An Act

ENROLLED SENATE
BILL NO. 2296

By: Wyrick of the Senate

and

Duncan and Roan 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:

SECTION 1. AMENDATORY 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), is amended to read as follows:

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

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

2. The Commissioner of Public Safety;

3. The Adjutant General;

4. The State Commissioner of Health;

5. The Commissioner of the Oklahoma Department of Agriculture, Food, and Forestry;

6. The Director of the Department of Human Services;

7. The Director of the Department of Transportation;

8. The Director of the Oklahoma Water Resources Board;

9. The State Fire Marshal;

10. The Department of Environmental Quality;

11. The Oklahoma Sheriffs' Association; and

12. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,

who shall serve without additional compensation.

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

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

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

b. Oklahoma Water Resources Board,

c. Oklahoma Climatological Survey,

d. Oklahoma Conservation Commission,

e. Corporation Commission,

f. Oklahoma Department of Commerce,

g. Department of Environmental Quality,

h. Department of Human Services,

i. State Department of Health,

j. Department of Transportation,

k. Oklahoma Department of Agriculture, Food, and Forestry or Secretary of the Oklahoma Department of Agriculture, Food, and Forestry,

l. Department of Wildlife Conservation,

m. Oklahoma Historical Society,

n. Oklahoma Insurance Department,

o. Association of County Commissioners of Oklahoma,

p. Oklahoma Municipal League,

q. State Fire Marshal, ~~and~~

r. Department of Labor,

s. a local Emergency Management Director as determined by the President of the Oklahoma Emergency Management Association,

t. State Chancellor or his or her representative for The Oklahoma State System of Higher Education, and

u. State Director or his or her representative for the Oklahoma Department of Career and Technology Education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the Senate the 5th day of May, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2010.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 6th

day of May, 2010,

at 1:26 o'clock P M.

By: [illegible]

Approved by the Governor of the State of Oklahoma the 10th day of

May, 2010, at 7:17 o'clock P M.

[illegible]

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

11th day of May, 2010,

at 11:52 o'clock A. M.

By: M. Susan Savage