

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 HOUSE BILL NO. 3056

By: Banz and Bengé of the House

and

Brown of the Senate

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9 COMMITTEE SUBSTITUTE

10 [public health and safety - Emergency Management
11 Interim Legislative Succession Act - repealer -
12 effective date]

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

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

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

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

21 a. for which, in the determination of the President of
22 the United States or the Governor of the State of
23 Oklahoma, federal or state assistance is needed to
24 supplement state and local efforts and capabilities to

1 save lives, protect property, public health and
2 safety, or to lessen or avert threat of a catastrophe
3 in any part of the state, and

4 b. in which one-third (1/3) or more of either chamber of
5 the Legislature or one-third (1/3) or more of both
6 chambers of the Legislature is unavailable, as defined
7 in this section, to discharge the duties of a
8 legislator;

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

13 3. "Unavailable" means absent from the place of session, other
14 than on official business of the Legislature, or unable, for
15 physical, mental or legal reasons, to exercise the powers and
16 discharge the duties of a legislator, whether or not such absence or
17 inability would give rise to a vacancy under existing constitutional
18 or statutory provisions.

19 SECTION 2. AMENDATORY 63 O.S. 2001, Section 686.8, is
20 amended to read as follows:

21 Section 686.8 A. Notwithstanding any other provision of law,
22 in the event a vacancy in the Legislature is determined to exist as
23 a result of an emergency as defined in Section 686.3 of this title,
24 the Governor shall issue a proclamation calling for an emergency

1 special general election to be conducted as provided in this
2 section, to fill the vacancy on an interim basis for the remainder
3 of the unexpired term.

4 B. The proclamation shall be issued within three (3) days
5 following the determination that the vacancy exists and shall
6 provide for the following:

7 1. An emergency special filing period of one day to occur on a
8 Tuesday not more than seven (7) days from the date of the
9 proclamation; and

10 2. The date of an emergency special general election, on a
11 Tuesday, not more than twenty-one (21) days after the close of the
12 special emergency filing period.

13 C. Candidates shall file declarations of candidacy with the
14 Secretary of the State Election Board. Candidates shall designate
15 their political party affiliation. Candidates shall meet the
16 eligibility requirements for the office as set forth in the Oklahoma
17 Constitution and the Oklahoma Statutes and shall be required to sign
18 an oath or affirmation to that effect. The State Election Board
19 shall convene a hearing for contests of candidacy on the Wednesday
20 immediately following the filing period.

21 D. If the Secretary of the State Election Board determines that
22 insufficient time exists to print ballots for an emergency special
23 general election, or determines that voting machines are unavailable
24 for any reason, the State Election Board may provide a list of the

1 candidates to voters, and voters may write the name of their
2 preferred candidate on their ballot.

3 E. The secretary of a county election board, subject to the
4 approval of the Secretary of the State Election Board, may combine
5 two or more precincts into one location for voting in the emergency
6 special general election. Provided, the secretary of the county
7 election board shall post a notice at each regular precinct location
8 notifying voters of the location where voting shall occur for the
9 emergency special general election.

10 F. All voters in an emergency special general election shall
11 vote at the appropriate polling place on the date provided in the
12 Governor's proclamation. The candidate receiving the highest number
13 of votes in the emergency special general election shall be
14 certified by the State Election Board as elected to fill the vacancy
15 and shall be designated an emergency interim successor.

16 G. The Secretary of the State Election Board shall have the
17 authority to establish emergency procedures to conduct an emergency
18 special election pursuant to the provisions of the Emergency
19 Management Interim Legislative Succession Act. The Secretary of the
20 State of Election Board shall promulgate rules pursuant to the
21 Administrative Procedures Act governing the conduct of and
22 procedures for emergency special elections.

23 ~~Promptly after designation each~~ H. An emergency interim
24 successor shall take the oaths required for the legislator to whose

1 ~~powers and duties he is designated to succeed~~ office to which he or
2 she has been elected. No other oath shall be required. The oath
3 shall be administered ~~(by the Speaker of the House of~~
4 ~~Representatives for the emergency interim successors designated for~~
5 ~~that house, and by the President Pro Tempore of the Senate for the~~
6 ~~emergency interim successors designated to serve for the Senate)~~ by
7 one of the Justices of the Supreme Court, or if no Justice is
8 available, then by any person authorized to administer oaths.

9 SECTION 3. AMENDATORY 63 O.S. 2001, Section 686.11, as
10 amended by Section 41, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2009,
11 Section 686.11), is amended to read as follows:

12 Section 686.11 In the event of an emergency or disaster, the
13 Governor shall call the Legislature into session as soon as
14 practicable, and in any case within thirty (30) days following the
15 inception of the emergency or disaster. Each legislator and each
16 emergency interim successor, ~~unless the Governor is certain that the~~
17 ~~legislator to whose powers and duties the legislator is designated~~
18 ~~to succeed or any emergency interim successor higher in order of~~
19 ~~succession will not be unavailable,~~ elected pursuant to the
20 provisions of Section 686.8 of this title shall proceed to the place
21 of session as expeditiously as practicable. At such session or at
22 any session in operation at the inception of the emergency or
23 disaster, and at any subsequent session, limitations on the length
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1 of session and on the subjects which may be acted upon shall be
2 suspended.

3 SECTION 4. AMENDATORY 63 O.S. 2001, Section 686.12, as
4 amended by Section 42, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2009,
5 Section 686.12), is amended to read as follows:

6 Section 686.12 If, in the event of an emergency or disaster a
7 legislator is unavailable, the emergency interim successor ~~highest~~
8 ~~in order of succession who is not unavailable~~ elected pursuant to
9 the provisions of Section 686.8 of this title shall, ~~except for the~~
10 ~~power and duty to appoint emergency interim successors,~~ exercise the
11 powers and assume the duties of such legislator. ~~An emergency~~
12 ~~interim successor shall exercise these powers and assume these~~
13 ~~duties until the incumbent legislator, an emergency interim~~
14 ~~successor higher in order of succession, or a legislator appointed~~
15 ~~or elected and legally qualified can act.~~ Each house of the
16 Legislature shall, in accordance with its own rules, determine who
17 is entitled under the provisions of this act to exercise the powers
18 and assume the duties of its members. All constitutional and
19 statutory provisions pertaining to ~~ouster of a legislator~~
20 legislators shall be applicable to an emergency interim successor
21 who is exercising the powers and assuming the duties of a
22 legislator.

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1 SECTION 5. AMENDATORY 63 O.S. 2001, Section 686.13, as
2 amended by Section 43, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2009,
3 Section 686.13), is amended to read as follows:

4 Section 686.13 When an emergency interim successor exercises
5 the powers and assumes the duties of a legislator, the emergency
6 interim successor shall be accorded the privileges and immunities,
7 compensation, allowances and other perquisites of office to which a
8 legislator is entitled. In the event of an emergency or disaster,
9 each emergency interim successor, ~~whether or not called upon to~~
10 ~~exercise the powers and assume the duties of a legislator,~~ shall be
11 accorded the privileges and immunities of a legislator while
12 traveling to and from a place of session and shall be compensated
13 for travel in the same manner and amount as a legislator. This
14 section shall not in any way affect the privileges, immunities,
15 compensation, allowances or other perquisites of office of an
16 incumbent legislator.

17 SECTION 6. REPEALER 63 O.S. 2001, Sections 686.4, 686.5,
18 686.6 and 686.7, as amended by Sections 38 and 39, Chapter 329,
19 O.S.L. 2003 and 686.9 (63 O.S. Supp. 2009, Sections 686.6 and
20 686.7), are hereby repealed.

21 SECTION 7. This act shall become effective November 1, 2010.

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