

THE HOUSE OF REPRESENTATIVES
Monday, April 5, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 2296

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2296 - By:
WYRICK of the Senate and DUNCAN of the House.

An Act relating to public health and safety; amending 63 O.S. 2001, Section 683.6, as last amended by Section 12, Chapter 359, O.S.L. 2008 (63 O.S. Supp. 2009, Section 683.6), which relates to the Oklahoma Emergency Management Act of 2003; adding to the membership of the State Hazard Mitigation Team; amending Section 4, Chapter 199, O.S.L. 2006, as amended by Section 1, Chapter 79, O.S.L. 2009 and Sections 5 and 8, Chapter 199, O.S.L. 2006 (63 O.S. Supp. 2009, Sections 695.2, 695.3 and 695.6), which relate to the Oklahoma Intrastate Mutual Aid Compact; clarifying language; deleting certain declaration; allowing certain persons to provide assistance in nondisaster incidents; and providing an effective date.

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

1 SECTION 1. AMENDATORY 63 O.S. 2001, Section 683.6, as last amended by
2 Section 12, Chapter 359, O.S.L. 2008 (63 O.S. Supp. 2009, Section 683.6), is amended to
3 read as follows:

4 Section 683.6 A. There is hereby created an Emergency Management Advisory
5 Council. The members of the Council shall be composed of the Governor, who shall serve
6 as chair of the Council, and the following department heads:

7 1. The Director of the Oklahoma Department of Emergency Management;

- 1 2. The Commissioner of Public Safety;
- 2 3. The Adjutant General;
- 3 4. The State Commissioner of Health;
- 4 5. The Commissioner of the Oklahoma Department of Agriculture, Food, and
- 5 Forestry;
- 6 6. The Director of the Department of Human Services;
- 7 7. The Director of the Department of Transportation;
- 8 8. The Director of the Oklahoma Water Resources Board;
- 9 9. The State Fire Marshal;
- 10 10. The Department of Environmental Quality;
- 11 11. The Oklahoma Sheriffs' Association; and
- 12 12. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
- 13 Control,
- 14 who shall serve without additional compensation.

15 B. The Council shall advise the Governor and the Director on all matters
16 pertaining to emergency management.

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

- 19 a. Oklahoma Department of Emergency Management, who shall serve as
- 20 the Team Coordinator,
- 21 b. Oklahoma Water Resources Board,
- 22 c. Oklahoma Climatological Survey,

- 1 d. Oklahoma Conservation Commission,
2 e. Corporation Commission,
3 f. Oklahoma Department of Commerce,
4 g. Department of Environmental Quality,
5 h. Department of Human Services,
6 i. State Department of Health,
7 j. Department of Transportation,
8 k. Oklahoma Department of Agriculture, Food, and Forestry or Secretary
9 of the Oklahoma Department of Agriculture, Food, and Forestry,
10 l. Department of Wildlife Conservation,
11 m. Oklahoma Historical Society,
12 n. Oklahoma Insurance Department,
13 o. Association of County Commissioners of Oklahoma,
14 p. Oklahoma Municipal League,
15 q. State Fire Marshal, ~~and~~
16 r. Department of Labor,
17 s. a local Emergency Management Director as determined by the
18 President of the Oklahoma Emergency Management Association,
19 t. State Chancellor or his or her representative for The Oklahoma State
20 System of Higher Education, and
21 u. State Director or his or her representative for the Oklahoma
22 Department of Career and Technology Education.

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

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

6 4. The Team Coordinator shall also request a representative of the U.S.
7 Department of Housing and Urban Development be appointed by the administrative
8 head of the Oklahoma City office to participate on the team.

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

14 SECTION 2. AMENDATORY Section 4, Chapter 199, O.S.L. 2006, as amended
15 by Section 1, Chapter 79, O.S.L. 2009 (63 O.S. Supp. 2009, Section 695.2), is amended to
16 read as follows:

17 Section 695.2 A. The purpose of the Oklahoma Intrastate Mutual Aid Compact is
18 to create a system of intrastate mutual aid between participating jurisdictions in the
19 state.

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

1 1. "Jurisdiction" means any county, city, town or municipal corporation of the State
2 of Oklahoma represented by an elected governing body and city-county health
3 department created pursuant to the Oklahoma Public Health Code.

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

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

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

14 C. Each participant of the system shall recognize that emergencies transcend
15 political jurisdictional boundaries and that intergovernmental coordination is essential
16 for the protection of lives and property and for best use of available assets both public
17 and private. The system shall provide for mutual assistance among the participating
18 jurisdictions in the prevention of, response to, and recovery from, any disaster ~~that~~
19 ~~results in a formal state of emergency in a participating jurisdiction subject to the~~
20 ~~criteria for declaration of that participating jurisdiction~~ or emergency, or any other
21 activity, as determined by the participating jurisdictions. The system shall provide for
22 mutual cooperation among the participating jurisdictions in conducting disaster-related

1 exercises, testing, or other training activities outside actual declared emergency periods.
2 This legislation provides no immunity, rights, or privileges for any individual responding
3 to a state of emergency that is not requested and/or authorized to respond by a
4 participating jurisdiction. Participating jurisdictions will be ensured eligibility, to the
5 fullest extent possible, for state and federal disaster funding.

6 D. All jurisdictions within the state, upon enactment of this legislation, are
7 automatically a part of the statewide mutual aid system. A jurisdiction within the state
8 may elect not to participate or to later withdraw from the system upon enacting an
9 appropriate resolution by its governing body declaring that it elects not to participate in
10 the statewide mutual aid system and providing a copy of the resolution to the Oklahoma
11 Department of Emergency Management. This legislation does not preclude participating
12 jurisdictions from entering into supplementary agreements with another jurisdiction and
13 does not affect any other agreement to which a jurisdiction may currently be a party or
14 decide to be a party to.

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

1 F. In support of the Emergency Management Compact, Section 684.1 et seq. of Title
2 ~~63 of the Oklahoma Statutes~~ this title, the Governor or the representative of the
3 Governor may request mutual aid assistance from local jurisdictions for other states or
4 their jurisdictions. In such situations, the assisting local jurisdiction shall be considered
5 an agent of the state.

6 SECTION 3. AMENDATORY Section 5, Chapter 199, O.S.L. 2006 (63 O.S.
7 Supp. 2009, Section 695.3), is amended to read as follows:

8 Section 695.3 Each jurisdiction recognizes that there will be emergencies which
9 require immediate actions and implementation of procedures to apply outside resources
10 to make prompt and effective response to such an emergency. This is because few, if any,
11 individual jurisdictions have all the resources they need in all types of emergencies and
12 the capability of delivering resources to the area where emergencies occur.

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

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

1 SECTION 4. AMENDATORY Section 8, Chapter 199, O.S.L. 2006 (63 O.S.
2 Supp. 2009, Section 695.6), is amended to read as follows:

3 Section 695.6 Whenever any person holds a license, certificate, or other permit
4 issued by any jurisdiction party evidencing the meeting of qualifications for professional,
5 mechanical, or other skills, and when such assistance is requested by the receiving
6 jurisdiction, such person shall be deemed licensed, certified, or permitted by the
7 jurisdiction requesting assistance to render aid involving such skill to meet ~~a declared~~ an
8 emergency or disaster, or a nondisaster incident or activity as determined by the
9 participating jurisdictions, subject to such limitations and conditions as the requesting
10 jurisdiction may prescribe by executive order or otherwise.

11 SECTION 5. This act shall become effective November 1, 2010.

12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04-01-10 - DO
13 PASS, As Amended.