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Oklahoma Emergency Management and Homeland Security Authorities Summarized

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Summary

The Oklahoma legislature has enacted four statutes that address emergency management issues: the Emergency Response Act, the Emergency Management Act of 2003, the Emergency Response and Notification Act, and the Catastrophic Health Emergency Powers Act. There are six entities with key responsibility during an emergency, including the governor and the state Emergency Management Agency. Financial aid to political subdivisions is given in the form of claims to federal funds and state emergency accounts. Aid to individuals comes from state and federal disaster relief funds. The Emergency Interim Executive and Judicial Succession Act provides for succession of judiciary and other public offices in emergencies. The Emergency Management Interim Legislative Succession Act provides for the continued operation of the legislature. Alternate locations for both the state seat of government and local seats of government are provided for in statute. Oklahoma uses mutual aid agreements and the Emergency Management Assistance Compact to facilitate the exchange of aid.

This report is one of a series that profiles emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

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Oklahoma Emergency Management and Homeland Security Authorities Summarized

Entities with Key Responsibilities

Governor: The governor exercises general direction and control of the Oklahoma Department of Emergency Management and is authorized to: assume direct operational control in an emergency beyond local control; manage emergency resources; direct the preparation of a comprehensive plan and program for emergency management resources; and cooperate with the President and federal agencies in matters related to emergency management including drills, mobilization of forces, warnings, and evacuation of civilian population (Okla. Stat. tit. 63, §683.2; tit. 63, §683.8-.9). During a catastrophic health emergency the governor may suspend provisions of regulatory statutes governing state business as deemed necessary, transfer personnel, mobilize the national guard, and seek federal assistance (Okla. Stat. tit. 63, §6403).

Catastrophic Health Emergency Planning Task Force: The task force prepares a plan to coordinate the response to a catastrophic health emergency that includes notification requirements, the role of law enforcement agencies, evacuation methods, treatment of infected persons, and other matters (Okla. Stat. tit. 63, §6105).

Department of Emergency Management: The department: coordinates the activities of emergency management organizations; develops and maintains a comprehensive all-hazards mitigation plan for the state; supervises implementation of the plan (Okla. Stat. tit. 63-683.4 D.); develops flood hazard mitigation measures and plans; helps local governments request state and federal disaster assistance; sets mitigation priorities; and serves as lead agency for FEMA and other hazard mitigation programs (Okla. Stat. tit. 63, §683.2). The Office of Volunteerism within the department develops and promotes emergency management volunteerism (Okla. Stat. tit. 63, §683.26, .28).

Emergency Management Advisory Council: The council advises the governor and the director of the Department of Emergency Management on all emergency management matters (Okla. Stat. tit. 63, §683.6).

Local governments: All incorporated jurisdictions are charged with developing an emergency management program. Counties are to employ qualified emergency management directors, municipalities must either have a director or maintain an agreement with the county for services. Local organizations must develop and maintain emergency operations plans that address preparedness, response, recovery and mitigation, and is coordinated with the state (Okla. Stat. tit. 63, §683.11). Local first responders are to notify local emergency management directors of significant

events, who must promptly report such events to the state emergency management department (Okla. Stat. tit. 63, §683 11. D. E.).

State hazard mitigation team: The team reviews and recommends updates to the state comprehensive all-hazard mitigation plan and reviews applications for the flood hazard mitigation program (Okla. Stat. tit. 63, §683.6). The team also is authorized to recommend priorities for flood hazard mitigation projects (Okla. Stat. tit. 63, §690.5).

Public Health Authority: The statute provides that the authority may exercise specified powers concerning the disposal of human remains during a state of catastrophic health emergency (Okla. Stat. tit. 63, §6502). Also, the authority must provide information to the public during an emergency on protective actions taken and to be taken by residents (Okla. Stat. tit. 63, §6701).

Hazardous Materials Emergency Response Commission: The commission implements provisions of the federal Emergency Planning and Community Right-to-Know Act and designates local planning committees (Okla. Stat. tit. 27A, §4-2-102).

Preparedness

The Emergency Response Act provides for the coordination of responses to dangerous substance incidents (Okla. Stat. tit. 27A, §4-1-101).

The Emergency Response and Notification Act provides for a continuing means to help political subdivisions carry out responsibilities related to flood disasters (Okla. Stat. tit. 63, §690.1-6).

The Catastrophic Health Emergency Powers Act requires development of a comprehensive plan to provide for coordinated responses to catastrophic health emergencies and the collection and reporting of related information (Okla. Stat. tit. 63, §6103).

State agencies must have written plans and procedures in place to protect against natural and man-made disasters. Such plans must be in concurrence with the “Emergency Standard Operating Procedures” guidebook issued by the state emergency management department, with annual reports provided to the department, which must report to the governor and legislature on the status of state emergency preparedness (Okla. Stat. tit. 63, §683.2 C.).

The department of health for the state must offer a vaccination program for first responders who may be exposed to infectious diseases at disaster locations (Okla. Stat. tit. 63, §682.1).

The public health authority may purchase, allocate, and distribute vaccines and pharmaceutical agents to prepare for, control, or respond to a catastrophic health emergency (Okla. Stat. tit. 63, §6503).

Declaration Procedures

The existence of a natural or man-made emergency may be proclaimed by the governor or by concurrent resolution of the legislature if an emergency has occurred or is anticipated in the immediate future. An emergency may be terminated by proclamation of the governor or through concurrent resolution (Okla. Stat. tit. 63, §683.9).

The statute authorizes the governor to declare an emergency and terminate the emergency when order is restored (Okla. Stat. tit. 21, §1321.3).

The governor is authorized to issue a “state of catastrophic health emergency” by executive order, which activates emergency plans. Such a declaration terminates automatically after 30 days unless renewed by the governor. Following issuance of the declaration the legislature must automatically be called into special session at 8:00 a.m. on the second day to concur with or terminate the declaration (Okla. Stat. tit. 63, §6401 - 6405).

Political subdivisions have the authority to declare a local emergency and to enter into contracts and incur obligations to respond to such an emergency (Okla. Stat. tit. 63, §683 11. F.).

Types of Assistance

The statute authorizes assistance programs for public losses and needs sustained in flood disasters (Okla. Stat. tit. 63, §690.1), including housing assistance for disaster victims (Okla. Stat. tit. 63, §1065).

The statute authorizes disaster relief for assistance to be provided on private land or homes to remove health and safety hazards and return the homes to habitable conditions (Okla. Stat. tit. 62, §2202).

The statute authorizes the provision of dwellings for disaster victims and for defense workers engaged in national defense activities during a time of war (Okla. Stat. tit. 63, §1065).

“Emergency assistance” may be extended to disaster victims generally for not more than 90 days (Okla. Stat. tit. 56, §26.8).

Mutual Aid

The Emergency Management Assistance Compact is codified (Okla. Stat. tit. 63, §684.2).

The state’s emergency management and mitigation functions must be coordinated with federal, state and local governments, and with private agencies (Okla. Stat. tit. 63, §683.2 B.).

During a state of catastrophic health emergency the public health authority may appoint and prescribe duties of out-of-state emergency health care providers as necessary for the duration of the state of emergency (Okla. Stat. tit. 63, §6602 2.).

Directors of local emergency management organizations may develop mutual aid agreements and must render aid in accordance with the agreements (Okla. Stat. tit. 63, §683.12).

Statutory requirements for licenses to practice professional, mechanical, or other skills do not apply to workers from other states providing mutual aid licensed in their home states (Okla. Stat. tit. 63, §683.13. B - D).

Funding

The governor is authorized to use money in the state emergency fund to defray expenses from emergencies. The fund consists of transferred or appropriated funds and is not subject to fiscal year limitations. Funding is limited to \$100,000 per geographical area per calendar year. The governor may use funds for specified needs—if other needs exist, concurrence must be obtained from the state contingency review board (Okla. Stat. tit. 62, §139.42; tit. 62, §139.45-48).

The emergency management disaster relief matching fund consists of funds appropriated or otherwise received, and is not subject to fiscal year limitations (Okla. Stat. tit. 63-§683.24).

During a state of “catastrophic health emergency” the governor may transfer money from any fund as may be necessary under specified conditions. Expenditures are limited to \$50 million per fiscal year (Okla. Stat. tit. 63, §6802).

Political subdivisions are authorized to make appropriations for the expenses of their emergency management organizations. State officials may accept offers of aid from the federal government or private entities (Okla. Stat. tit. 63, §683.17 A - C).

Hazard Mitigation

The Department of Emergency Management must develop and maintain flood hazard mitigation measures consistent with federal plans to coordinate flood hazard mitigation plans, and to provide guidance, information and training to political subdivisions on requests for state and federal natural disaster assistance (Okla. Stat. tit. 63, §690.3).

Any political subdivision may apply to the Department of Emergency Management for a grant or loan for flood hazard mitigation projects (Okla. Stat. tit. 63, §690.4).

Health care providers must report indicators that persons may have health conditions that might cause a catastrophic health emergency (Okla. Stat. tit. 63, §6301). The public health authority must investigate cases identified by such providers (Okla. Stat. tit. 63, §6302 - 6303).

School authorities are authorized to design buildings and make plans for protection from tornadoes and severe weather. Each institution must have plans in place for protection from man-made and natural disasters (Okla. Stat. tit. 63, §681).

Continuity of Government Operations

The statute provides for emergency interim succession of executive branch officials and judges (Okla. Stat. tit. 63, §685.2; tit. 63, §685.11) and for the continued operation of the legislature (Okla. Stat. tit. 63, §686.1 - .14).

The state constitution provides for temporary succession to the powers and duties of public offices and directs the legislature to adopt other measures to ensure the continuity of governmental operations (Constitution, Article V, Section 63, Okla. Stat. tit. 63, §686.1; tit. 63, §687.1).

The statute authorizes the governor to order a temporary disaster location for the seat of state government inside or outside the state (Okla. Stat. tit. 63 §687.3).

The statute provides for temporary disaster locations for seats of local governments (Okla. Stat. tit. 63, §687.4).

Other

The statute provides for leave with pay for not to exceed 15 working days to a state (Okla. Stat. tit. 74 §840-2.23A), municipal (Okla. Stat. tit 11 §22-135), or county employee (Okla. Stat. tit 19 §180.90) affected by a presidentially declared “national disaster” in the state.

The statute provides for leave with pay to a state employee in the executive branch who is a certified disaster service volunteer of the American Red Cross and participates in specialized disaster relief services within the state (Okla. Stat. tit 74 §840-2.24).

The Disaster Relief Act authorizes aid to be provided for private land or homes (Okla. Stat. tit. 62, §2201-2202).

The Homeland Security Act created the Office of Interim Homeland Security (Okla. Stat. tit. 74, §10.6).

Public agencies are generally prohibited from holding executive sessions, except for specified discussions and communications that include assessments of government vulnerabilities and plans to deter or respond to acts of terrorism (Okla. Stat. tit. 25, §307).

Full benefits of governmental service are extended to persons involved in emergency management functions (Okla. Stat. tit. 63, §683.13 A.).

Property owners who permit evacuated persons to seek shelter during an actual or impending emergency are given immunity from liability (Okla. Stat. tit. 63, §683.14).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in Oklahoma Statutes, with Citations

Terms	Citations
Biochemical assault	Okla. Stat. tit. 21, §1268.1 4.
Biochemical terrorism	Okla. Stat. tit. 21, §1268.1 1.
Bioterrorism	Okla. Stat. tit. 63, §682.1 A.3.; 63, §6104 1.
Catastrophic health emergency	Okla. Stat. tit. 63, §6104 2.
Disaster area	Okla. Stat. tit. 21, §1210 1.
Disaster locations	Okla. Stat. tit. 63, §682.1 A.4.
Emergency	Okla. Stat. tit. 63, §683.3 3.
Emergency management	Okla. Stat. tit. 63, §683.3 1.
Emergency Operations Plan	Okla. Stat. tit. 63, §683.3 2.
First responders	Okla. Stat. tit. 63, §682.1 A. 5.
Flood	Okla. Stat. tit. 63, §690.2 4.
Flood hazard mitigation	Okla. Stat. tit. 63, §690.2 5.
Flood hazard mitigation projects	Okla. Stat. tit. 63, §690.2 6.
Flood disaster	Okla. Stat. tit. 63, §690.2 7.
Flooding	Okla. Stat. tit. 63, §690.2
Hazard mitigation	Okla. Stat. tit. 63, §683.3 5.
Infectious disease	Okla. Stat. tit. 63, §6104 7.
Isolation	Okla. Stat. tit. 63, §6104.8.
Local organization for emergency management	Okla. Stat. tit. 63, §683.3 6.
Major disaster	Okla. Stat. tit. 63, §1054
Man-made disaster	Okla. Stat. tit. 63, §686.3 2.; §687.2 2.

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Natural disaster	Okla. Stat. tit. 63, §683.3 8.
Quarantine	Okla. Stat. tit. 63, §6104 13.
Radiation fallout shelters	Okla. Stat. tit. 63, §688.3 8.
Significant events	Okla. Stat. tit. 63, §683.3 4.
State Hazard Mitigation Team	Okla. Stat. tit. 63, §690.2 10.
Terrorist activity	Okla. Stat. tit. 21, §1268.1 5.
Terrorism	Okla. Stat. tit. 21, §1268.1 2.

For Further Research

The citations noted above and other elements of the state code for Oklahoma may be searched at: [<http://www.lsb.state.ok.us/>].