

1 ENGROSSED HOUSE
2 BILL NO. 3056

By: Banz and Benge of the House

3 and

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

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

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

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

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

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

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

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

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

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

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

1 the holder of another office from being a legislator shall be
2 applicable to an emergency interim successor. An emergency interim
3 successor shall serve at the pleasure of the designating legislator
4 ~~designating him~~ or of any subsequent incumbent of the legislative
5 office. Not more than one emergency interim successor may be
6 related within the third degree of affinity or consanguinity to the
7 legislator.

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

11 Section 686.6 Prior to an emergency or disaster, if a
12 legislator fails to designate the required minimum number of
13 emergency interim successors within sixty (60) days following ~~the~~
14 ~~effective date of this act~~ being sworn into office or, after such
15 period, if for any reason the number of emergency interim successors
16 for any legislator falls below the required minimum and remains
17 below such minimum for a period of sixty (60) days, then the floor
18 leader of the same political party in the same ~~house~~ chamber as such
19 legislator shall, by and with the consent of the Speaker of the
20 House of Representatives or President Pro Tempore of the Senate,
21 promptly designate as many emergency interim successors as are
22 required to achieve such minimum number, but the floor leader shall
23 not assign to any designees a rank in order of succession higher
24 than that of any remaining emergency interim successor previously

1 designated by a legislator for succession to the legislator's own
2 powers and duties. Each emergency interim successor designated by
3 the floor leader shall serve at the pleasure of the designating
4 person, but the legislator for whom the emergency successor is
5 designated or any subsequent incumbent of the office may change the
6 rank in order of succession or replace at the pleasure of the
7 designating person any emergency interim successor so designated.

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

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

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

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

14 Section 686.8 ~~Promptly after designation each~~ An emergency
15 interim successor shall take the oaths required for the legislator
16 to whose powers and duties ~~he~~ the emergency interim successor is
17 designated to succeed only if the interim emergency successor
18 actually assumes the duties of the legislator. No other oath shall
19 be required. The oath shall be administered ~~(by the Speaker of the~~
20 ~~House of Representatives for the emergency interim successors~~
21 ~~designated for that house, and by the President Pro Tempore of the~~
22 ~~Senate for the emergency interim successors designated to serve for~~
23 ~~the Senate)~~ by one of the Justices of the Supreme Court, or if no
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1 Justice is available, then by any person authorized to administer
2 oaths.

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

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

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

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