

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3056 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Gary Banz \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3056

By: Bengé

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; amending  
9 63 O.S. 2001, Sections 686.3, as amended by Section  
10 37, Chapter 329, O.S.L. 2003, 686.4, 686.5, 686.6 and  
11 686.7, as amended by Sections 38 and 39, Chapter 329,  
12 O.S.L. 2003, 686.8 and 686.9 (63 O.S. Supp. 2009,  
13 Sections 686.3, 686.6 and 686.7), which relate to the  
14 Emergency Management Interim Legislative Succession  
15 Act; modifying definition; modifying number of  
16 emergency interim successors; requiring submission of  
17 designations to certain persons; limiting the number  
18 of emergency interim successors that may be related  
19 to the designating legislator; modifying time period  
20 for designations; modifying notification requirement;  
21 changing who is to enter certain information in  
22 legislative journals; modifying when an emergency  
23 interim successor is to take oath of office and  
24 assume duties; changing who administers oaths;  
prohibiting certain acts; providing penalty; and  
providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 686.3, as  
amended by Section 37, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2009,  
Section 686.3), is amended to read as follows:

1 Section 686.3 As used in ~~this act~~ the Emergency Management  
2 Interim Legislative Succession Act:

3 1. "Emergency" means any occasion or instance:

4 a. for which, in the determination of the President of  
5 the United States or the Governor of the State of  
6 Oklahoma, federal or state assistance is needed to  
7 supplement state and local efforts and capabilities to  
8 save lives, protect property, public health and  
9 safety, or to lessen or avert threat of a catastrophe  
10 in any part of the state, and

11 b. in which one-third (1/3) or more of either chamber of  
12 the Legislature or one-third (1/3) or more of both  
13 chambers of the Legislature is unavailable, as defined  
14 in this section, to discharge the duties of a  
15 legislator;

16 2. "Man-made disaster" means a disaster caused by acts of man  
17 including, but not limited to, an act of war, terrorism, chemical  
18 spill or release, or a power shortage that requires assistance from  
19 outside the local political subdivision; and

20 3. "Unavailable" means absent from the place of session, other  
21 than on official business of the Legislature, or unable, for  
22 physical, mental or legal reasons, to exercise the powers and  
23 discharge the duties of a legislator, whether or not such absence or  
24

1 inability would give rise to a vacancy under existing constitutional  
2 or statutory provisions.

3 SECTION 2. AMENDATORY 63 O.S. 2001, Section 686.4, is  
4 amended to read as follows:

5 Section 686.4 Each legislator shall designate not fewer than  
6 three nor more than ~~seven~~ five emergency interim successors to ~~his~~  
7 the powers and duties of the legislator and specify their order of  
8 succession. The designations shall be submitted to the Chief Clerk  
9 of the House of Representatives if the legislator is a member of the  
10 House of Representatives and to the Secretary of the Senate if the  
11 legislator is a Senator at the time the legislator is sworn into  
12 office. Each legislator shall review and, as necessary, promptly  
13 revise the designations of emergency interim successors to ~~his~~ the  
14 legislator's powers and duties to ~~insure~~ ensure that at all times  
15 there are at least three such qualified emergency interim  
16 successors.

17 SECTION 3. AMENDATORY 63 O.S. 2001, Section 686.5, is  
18 amended to read as follows:

19 Section 686.5 An emergency interim successor is one who is  
20 designated for possible temporary succession to the powers and  
21 duties, but not the office, of a legislator. No person shall be  
22 designated or serve as an emergency interim successor unless ~~he~~ the  
23 person may, under the Constitution and statutes, hold the office of  
24 the legislator to whose powers and duties ~~he~~ the person is

1 designated to succeed, but no constitutional or statutory provision  
2 prohibiting a legislator from holding another office or prohibiting  
3 the holder of another office from being a legislator shall be  
4 applicable to an emergency interim successor. An emergency interim  
5 successor shall serve at the pleasure of the designating legislator  
6 ~~designating him~~ or of any subsequent incumbent of the legislative  
7 office. Not more than one emergency interim successor may be  
8 related within the third degree of affinity or consanguinity to the  
9 legislator.

10 SECTION 4. AMENDATORY 63 O.S. 2001, Section 686.6, as  
11 amended by Section 38, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2009,  
12 Section 686.6), is amended to read as follows:

13 Section 686.6 Prior to an emergency or disaster, if a  
14 legislator fails to designate the required minimum number of  
15 emergency interim successors within sixty (60) days following ~~the~~  
16 ~~effective date of this act~~ being sworn into office or, after such  
17 period, if for any reason the number of emergency interim successors  
18 for any legislator falls below the required minimum and remains  
19 below such minimum for a period of sixty (60) days, then the floor  
20 leader of the same political party in the same ~~house~~ chamber as such  
21 legislator shall, by and with the consent of the Speaker of the  
22 House of Representatives or President Pro Tempore of the Senate,  
23 promptly designate as many emergency interim successors as are  
24 required to achieve such minimum number, but the floor leader shall

1 not assign to any designees a rank in order of succession higher  
2 than that of any remaining emergency interim successor previously  
3 designated by a legislator for succession to the legislator's own  
4 powers and duties. Each emergency interim successor designated by  
5 the floor leader shall serve at the pleasure of the designating  
6 person, but the legislator for whom the emergency successor is  
7 designated or any subsequent incumbent of the office may change the  
8 rank in order of succession or replace at the pleasure of the  
9 designating person any emergency interim successor so designated.

10 SECTION 5. AMENDATORY 63 O.S. 2001, Section 686.7, as  
11 amended by Section 39, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2009,  
12 Section 686.7), is amended to read as follows:

13 Section 686.7 Each designation of an emergency interim  
14 successor shall become effective when the legislator or party floor  
15 leader making the designation files with the Secretary of State the  
16 successor's name, address and rank in order of succession. The  
17 removal of an emergency interim successor or change in order of  
18 succession shall become effective when the legislator or party floor  
19 leader, so acting, files this information with the Secretary of  
20 State. All such data shall be open to public inspection. The  
21 Secretary of State shall inform the Governor, the Oklahoma  
22 Department of Emergency Management, ~~the journal clerk of the house~~  
23 ~~concerned~~ Clerk of the House of Representatives if the designations  
24 are for members of the House of Representatives, the Secretary of

1 the Senate if the designations are for members of the Senate, and  
2 all emergency interim successors, of all such designations, removals  
3 and changes in order of succession. ~~The journal clerk of each house~~  
4 Clerk of the House of Representatives shall enter all information  
5 regarding emergency interim successors for the ~~house~~ House of  
6 Representatives in its public journal at the beginning of each  
7 legislative session and shall enter all changes in membership or  
8 order of succession as soon as possible after the occurrence. The  
9 Secretary of the Senate shall enter all information regarding  
10 emergency interim successors for the Senate in its public journal at  
11 the beginning of each legislative session and shall enter all  
12 changes in membership or order of succession as soon as possible  
13 after the occurrence.

14 SECTION 6. AMENDATORY 63 O.S. 2001, Section 686.8, is  
15 amended to read as follows:

16 Section 686.8 ~~Promptly after designation each~~ An emergency  
17 interim successor shall take the oaths required for the legislator  
18 to whose powers and duties ~~he~~ the emergency interim successor is  
19 designated to succeed only if the interim emergency successor  
20 actually assumes the duties of the legislator. No other oath shall  
21 be required. The oath shall be administered ~~(by the Speaker of the~~  
22 ~~House of Representatives for the emergency interim successors~~  
23 ~~designated for that house, and by the President Pro Tempore of the~~  
24 ~~Senate for the emergency interim successors designated to serve for~~

1 ~~the Senate)~~ by one of the Justices of the Supreme Court, or if no  
2 Justice is available, then by any person authorized to administer  
3 oaths.

4 SECTION 7. AMENDATORY 63 O.S. 2001, Section 686.9, is  
5 amended to read as follows:

6 Section 686.9 A. Each emergency interim successor shall keep  
7 ~~himself~~ generally informed as to the duties, procedures, practices  
8 and current business of the Legislature, and each legislator shall  
9 assist ~~his~~ emergency interim successors designated by the legislator  
10 to keep ~~themselves~~ them so informed.

11 B. An emergency interim successor shall not hold himself or  
12 herself out as a legislator unless the emergency interim successor  
13 assumes the duties of a legislator and takes the oaths required by  
14 Section 686.8 of this title. Any person who violates the provisions  
15 of this subsection shall be subject to the penalties for false  
16 personation provided for in subsection A of Section 1533 of Title 21  
17 of the Oklahoma Statutes.

18 SECTION 8. This act shall become effective November 1, 2010.

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20 52-2-9980 SD 02/22/10  
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