

EHB 2585

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THE STATE SENATE
Wednesday, April 5, 2006

Committee Substitute for
ENGROSSED

House Bill No. 2585

ENGROSSED HOUSE BILL NO. 2585 - By: DUNCAN, DePUE, WALKER, DORMAN,
PRUETT and HARRISON of the House and WYRICK of the Senate.

[Oklahoma Emergency Management Act of 2003 - Oklahoma
Intrastate Mutual Aid Compact - codification -
emergency]

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 683.2, as
amended by Section 4, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2005,
Section 683.2), is amended to read as follows:

Section 683.2 A. Because of the existing and increasing
possibility of the occurrence of disasters of unprecedented size and
destructiveness resulting from natural and man-made causes, in order
to ensure that preparations of this state will adequately deal with
such disasters and emergencies, to generally provide for the common
defense and to protect the public peace, health, and safety, to
preserve the lives and property of the people of this state, and to
carry out the objectives of state and national survival and recovery
in the event of a disaster or emergency, it is hereby found and
declared to be necessary to:

- 1 1. Create the Oklahoma Department of Emergency Management
2 (OEM);
- 3 2. Authorize the creation of local organizations for emergency
4 management in the counties and incorporated municipalities of this
5 state;
- 6 3. Provide for the formulation and execution of an emergency
7 operations plan for the state;
- 8 4. Confer upon the Governor and upon the executive heads or
9 governing bodies of the political subdivisions of the state the
10 emergency powers provided by the Oklahoma Emergency Management Act
11 of 2003;
- 12 5. Provide for the rendering of mutual aid among the political
13 subdivisions of this state and with other states to cooperate with
14 the federal government with respect to carrying out emergency
15 management functions and hazard mitigation; and
- 16 6. Provide sufficient organization to meet, prevent or reduce
17 emergencies in the general interest and welfare of the public and
18 this state.
- 19 B. It is further declared to be the purpose of the Oklahoma
20 Emergency Management Act of 2003 and the policy of this state that
21 all emergency management and hazard mitigation functions of this
22 state be coordinated to the maximum extent with the comparable
23 functions of the federal government, including its various

1 departments and agencies, of other states and localities, and of
2 private agencies of every type, to the end that the most effective
3 preparation and use may be made of available workforce, resources
4 and facilities for dealing with disaster and hazard mitigation.

5 C. It is also directed that each state agency, board,
6 commission, department or other state entity having responsibilities
7 either indicated in the state Emergency Operations Plan or by the
8 nature of the service it provides to the citizens of Oklahoma shall
9 have written plans and procedures in place to protect individual
10 employees, administrators and visitors from natural and man-made
11 disasters and emergencies occurring at the work place. Plans and
12 procedures shall be in concurrence with the Oklahoma Department of
13 Emergency Management Guidebook titled "Emergency Standard Operating
14 Procedures" for state departments, agencies, offices and employees.
15 Each state agency, board, commission, department or other state
16 entity shall provide a calendar year annual report on the status of
17 their emergency management program to ~~the Department of Emergency~~
18 ~~Management~~ OEM. ~~The Department of Emergency Management~~ OEM shall
19 compile and integrate all reports into a report to the Governor and
20 Legislature on the status of state emergency preparedness.

21 D. Each state agency, board, commission, department or other
22 state entity shall have written plans and procedures in place to

1 support the responsibilities stated in the state Emergency
2 Operations Plan.

3 E. The National Incident Management System (NIMS) shall be the
4 standard for incident management in the State of Oklahoma. All on-
5 scene management of disasters and emergencies shall be conducted
6 using the Incident Command System (ICS).

7 SECTION 2. AMENDATORY 63 O.S. 2001, Section 683.14, as
8 amended by Section 13, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2005,
9 Section 683.14), is amended to read as follows:

10 Section 683.14 A. Any person owning or controlling real estate
11 or other premises who voluntarily and without compensation grants a
12 license or privilege or otherwise permits the designation or use of
13 the whole or any part or parts of such real estate or premises for
14 the purpose of sheltering persons, or providing a mass immunization
15 and prophylaxis site or Strategic National Stockpile storage site
16 during an actual or impending emergency or exercise shall, together
17 with any successors in interest, if any, not be civilly liable for
18 negligently causing the death of, or injury to, any person on or
19 about such real estate or premises for loss of, or damage to, the
20 property of such person; provided, that the injury or death was
21 caused by or incidental to the actual use of such premises for such
22 real, actual or impending emergency or exercise, and further

1 provided that nothing herein contained shall grant immunity from
2 gross, willful or wanton acts of negligence.

3 B. Neither the State of Oklahoma nor any political subdivision
4 thereof nor any officer or employee of the State of Oklahoma or of
5 any political subdivision thereof nor volunteer whose services have
6 been accepted and utilized by an officer or employee of the State of
7 Oklahoma or of any political subdivision thereof for carrying out
8 the functions of this act shall be civilly liable for any loss or
9 injury resulting to any person's company, corporation or other legal
10 entity as a result of any decision, determination, order or action
11 of such employee in the performance of ~~his~~ assigned duties and
12 responsibilities under this act during a stated emergency unless
13 such loss or injury was caused by the gross negligence, or willfully
14 and unnecessarily or by the wanton act of such state officer or
15 employee or volunteer. Nothing in this act shall be construed to
16 waive the sovereignty or immunity of the State of Oklahoma, or any
17 political subdivision thereof, from being sued.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 695.1 of Title 63, unless there
20 is created a duplication in numbering, reads as follows:

21 Sections 3 through 11 of this act shall be known and may be
22 cited as the "Oklahoma Intrastate Mutual Aid Compact".

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 695.2 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The purpose of the Oklahoma Intrastate Mutual Aid Compact is
5 to create a system of intrastate mutual aid between participating
6 jurisdictions in the state.

7 B. As used in the Oklahoma Intrastate Mutual Aid Compact:

8 1. "Jurisdiction" means any county, city, town or municipal
9 corporation of the State of Oklahoma represented by an elected
10 governing body.

11 Sovereign Tribal Nations in the State of Oklahoma shall also be
12 considered jurisdictions under the Oklahoma Intrastate Mutual Aid
13 Compact and participating unless electing not to participate or
14 later withdrawing from the system;

15 2. "Emergency" means any occasion or instance for which
16 assistance is needed to supplement local efforts and capabilities to
17 save lives and to protect property and public health and safety, or
18 to lessen or avert the threat of a catastrophe; and

19 3. "Emergency responder" means anyone with special skills,
20 qualifications, training, knowledge, and experience in the public or
21 private sectors that would be beneficial to a participating
22 jurisdiction in response to a local emergency as defined in
23 applicable law or ordinance or authorized drill or exercise.

1 C. Each participant of the system shall recognize that
2 emergencies transcend political jurisdictional boundaries and that
3 intergovernmental coordination is essential for the protection of
4 lives and property and for best use of available assets both public
5 and private. The system shall provide for mutual assistance among
6 the participating jurisdictions in the prevention of, response to,
7 and recovery from, any disaster that results in a formal state of
8 emergency in a participating jurisdiction subject to the criterion
9 for declaration of that participating jurisdiction. The system
10 shall provide for mutual cooperation among the participating
11 jurisdictions in conducting disaster-related exercises, testing, or
12 other training activities outside actual declared emergency periods.
13 This legislation provides no immunity, rights, or privileges for any
14 individual responding to a state of emergency that is not requested
15 and/or authorized to respond by a participating jurisdiction.
16 Participating jurisdictions will be ensured eligibility, to the
17 fullest extent possible, for state and federal disaster funding.

18 D. All jurisdictions within the state, upon enactment of this
19 legislation, are automatically a part of the statewide mutual aid
20 system. A jurisdiction within the state may elect not to
21 participate or to later withdraw from the system upon enacting an
22 appropriate resolution by its governing body declaring that it
23 elects not to participate in the statewide mutual aid system and

1 providing a copy of the resolution to the Oklahoma Department of
2 Emergency Management. This legislation does not preclude
3 participating jurisdictions from entering into supplementary
4 agreements with another jurisdiction and does not affect any other
5 agreement to which a jurisdiction may currently be a party or decide
6 to be a party to.

7 E. Many disasters begin as emergencies where local jurisdictions
8 require fire service and/or law enforcement assistance. These
9 services would normally be requested and provided at the department
10 level as normal day-to-day operations with no reimbursement. If an
11 incident response expands beyond a normal day-to-day emergency into
12 a disaster situation, reimbursement for mutual aid services may be
13 necessary and will be in accordance with the Federal Emergency
14 Management Agency reimbursement policy.

15 F. In support of the Emergency Management Compact, Section 684.1
16 et seq. of Title 63 of the Oklahoma Statutes, the Governor or the
17 representative of the Governor may request mutual aid assistance
18 from local jurisdictions for other states or their jurisdictions.
19 In such situations, the assisting local jurisdiction shall be
20 considered an agent of the state.

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 695.3 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

1 Each jurisdiction recognizes that there will be emergencies which
2 require immediate actions and implementation of procedures to apply
3 outside resources to make prompt and effective response to such an
4 emergency This is because few, if any, individual
5 jurisdictions have all the resources they need in all types of
6 emergencies and the capability of delivering resources to the area
7 where emergencies occur.

8 The prompt, full and effective utilization of resources of the
9 participating jurisdictions, including any resources on hand or
10 available from any other source, that are essential to the safety,
11 care, and welfare of the people in the event of any emergency or
12 disaster declared by a party jurisdiction, shall be the underlying
13 principle on which all articles of this Compact shall be understood.

14 On behalf of the chief elected officer of each jurisdiction
15 participating in the Compact, the legally designated jurisdiction
16 official who is assigned responsibility for emergency management
17 will be responsible for the formulation of the appropriate aid plans
18 and procedures necessary to implement the Compact.

19 SECTION 6. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 695.4 of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 A. It shall be the responsibility of each jurisdiction to
23 formulate procedural plans and programs for interjurisdictional

1 cooperation in the performance of the responsibilities listed in
2 this section. In formulating such plans, and in carrying them out,
3 the jurisdictions, insofar as practical, shall:

4 1. Review individual jurisdictional hazards analyses and, to the
5 extent reasonably possible, determine all those potential
6 emergencies the jurisdictions might jointly suffer, whether due to
7 natural or man-made disasters or emergencies;

8 2. Review individual emergency plans of the jurisdictions and
9 develop a plan that will determine the mechanism for the
10 interjurisdictional management and provision of assistance
11 concerning any potential emergency;

12 3. Develop interjurisdictional procedures to fill any identified
13 gaps and to resolve any identified inconsistencies or overlaps in
14 existing or developed plans;

15 4. Assist in warning communities adjacent to or crossing the
16 jurisdictional boundaries;

17 5. Protect and assure uninterrupted delivery of services,
18 medicines, water, food, energy and fuel, search and rescue, critical
19 lifeline equipment, and resources, both human and material;

20 6. Inventory and set procedures for the interjurisdictional loan
21 and delivery of human and material resources, together with
22 procedures for reimbursement or forgiveness; and

1 7. Provide, to the extent authorized by law, for temporary
2 suspension of any statutes or ordinances that restrict the
3 implementation of the above responsibilities.

4 All jurisdictions should use and conform to the current national
5 standard for on-scene management and command systems.

6 B. The authorized representative of a jurisdiction may request
7 assistance of another jurisdiction by contacting the authorized
8 representative of that jurisdiction. The provisions of the Oklahoma
9 Intrastate Mutual Aid Compact shall apply only to requests for
10 assistance made by and to authorized representatives. Requests may
11 be verbal or in writing. If verbal, the request shall be confirmed
12 in writing within thirty (30) days of the verbal request. Requests
13 shall provide the following information:

14 1. A description of the emergency service function for which
15 assistance is needed including, but not limited to, fire services,
16 law enforcement, emergency medical, transportation, communications,
17 public works and engineering, building inspection, planning and
18 information assistance, mass care, resource support, health and
19 medical services, and search and rescue;

20 2. The amount and type of personnel, equipment, materials and
21 supplies needed and a reasonable estimate of the length of time they
22 will be needed; and

1 3. The specific place and time for staging of the response of
2 the assisting party and a point of contact at that location.

3 C. There shall be frequent consultation between jurisdictional
4 officials who have assigned emergency management responsibilities
5 and other appropriate representatives of the jurisdictions with
6 affected jurisdictions, with free exchange of information, plans,
7 and resource records relating to emergency capabilities.

8 D. Jurisdictions shall not be obligated under the Compact to
9 send the requested assistance, and assistance may be withdrawn at
10 any time in the sole and absolute discretion of the jurisdiction.

11 SECTION 7. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 695.5 of Title 63, unless there
13 is created a duplication in numbering, reads as follows:

14 Any jurisdiction requested to render mutual aid or conduct
15 exercises and training for mutual aid shall take such action as is
16 necessary to provide and make available the resources covered by the
17 Oklahoma Intrastate Mutual Aid Compact in accordance with the terms
18 hereof; provided that it is understood that the jurisdiction
19 rendering aid may withhold resources to the extent necessary to
20 provide reasonable protection for its own jurisdiction.

21 Each jurisdiction shall afford the emergency forces of any
22 jurisdiction, while operating within its jurisdictional limits under
23 the terms and conditions of the Compact, the same powers, duties,

1 rights, and privileges as are afforded forces of the jurisdiction in
2 which they are performing emergency services. Emergency forces will
3 continue under the command and control of their regular leaders, but
4 the organizational units will come under operational control of the
5 emergency services authorities of the jurisdiction receiving
6 assistance and must report to the incident check-in location for
7 assignment.

8 SECTION 8. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 695.6 of Title 63, unless there
10 is created a duplication in numbering, reads as follows:

11 Whenever any person holds a license, certificate, or other permit
12 issued by any jurisdictional party evidencing the meeting of
13 qualifications for professional, mechanical, or other skills, and
14 when such assistance is requested by the receiving jurisdiction,
15 such person shall be deemed licensed, certified, or permitted by the
16 jurisdiction requesting assistance to render aid involving such
17 skill to meet a declared emergency or disaster, subject to such
18 limitations and conditions as the requesting jurisdiction may
19 prescribe by executive order or otherwise.

20 SECTION 9. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 695.7 of Title 63, unless there
22 is created a duplication in numbering, reads as follows:

1 Each jurisdiction shall provide for the payment of compensation
2 and death benefits to injured members of the emergency forces of
3 that jurisdiction and representatives of deceased members of such
4 forces who sustain injuries or are killed while rendering aid
5 pursuant to the Oklahoma Intrastate Mutual Aid Compact, in the same
6 manner and on the same terms as if the injury or death were
7 sustained within its own jurisdiction.

8 SECTION 10. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 695.8 of Title 63, unless there
10 is created a duplication in numbering, reads as follows:

11 Any jurisdiction rendering aid in another jurisdiction pursuant
12 to the Oklahoma Intrastate Mutual Aid Compact shall be reimbursed by
13 the jurisdiction receiving such aid for any loss or damage to or
14 expense incurred in the operation of any equipment and the provision
15 of any service in answering a request for aid and for the costs
16 incurred in connection with such requests; provided that any aiding
17 jurisdiction may assume in whole or in part such loss, damage,
18 expense, or other cost, or may loan such equipment or donate such
19 services to the receiving jurisdiction without charge or cost; and
20 provided, further, that any two or more jurisdictions may enter into
21 supplementary agreements establishing a different allocation of
22 costs among those jurisdictions. Compensation expenses shall not be
23 reimbursable under this section.

1 SECTION 11. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 695.9 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 Plans for the orderly evacuation and interjurisdictional
5 reception of portions of the civilian population as the result of
6 any emergency or disaster of sufficient proportions to so warrant,
7 shall be worked out and maintained between the party jurisdictions
8 of the Oklahoma Intrastate Mutual Aid Compact and the emergency
9 management or services directors of the various jurisdictions where
10 any type of incident requiring evacuations might occur. Such plans
11 shall be put into effect by request of the jurisdiction from which
12 evacuees come and shall include the manner of transporting such
13 evacuees, the number of evacuees to be received in different areas,
14 the manner in which food, clothing, housing, and medical care will
15 be provided, the registration of evacuees, the providing of
16 facilities for the notification of relatives or friends, and the
17 forwarding of such evacuees to other areas or the bringing in of
18 additional materials, supplies, and all other relevant factors.

19 SECTION 12. REPEALER 63 O.S. 2001, Sections 688.1,
20 688.2, 688.3, 688.4 and 688.5, are hereby repealed.

21 SECTION 13. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY AND HOMELAND
4 SECURITY, dated 4-3-06 - DO PASS, As Amended.