tornado, storm, high water, flood
31 waters, wind-driven water, earthquake, landslide, mudslide,
32 snowstorm, or drought which causes damage of sufficient severity and

1 magnitude to warrant hazard mitigation or the use of resources of
2 the federal government, the state and political subdivisions thereof
3 to alleviate the damage, loss, hardship or suffering caused thereby;
4 and

5 10. "Political subdivision" shall mean any county, city, town
6 or municipal corporation of the State of Oklahoma.

7 SECTION 4. AMENDATORY 63 O.S. 1991, Section 683.4, is
8 amended to read as follows:

9 Section 683.4 ~~(a) A.~~ There is hereby created ~~within the~~
10 ~~executive branch of the state government a Department of Civil~~
11 ~~Defense (herein called the "Civil Defense Agency") and a Director of~~
12 ~~Civil Defense (herein called the "Director") who shall be the head~~
13 ~~thereof. At such time as the Federal Emergency Management Agency~~
14 ~~changes the name of the Office of Civil Defense to the Office of~~
15 ~~Civil Emergency Management, the Department of Civil Defense of this~~
16 ~~state shall be renamed the Oklahoma Department of Civil Emergency~~
17 ~~Management. The Director shall be appointed by the Governor shall~~
18 ~~appoint a Director of the Department, with the advice and consent of~~
19 ~~the Senate, and the who shall be the head of the Department. The~~
20 ~~Governor shall fix the salary of the Director, in cooperation with~~
21 ~~standards promulgated by the Office of Personnel Management.~~

22 ~~(b) B.~~ The Director may employ such technical, clerical,
23 stenographic, and other personnel and fix their compensation in
24 cooperation with standards promulgated by the Office of Personnel
25 Management, and may make such expenditures within the appropriation
26 therefor, or from such other available funds ~~made available to him~~
27 ~~for purposes of civil defense,~~ as may be necessary to carry out the
28 purposes of ~~this act~~ the Oklahoma Civil Defense and Emergency
29 Resources Management Act and other programs specified by law.

30 ~~(c) C.~~ The Director and other personnel of the ~~Civil Defense~~
31 ~~Agency~~ Department shall be provided with appropriate office space,
32

1 furniture, equipment, supplies, stationery, and printing in the same
2 manner as provided for personnel of other state agencies.

3 ~~(d)~~ D. The Director, subject to the direction and control of
4 the Governor, shall be the executive head of the ~~Civil Defense~~
5 ~~Agency Department~~ and shall be:

6 1. Be responsible to the Governor for carrying out the ~~program~~
7 ~~for civil defense in this state. The Director shall coordinate~~
8 programs as required by law;

9 2. Coordinate the activities of all organizations for civil
10 defense within the state, ~~and shall maintain;~~

11 3. Maintain liaison with and cooperate with the civil defense
12 agencies and organizations of other states and of the federal
13 government;

14 4. Develop and maintain a comprehensive mitigation plan for
15 this state. Implement the Oklahoma Hazard Mitigation Program; and
16 ~~shall have~~

17 5. Have such additional authority, duties, and responsibilities
18 authorized by ~~this act~~ the Oklahoma Civil Defense and Emergency
19 Resources Management Act as may be prescribed by the Governor.

20 ~~(e)~~ E. The Director shall supervise the formulation, execution,
21 review and ~~immediate revision~~ revisions of the Emergency Resources
22 Management Plan as provided for by Section 683.2 of this title.
23 ~~Thereafter, the~~ The plan shall be reviewed annually and revised as
24 necessary.

25 SECTION 5. AMENDATORY 63 O.S. 1991, Section 683.6, is
26 amended to read as follows:

27 Section 683.6 A. There is hereby created a Civil Defense
28 Advisory Council ~~(hereinafter called the "Council") and the.~~ The
29 members of ~~this~~ the Council shall be composed of the Governor, who
30 shall serve as chair of the Council, and the following department
31 heads: ~~the Director(s)~~

32

1 1. The Director of ~~Civil Defense~~, the Oklahoma Department of
2 Civil Emergency Management;

3 2. The Commissioner of Public Safety, ~~the;~~

4 3. The Adjutant General, ~~the;~~

5 4. The Commissioner of Health, ~~the;~~

6 5. The President of the Board of Agriculture, ~~the;~~

7 6. The Director of the Department of ~~Public Welfare~~, Human
8 Services; and ~~the~~

9 7. The Director of the Department of Transportation, ~~;~~ and

10 8. The Director of the Oklahoma Water Resources Board, who
11 shall serve without additional compensation.

12 B. The Council shall advise the Governor and the Director on
13 all matters pertaining to civil defense. ~~The Governor shall serve~~
14 ~~as Chairman of the Council.~~

15 C. 1. There is hereby created the State Hazard Mitigation
16 Team, composed of the administrative heads of the following agencies
17 or their designees:

18 a. Oklahoma Department of Civil Emergency Management, who
19 shall serve as the Team Coordinator,

20 b. Oklahoma Water Resources Board,

21 c. Oklahoma Climatological Survey,

22 d. Oklahoma Conservation Commission,

23 e. Oklahoma Corporation Commission,

24 f. Oklahoma Department of Commerce,

25 g. Oklahoma Department of Environmental Quality,

26 h. Oklahoma Department of Human Services,

27 i. Oklahoma Department of Health,

28 j. Oklahoma Department of Transportation,

29 k. Oklahoma Department of Wildlife Conservation,

30 l. Oklahoma Historical Society, and

31 m. Oklahoma Insurance Commission.

1 2. Depending on the circumstances, the Team Coordinator may
2 request participation of the heads of any other state agencies as
3 deemed appropriate.

4 3. The Team Coordinator shall also request that a
5 representative of the United States Army Corps of Engineers be
6 appointed by the administrative head of the Tulsa District to
7 participate on the Team.

8 4. The State Hazard Mitigation Team will meet as determined by
9 the Team Coordinator to review and recommend updates to the State
10 Comprehensive Hazard Mitigation Plan, and shall have those
11 additional responsibilities as provided by the Team Coordinator,
12 including but not limited to the review and recommendation for loan
13 and grant application under the Oklahoma Flood Hazard Mitigation
14 Program.

15 SECTION 6. AMENDATORY 63 O.S. 1991, Section 683.8, is
16 amended to read as follows:

17 Section 683.8 ~~(a)~~ A. The Governor shall have general direction
18 and control of the Oklahoma Department of Civil Defense Agency
19 Emergency Management and shall be responsible for carrying out the
20 provisions of ~~this act and, in~~ the Oklahoma Civil Defense and
21 Emergency Resources Management Act. In the event of ~~disaster~~ a
22 civil defense emergency beyond local control, the Governor may
23 assume direct operational control over all or any part of the civil
24 defense ~~or emergency~~ functions within this state.

25 ~~(b)~~ B. The Governor shall have general direction and control of
26 the emergency resources management within the state and all
27 officers, boards, agencies, individual or groups established under
28 the Emergency Resources Management Plan. The Governor shall have
29 the authority ~~under this act~~ pursuant to the Oklahoma Civil Defense
30 and Emergency Resources Management Act to establish such offices,
31 boards, agencies, or positions as may be necessary to carry into
32 effect the Emergency Resources Management Plan.

1 ~~(c) In performing his duties under this act, the~~ C. The
2 Governor is authorized to cooperate with the federal government,
3 with other states, and with private agencies in all matters
4 pertaining to the civil defense of this state and of the nation and
5 the emergency management of resources.

6 ~~(d) In performing his duties under this act, and to~~ D. To
7 effect ~~its~~ the policy and purpose of the Oklahoma Civil Defense and
8 Emergency Resources Management Act, the Governor is further
9 authorized and empowered to:

10 ~~(1) To make~~ 1. Make, amend, and rescind the necessary orders,
11 and rules, ~~and regulations~~ to carry out the provisions of ~~this act~~
12 the Oklahoma Civil Defense and Emergency Resources Management Act
13 within the limits of authority conferred upon ~~him~~ the Governor
14 herein, with due consideration of the civil defense and emergency
15 resources management plans of the federal government.;

16 ~~(2) To cause~~ 2. Cause to be prepared now and from time to time
17 hereafter a comprehensive plan and program for civil defense and
18 emergency management of resources of this state, such plans and
19 programs to be integrated into and coordinated with the plans of the
20 federal government and of other states to the fullest possible
21 extent, and to coordinate the preparation of plans and programs for
22 civil defense and emergency resources management by the political
23 subdivisions of this state, such plans to be integrated into and
24 coordinated with the State Civil Defense and Emergency Resources
25 Management Plan to the fullest possible extent.;

26 ~~(3) In accordance with such plans and programs, to procure~~ 3.
27 Procure supplies and equipment in accordance with such plans and
28 programs, ~~to~~ institute training programs and public information
29 programs, ~~and to~~ take all other preparatory steps, including the
30 partial or full mobilization of civil defense organizations in
31 advance of actual disaster, and to insure ensure the furnishing of
32 adequately trained and equipped forces of civil defense personnel in

1 time of need, during periods of national emergency, or natural
2 disasters that might occur in this state, or which develop into
3 emergency situations-;:

4 ~~(4) To make~~ 4. Make such studies and surveys of the industries,
5 resources, and facilities of this state as may be necessary to
6 ascertain the capabilities of this state for civil defense and
7 emergency management of resources-;:

8 ~~(5) 5.~~ On behalf of this state, ~~to~~ enter into mutual aid
9 arrangements with other states and ~~to~~ coordinate mutual aid plans
10 between political subdivisions of this state-;:

11 ~~(6) To delegate~~ 6. Delegate any administrative authority vested
12 in ~~him under this act~~ the Governor pursuant to the Oklahoma Civil
13 Defense and Emergency Resources Management Act, and ~~to~~ provide for
14 subdelegation of any such authority-;:

15 ~~(7) To appoint~~ 7. Appoint, in cooperation with local
16 authorities, metropolitan area civil defense directors when
17 practicable-;:

18 ~~(8) To cooperate~~ 8. Cooperate with the President of the United
19 States and the heads of the Armed Forces, the ~~Civil Defense Agency~~
20 ~~of the United States, the national Office of Emergency Planning~~
21 Federal Emergency Management Agency, and other appropriate federal
22 officers and agencies, with the officers and agencies of other
23 states in matters pertaining to the emergency management of
24 resources of the state and nation and the civil defense of the state
25 and nation, including the direction and control of ~~(a)~~:-

26 a. blackouts and practice blackouts, air raid drills,
27 mobilization of civil defense forces, and other tests
28 and exercises-; ~~(b)~~,

29 b. warnings and signals for drills or attacks and the
30 mechanical devices to be used in connection therewith-;

31 ~~(c)~~,

1 c. the conduct of civilians and the movement of and
2 cessation of movement of pedestrians and vehicular
3 traffic during, prior and subsequent to drills or
4 attacks; ~~(d)~~ l

5 d. public meetings or gatherings; l and ~~(e)~~

6 e. the evacuation and reception of the civil population; i
7 and

8 ~~(9) To prescribe~~ 9. Prescribe uniform signals, warnings,
9 alerts, credentials and insignia.

10 E. In addition to prevention measures included in the state and
11 local comprehensive disaster management plans and programs for civil
12 defense and emergency management of resources, the Governor shall
13 consider on a continuing basis steps that could be taken to mitigate
14 the harmful consequences of emergencies and natural disasters. At
15 the Governor's direction and pursuant to any other authority
16 specified by law, state agencies, including but not limited to those
17 charged with responsibilities in connection with floodplain
18 management, stream encroachment and flow regulation, weather
19 modification, fire prevention and control, air quality, public
20 works, land use and land use planning, and construction standards,
21 shall make studies of matters related to potential to mitigate
22 emergency and natural disasters. The Governor, from time to time,
23 shall make such recommendations to the Legislature, to political
24 subdivisions and to other appropriate public and private entities as
25 may facilitate measures for mitigation of the harmful consequences
26 of emergencies and natural disasters.

27 SECTION 7. NEW LAW A new section of law to be codified
28 in the Oklahoma Statutes as Section 690.1 of Title 63, unless there
29 is created a duplication in numbering, reads as follows:

30 A. Sections 7 through 13 of this act shall be known and may be
31 cited as the "Oklahoma Flood Hazard Mitigation Program".
32

1 B. The purposes of the Oklahoma Flood Hazard Mitigation Program
2 are to provide:

3 1. An orderly and continuing means of assistance by the state
4 government to political subdivisions of this state in carrying out
5 their responsibilities to alleviate the suffering and damage that
6 result from flooding by:

7 a. providing state assistance programs for public losses
8 and needs sustained in flood disasters,

9 b. encouraging the development of comprehensive disaster
10 preparedness and assistance plans, programs,
11 capabilities, and organizations by the state and
12 political subdivisions,

13 c. achieving greater coordination and responsiveness of
14 flood disaster preparedness and relief programs, and

15 d. encouraging hazard mitigation measures, such as
16 development of land-use and construction regulations,
17 floodplain management, and environmental planning, to
18 reduce losses from flood disasters in municipalities;

19 2. For the protection of life and property and to limit the
20 repetitive expenditures of public funds in areas that are subject to
21 chronic flooding and other flood disasters;

22 3. Financial assistance to local governments for the
23 development and implementation of flood hazard mitigation projects;

24 4. For the cooperation of state environmental agencies and
25 other state and federal agencies in the development and
26 implementation of the Oklahoma Flood Hazard Mitigation Program; and

27 5. For the establishment of land development principles which
28 will eliminate inappropriate and unsafe real estate development in
29 municipal areas subject to repetitive or chronic flooding.

30 SECTION 8. NEW LAW A new section of law to be codified
31 in the Oklahoma Statutes as Section 690.2 of Title 63, unless there
32 is created a duplication in numbering, reads as follows:

1 For purposes of the Oklahoma Flood Hazard Mitigation Program:

2 1. "Board" means the Oklahoma Water Resources Board;

3 2. "Department" means the Oklahoma Department of Civil
4 Emergency Management;

5 3. "Dwelling unit" means a place of residence and may be a
6 single- or multiple-dwelling building;

7 4. "Flood" or "flooding" means general and temporary conditions
8 of partial or complete inundation of normally dry land areas from
9 the overflow of lakes, streams, rivers, or any other inland waters
10 and from surface run-off;

11 5. "Flood hazard mitigation" means any cost-effective measure
12 which will reduce or eliminate the effects of a flood disaster;

13 6. "Flood hazard mitigation projects" means those projects
14 designed to correct, alleviate or eliminate a condition or situation
15 which poses a repetitive threat to life, property, or public safety
16 from the effects of a flood disaster;

17 7. "Flood disaster" means any flood catastrophe, including but
18 not limited to high water, flood waters, or wind-driven water which
19 causes damage of sufficient severity and magnitude to warrant flood
20 hazard mitigation or the use of resources of the federal government,
21 or the state and political subdivisions thereof to alleviate the
22 damage, loss, hardship, or suffering caused thereby;

23 8. "Political subdivision" means any county, city, town, or
24 municipal corporation of the State of Oklahoma;

25 9. "Real property" includes all lands, including improvements
26 and fixtures thereon, and property of any nature which is
27 appurtenant thereto, or used in connection therewith, and every
28 estate, interest and right, legal or equitable, therein including
29 terms for years; and

30 10. "State Hazard Mitigation Team" means the entity created
31 pursuant to Section 5 of this act.

32

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 690.3 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. In addition to other responsibilities and duties specified
5 by law, the Oklahoma Department of Civil Emergency Management:

6 1. Shall develop and maintain flood hazard mitigation measures
7 for this state, as a component of the state's comprehensive hazard
8 mitigation plan and consistent with the flood hazard mitigation
9 plans of the federal government to the fullest possible extent. The
10 Department shall coordinate and encourage the development and
11 publication of flood hazard mitigation plans by political
12 subdivisions to ensure that such political subdivision plans are
13 consistent with the flood hazard mitigation measures in the
14 comprehensive hazard mitigation plan of this state to the fullest
15 possible extent;

16 2. Shall provide guidance, information and training sufficient
17 to allow political subdivisions to request state and federal natural
18 disaster assistance;

19 3. Shall coordinate the development and maintenance of flood
20 hazard mitigation projects with other state and federal programs;

21 4. Shall set mitigation priorities based upon recommendations
22 of the State Hazard Mitigation Team;

23 5. May, after recommendation from the State Hazard Mitigation
24 Team, approve applications for grants and loans to political
25 subdivisions for flood hazard mitigation projects from any funds
26 available for such purposes pursuant to the considerations specified
27 by Section 10 of this act;

28 6. Shall evaluate, after recommendation from the State Hazard
29 Mitigation Team, and award grant or loan applications based upon
30 minimum eligibility criteria and state priorities;

31
32

1 7. Shall be the initial recipient of applications for loans and
2 grants for flood hazard mitigation activities from political
3 subdivisions; and

4 8. Shall have the State Hazard Mitigation Team meet as needed
5 to review loan and grant applications and provide recommendations
6 thereon to the Department.

7 B. The Department shall be the lead agency and shall compile
8 and submit to the Federal Emergency Management Agency an application
9 to receive funds pursuant to the Flood Mitigation Assistance
10 Program, the Hazard Mitigation Grant Program or any other flood
11 assistance programs, and other public or private planning or project
12 grants to implement measures to reduce flood losses.

13 C. The Department shall also have authority to:

14 1. Establish advisory councils with sufficient geographic
15 balance to ensure statewide representation;

16 2. Coordinate central files and clearinghouse procedures for
17 flood hazard mitigation resource data information and encourage the
18 use of compatible information and standards; and

19 3. Provide to the extent practicable financial, technical,
20 research, and other assistance to effectuate the purposes of the
21 Oklahoma Flood Hazard Mitigation Program.

22 D. The Department shall promulgate, by rule, procedures and
23 criteria for the evaluation of grant and subgrant applications that
24 seek to receive a portion of those funds made available to this
25 state for flood hazard mitigation.

26 SECTION 10. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 690.4 of Title 63, unless there
28 is created a duplication in numbering, reads as follows:

29 A. A political subdivision of this state may apply to the
30 Oklahoma Department of Civil Emergency Management for a grant or
31 loan for flood hazard mitigation projects on forms provided by the
32 Department.

1 B. Grants or loans for flood hazard mitigation shall be
2 prioritized by the State Hazard Mitigation Team based on the
3 following considerations:

4 1. The extent and effectiveness of flood mitigation measures
5 already implemented by the political subdivision requesting the
6 grant;

7 2. The feasibility, practicality, and effectiveness of the
8 proposed flood mitigation measures and the associated benefits and
9 detriments;

10 3. The level of assistance that should be provided to the
11 political subdivision, based on available facts regarding the
12 nature, extent, and severity of the flood hazard problems;

13 4. The frequency of occurrence of flooding disasters that has
14 resulted in declaration of the area as a flood disaster area by the
15 Governor of this state or by the President of the United States;

16 5. The economic, social, and environmental benefits and
17 detriments of the proposed flood mitigation measures;

18 6. Whether the floodplain management ordinance or regulation
19 adopted by the political subdivision meets the minimum standards
20 established by the Federal Emergency Management Agency, the degree
21 of enforcement of the ordinance or regulation, and whether the
22 political subdivision is complying with the ordinance or regulation;

23 7. The financial capability of the political subdivision to
24 solve its flood hazard problems without financial assistance; and

25 8. The estimated cost and method of financing of the proposed
26 flood mitigation measures based on local money and federal and state
27 financial assistance.

28 C. A grant shall not exceed seventy-five percent (75%) of the
29 total cost of the proposed mitigation project and a loan shall not
30 exceed the total cost of the proposed mitigation project.

1 SECTION 11. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 690.5 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 In addition to other responsibilities designated or assigned to
5 it by the Department, the State Hazard Mitigation Team shall have
6 the power and duty to recommend priorities for flood hazard
7 mitigation projects for purposes of providing grants or loans for
8 such projects, based upon considerations specified by Section 10 of
9 this act.

10 SECTION 12. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 690.6 of Title 63, unless there
12 is created a duplication in numbering, reads as follows:

13 A. The Legislature declares it to be necessary for the public
14 health and welfare to provide a means for municipalities in this
15 state to implement measures to reduce losses from flood disasters.
16 The acquisition of real property for this objective shall constitute
17 a public purpose for which public funds may be expended.

18 B. Municipalities are empowered and authorized to acquire fee
19 title to real property and easements therein by purchase, gift,
20 devise, lease or otherwise for flood control.

21 C. Title information, appraisal reports, offers, and
22 counteroffers are confidential until an option contract is executed
23 or, if no option contract is executed, until thirty (30) days before
24 a contract or agreement for purchase is considered for approval by
25 the governing board of the municipality. However, each municipality
26 may, at its discretion, disclose appraisal reports to private
27 landowners during negotiations for acquisitions using alternatives
28 to fee simple techniques, if the municipality determines that
29 disclosure of such reports will bring the proposed acquisition to
30 closure. In the event that negotiation is terminated by the
31 municipality, the title information, appraisal report, offers, and
32 counteroffers shall become available to the public.

1 D. Real property acquired for the purposes enumerated in this
2 section may also be used for recreational purposes, and whenever
3 practicable such real property shall be open to the general public
4 for recreational uses. Except when prohibited by a covenant or
5 other restriction, real property managed and controlled by the
6 municipality may be used for multiple purposes, including, but not
7 limited to, agriculture and silviculture, as well as boating and
8 other recreational uses.

9 E. The provisions of this section shall not limit the exercise
10 of similar powers delegated by statute to any state or political
11 subdivision of this state.

12 SECTION 13. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1085.91 of Title 82, unless
14 there is created a duplication in numbering, reads as follows:

15 In addition to the financial assistance program established
16 under Sections 1085.31 through 1085.49, 1085.51 through 1085.65, and
17 1085.71 through 1085.84A of Title 82 of the Oklahoma Statutes
18 pursuant to Section 39 of Article X of the Oklahoma Constitution, it
19 is the intention of the Legislature to establish a Flood Hazard
20 Mitigation Financial Assistance Program. Financing projects to
21 mitigate flooding is hereby declared to be a public purpose.

22 SECTION 14. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1085.92 of Title 82, unless
24 there is created a duplication in numbering, reads as follows:

25 As used in the Flood Hazard Mitigation Financial Assistance
26 Program:

27 1. "Flood hazard mitigation projects" means those projects
28 designed to correct, alleviate or eliminate a condition or situation
29 which poses a repetitive threat to life, property, or public safety
30 from the effects of a flood disaster;

31 2. "Eligible entity" means any city, town, county, or the State
32 of Oklahoma, and any rural water or sewer district, irrigation

1 district, public trust, master conservancy district, or other
2 political subdivision or any combination thereof;

3 3. "Board" means the Oklahoma Water Resources Board; and

4 4. "Department" means the Oklahoma Department of Civil
5 Emergency Management.

6 SECTION 15. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1085.93 of Title 82, unless
8 there is created a duplication in numbering, reads as follows:

9 A. In addition to other lawful purposes, monies placed in the
10 Statewide Water Development Revolving Fund, exclusive of such
11 amounts of interest derived from investment deposits necessary to
12 maintain the grant account at its maximum amount as provided in
13 Section 1085.40 of this title, may be used by the Board for flood
14 hazard mitigation projects pursuant to the Flood Hazard Mitigation
15 Financial Assistance Program.

16 B. Within the Water Resources Fund created pursuant to Section
17 1085.33 of Title 82 of the Oklahoma Statutes, there is hereby
18 created the "Flood Hazard Mitigation Account". The account shall be
19 set apart as a permanent and perpetual account not subject to fiscal
20 year limitations and shall consist of:

21 1. All monies appropriated to the account;

22 2. Interest income from deposits made to the Statewide Water
23 Development Revolving Fund for the purpose of flood hazard
24 mitigation;

25 3. All income from the investment of monies held in the account
26 consistent with applicable bond resolutions or indentures; and

27 4. Any other sums designated for deposit to the account from
28 any source, public or private.

29 C. The monies in the account shall be used by the Oklahoma
30 Department of Civil Emergency Management and the Oklahoma Water
31 Resources Board after receipt of recommendations from the State
32 Hazard Mitigation Team, to implement flood hazard mitigation

1 projects, including but not limited to providing grants or loans to
2 eligible entities to:

3 1. Acquire land or a conservation easement from a willing
4 seller or grantor in order to mitigate flood hazards; or

5 2. Implement voluntary, incentive-based flood hazard mitigation
6 measures in order to facilitate compliance with state or national
7 regulations.

8 D. Monies in, or investment income derived from, the Flood
9 Hazard Mitigation Account which is used to match any grant funds
10 provided by the Federal Emergency Management Agency shall be
11 restricted and used consistent with Federal Emergency Management
12 Agency procedures or guidance or regulations promulgated thereunder
13 for flood hazard mitigation projects.

14 E. Monies in the Flood Hazard Mitigation Account, or investment
15 income derived therefrom, shall be used by the Oklahoma Water
16 Resources Board and the Oklahoma Department of Civil Emergency
17 Management in carrying out their responsibilities as provided in a
18 written annual joint operating agreement which shall include, among
19 other matters, a budget for administering the Oklahoma Flood Hazard
20 Mitigation Program.

21 F. The monies placed in the Flood Hazard Mitigation Account may
22 be invested by the State Treasurer in an adequately collateralized
23 manner and as prescribed by Section 89.2 of Title 62 of the Oklahoma
24 Statutes or pursuant to investment contracts or agreements with
25 entities maintaining a rating in the top two categories by a
26 nationally recognized municipal bond rating agency, all in a manner
27 consistent with the federal Safe Drinking Water Act or regulations
28 promulgated thereunder. The Board may transfer to the Flood Hazard
29 Mitigation Account income derived from investment of the fund.
30 Monies invested by the State Treasurer shall be available to
31 implement flood hazard mitigation projects.

32

1 G. The Board shall cause to be completed an annual audit of any
2 expenditures from the Flood Hazard Mitigation Account, and such
3 audit cost shall be included in the budget for administering the
4 Oklahoma Flood Hazard Mitigation Program.

5 SECTION 16. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1085.94 of Title 82, unless
7 there is created a duplication in numbering, reads as follows:

8 A. In addition to other powers and duties provided by law, the
9 Oklahoma Water Resources Board shall have the power and duty to:

10 1. After receipt from the Department of Civil Emergency
11 Management, process applications for grant funds or loans from the
12 Flood Hazard Mitigation Account and enter into grant or loan
13 agreements for use of such funds;

14 2. Promulgate rules as deemed necessary by the Board to
15 administer the Flood Hazard Mitigation Financial Assistance Program;

16 3. Utilize the priority listing of applicants compiled by the
17 Oklahoma Department of Civil Emergency Management after
18 recommendations from the State Hazard Mitigation Team in considering
19 grant applications;

20 4. a. Issue investment certificates, in accordance with the
21 provisions of Sections 1085.33 and 1085.37 of Title 82
22 of the Oklahoma Statutes and the Oklahoma Bond
23 Oversight and Reform Act, to provide necessary funds
24 first to meet the demand for loan funding from the
25 Flood Hazard Mitigation Financial Assistance Program;
26 provided, any investment certificate proceeds not
27 needed for such demand may be used by the Board, as
28 needed, for funding other financial assistance
29 programs authorized in Title 82 of the Oklahoma
30 Statutes, and

31 b. Enter into loan agreements with and make loans from
32 the proceeds of investment certificates to eligible

1 entities for flood hazard mitigation projects upon
2 terms not inconsistent with the provisions of Section
3 1085.36 of Title 82 of the Oklahoma Statutes; and

4 5. Enter into agreements with the Oklahoma Department of Civil
5 Emergency Management or other state or federal agencies as deemed
6 necessary by the Board to monitor and measure flood events.

7 B. In addition to other powers and duties provided by law, the
8 Oklahoma Department of Civil Emergency Management shall promulgate
9 rules providing for and establishing a priority listing of grant and
10 loan applicants for flood hazard mitigation projects subject to the
11 Oklahoma Civil Defense and Emergency Resources Management Act, and
12 considering the recommendations from the State Hazard Mitigation
13 Team, and which are determined eligible to receive funding from the
14 Flood Hazard Mitigation Account.

15 SECTION 17. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1085.95 of Title 82, unless
17 there is created a duplication in numbering, reads as follows:

18 A. Loans and grants under the Flood Hazard Mitigation Financial
19 Assistance Program may be used in conjunction with other financial
20 assistance available from the Oklahoma Water Resources Board.

21 B. If a flood hazard mitigation project includes activities to
22 be conducted on privately owned real property, the loan or grant
23 agreement between the Board and the eligible entity that receives
24 the grant shall contain a provision about any necessary
25 subagreements with the owners of the property.

26 SECTION 18. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 1085.96 of Title 82, unless
28 there is created a duplication in numbering, reads as follows:

29 Monies appropriated to the Statewide Water Development Revolving
30 Fund for the purpose of flood hazard mitigation, in addition to such
31 purpose, may be used by the Oklahoma Water Resources Board for
32

1 security and collateral for investment certificates issued by the
2 Board pursuant to Section 16 of this act.

3 SECTION 19. This act shall become effective July 1, 1999.

4 SECTION 20. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this resolution shall take
7 effect and be in full force from and after its passage and approval.

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9 47-1-6379 KSM 6/11/15

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