

1 [Oklahoma Emergency Management Act of 2003 - establishing
2 the National Incident Management System standard -
3 establishing the Oklahoma Intrastate Mutual Aid Compact -
4 repealing the Civil Defense Shelter Incentive Act -
5 codification - emergency]

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

7 SECTION 1. AMENDATORY 63 O.S. 2001, Section 683.2, as
8 amended by Section 4, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2004,
9 Section 683.2), is amended to read as follows:

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

20 1. Create the Oklahoma Department of Emergency Management
21 (OEM);

22 2. Authorize the creation of local organizations for emergency
23 management in the counties and incorporated municipalities of this
24 state;

25 3. Provide for the formulation and execution of an emergency
26 operations plan for the state;

27 4. Confer upon the Governor and upon the executive heads or
28 governing bodies of the political subdivisions of the state the
29 emergency powers provided by the Oklahoma Emergency Management Act
30 of 2003;

31 5. Provide for the rendering of mutual aid among the political
32 subdivisions of this state and with other states to cooperate with

1 the federal government with respect to carrying out emergency
2 management functions and hazard mitigation; and

3 6. Provide sufficient organization to meet, prevent or reduce
4 emergencies in the general interest and welfare of the public and
5 this state.

6 B. It is further declared to be the purpose of the Oklahoma
7 Emergency Management Act of 2003 and the policy of this state that
8 all emergency management and hazard mitigation functions of this
9 state be coordinated to the maximum extent with the comparable
10 functions of the federal government, including its various
11 departments and agencies, of other states and localities, and of
12 private agencies of every type, to the end that the most effective
13 preparation and use may be made of available workforce, resources
14 and facilities for dealing with disaster and hazard mitigation.

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

1 D. Each state agency, board, commission, department or other
2 state entity shall have written plans and procedures in place to
3 support the responsibilities stated in the state Emergency
4 Operations Plan.

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

9 SECTION 2. AMENDATORY 63 O.S. 2001, Section 683.14, as
10 amended by Section 13, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2004,
11 Section 683.14), is amended to read as follows:

12 Section 683.14 A. Any person owning or controlling real estate
13 or other premises who voluntarily and without compensation grants a
14 license or privilege or otherwise permits the designation or use of
15 the whole or any part or parts of such real estate or premises for
16 the purpose of sheltering persons, mass immunization and
17 prophylactic site or Strategic National Stockpile storage site
18 during an actual or impending emergency or exercise shall, together
19 with any successors in interest, if any, not be civilly liable for
20 negligently causing the death of, or injury to, any person on or
21 about such real estate or premises for loss of, or damage to, the
22 property of such person; provided, that the injury or death was
23 caused by or incidental to the actual use of such premises for such
24 real, actual or impending emergency or exercise, and further
25 provided that nothing herein contained shall grant immunity from
26 gross, willful or wanton acts of negligence.

27 B. Neither the State of Oklahoma nor any political subdivision
28 thereof nor any officer or employee of the State of Oklahoma or of
29 any political subdivision thereof nor volunteer whose services have
30 been accepted and utilized by an officer or employee of the State of
31 Oklahoma or of any political subdivision thereof for carrying out

1 the functions of this act shall be civilly liable for any loss or
2 injury resulting to any person's company, corporation or other legal
3 entity as a result of any decision, determination, order or action
4 of such employee in the performance of ~~his~~ assigned duties and
5 responsibilities under this act during a stated emergency unless
6 such loss or injury was caused by the gross negligence, or willfully
7 and unnecessarily or by the wanton act of such state officer or
8 employee or volunteer. Nothing in this act shall be construed to
9 waive the sovereignty or immunity of the State of Oklahoma, or any
10 political subdivision thereof, from being sued.

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

14 Sections 3 through 13 of this act shall be known and may be
15 cited as the "Oklahoma Intrastate Mutual Aid Compact".

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

19 The purpose of this legislation is to create a system of
20 intrastate mutual aid between participating jurisdictions in the
21 state.

22 "Jurisdiction" means any county, city, town or municipal
23 corporation of the State of Oklahoma represented by an elected
24 governing body.

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

29 "Emergency" shall mean any occasion or instance for which
30 assistance is needed to supplement local efforts and capabilities to

1 save lives and to protect property and public health and safety, or
2 to lessen or avert the threat of a catastrophe.

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

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

25 All jurisdictions within the state, upon enactment of this
26 legislation, are automatically a part of the statewide mutual aid
27 system. A jurisdiction within the state may elect not to
28 participate or to later withdraw from the system upon enacting an
29 appropriate resolution by its governing body declaring that it
30 elects not to participate in the statewide mutual aid system and
31 providing a copy of the resolution to the Oklahoma Department of

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

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

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

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

23 Each jurisdiction recognizes that there will be emergencies which
24 require immediate actions and implementation of procedures to apply
25 outside resources to make prompt and effective response to such an
26 emergency.

27 The prompt, full and effective utilization of resources of the
28 participating jurisdictions, including any resources on hand or
29 available from any other source, that are essential to the safety,
30 care and welfare of the people in the event of any emergency or

1 disaster declared by a jurisdiction, shall be the underlying
2 principle on which all articles of this Compact shall be understood.

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

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

11 A. It shall be the responsibility of each jurisdiction to
12 formulate procedural plans and programs for inter-jurisdictional
13 cooperation in the performance of the responsibilities listed in
14 this section. In formulating such plans, and in carrying them out,
15 the jurisdictions, insofar as practical, shall:

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

20 2. Review jurisdictions' individual emergency plans and develop
21 a plan that will determine the mechanism for the inter-
22 jurisdictional management and provision of assistance concerning any
23 potential emergency;

24 3. Develop inter-jurisdictional procedures to fill any
25 identified gaps and to resolve any identified inconsistencies or
26 overlaps in existing or developed plans;

27 4. Assist in warning communities adjacent to or crossing the
28 jurisdictional boundaries;

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

1 6. Inventory and set procedures for the inter-jurisdictional loan
2 and delivery of human and material resources, together with
3 procedures for reimbursement or forgiveness; and

4 7. Provide, to the extent authorized by law, for temporary
5 suspension of any statutes or ordinances that restrict the
6 implementation of the above responsibilities.

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

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

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

23 2. The amount and type of personnel, equipment, materials and
24 supplies needed and a reasonable estimate of the length of time they
25 will be needed; and

26 3. The specific place and time for staging of the assisting
27 party's response and a point of contact at that location.

28 C. There shall be frequent consultation between jurisdiction
29 officials who have assigned emergency management responsibilities
30 and other appropriate representatives of the jurisdictions with

1 affected jurisdictions, with free exchange of information, plans,
2 and resource records relating to emergency capabilities.

3 D. Jurisdictions shall not be obligated under the Compact to
4 send the requested assistance and assistance may be withdrawn at any
5 time in the sole and absolute discretion of the jurisdiction.

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

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

16 Each jurisdiction shall afford the emergency forces of any
17 jurisdiction, while operating within its jurisdictional limits under
18 the terms and conditions of the Compact, the same powers, duties,
19 rights, and privileges as are afforded forces of the jurisdiction in
20 which they are performing emergency services. Emergency forces will
21 continue under the command and control of their regular leaders, but
22 the organizational units will come under operational control of the
23 emergency services authorities of the jurisdiction receiving
24 assistance and must report to the incident check-in location for
25 assignment.

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

29 Whenever any person holds a license, certificate, or other permit
30 issued by any jurisdiction evidencing the meeting of qualifications
31 for professional, mechanical, or other skills, and when such

1 assistance is requested by the receiving jurisdiction, such person
2 shall be deemed licensed, certified, or permitted by the
3 jurisdiction requesting assistance to render aid involving such
4 skill to meet a declared emergency or disaster, subject to such
5 limitations and conditions as the requesting jurisdiction may
6 prescribe by executive order or otherwise.

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

10 Officers or employees of a jurisdiction rendering aid in another
11 jurisdiction pursuant to the Oklahoma Intrastate Mutual Aid Compact
12 shall be considered within the scope of employment of the requesting
13 jurisdiction for tort liability and immunity purposes. No
14 jurisdiction or its officers or employees rendering aid in another
15 jurisdiction pursuant to the Compact shall be liable on account of
16 any act or omission in good faith on the jurisdiction of such forces
17 while so engaged or on account of the maintenance or use of any
18 equipment or supplies in connection therewith. Good faith shall not
19 include willful misconduct, gross negligence, or recklessness.

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

23 Each jurisdiction shall provide for the payment of compensation
24 and death benefits to injured members of the emergency forces of
25 that jurisdiction and representatives of deceased members of such
26 forces who sustain injuries or are killed while rendering aid
27 pursuant to the Oklahoma Intrastate Mutual Aid Compact, in the same
28 manner and on the same terms as if the injury or death were
29 sustained within its own jurisdiction.

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

17 SECTION 12. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 695.11 of Title 63, unless there
19 is created a duplication in numbering, reads as follows:

20 Plans for the orderly evacuation and inter-jurisdiction reception
21 of portions of the civilian population as the result of any
22 emergency or disaster of sufficient proportions to so warrant, shall
23 be worked out and maintained between the jurisdictions of the
24 Oklahoma Intrastate Mutual Aid Compact and the emergency management
25 or services directors of the various jurisdictions where any type of
26 incident requiring evacuations might occur. Such plans shall be put
27 into effect by request of the jurisdiction from which evacuees come
28 and shall include the manner of transporting such evacuees, the
29 number of evacuees to received in different areas, the manner in
30 which food, clothing, housing, and medical care will be provided,
31 the registration of evacuees, the providing of facilities for the

1 notification of relatives or friends, and the forwarding of such
2 evacuees to other areas or the bringing in of additional materials,
3 supplies, and all other relevant factors.

4 SECTION 13. REPEALER 63 O.S. 2001, Sections 688.1, 688.2,
5 688.3, 688.4 and 688.5, are hereby repealed.

6 SECTION 14. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.