

THE HOUSE OF REPRESENTATIVES  
Thursday, February 25, 2010

Committee Substitute for  
House Bill No. 3056

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3056 - By: BANZ AND BENGE of the House.

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 686.3, as amended by Section 37, Chapter 329, O.S.L. 2003, 686.4, 686.5, 686.6 and 686.7, as amended by Sections 38 and 39, Chapter 329, O.S.L. 2003, 686.8 and 686.9 (63 O.S. Supp. 2009, Sections 686.3, 686.6 and 686.7), which relate to the Emergency Management Interim Legislative Succession Act; modifying definition; modifying number of emergency interim successors; requiring submission of designations to certain persons; limiting the number of emergency interim successors that may be related to the designating legislator; modifying time period for designations; modifying notification requirement; changing who is to enter certain information in legislative journals; modifying when an emergency interim successor is to take oath of office and 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:

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

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

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

- 1           a.     for which, in the determination of the President of the United States or  
2                     the Governor of the State of Oklahoma, federal or state assistance is  
3                     needed to supplement state and local efforts and capabilities to save  
4                     lives, protect property, public health and safety, or to lessen or avert  
5                     threat of a catastrophe in any part of the state, and  
6           b.     in which one-third (1/3) or more of either chamber of the Legislature or  
7                     one-third (1/3) or more of both chambers of the Legislature is  
8                     unavailable, as defined in this section, to discharge the duties of a  
9                     legislator;

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

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

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

20           Section 686.4 Each legislator shall designate not fewer than three nor more than  
21           ~~seven~~ five emergency interim successors to ~~his~~ the powers and duties of the legislator  
22           and specify their order of succession. The designations shall be submitted to the Chief

1 Clerk of the House of Representatives if the legislator is a member of the House of  
2 Representatives and to the Secretary of the Senate if the legislator is a Senator at the  
3 time the legislator is sworn into office. Each legislator shall review and, as necessary,  
4 promptly revise the designations of emergency interim successors to ~~his~~ the legislator's  
5 powers and duties to ~~insure~~ ensure that at all times there are at least three such  
6 qualified emergency interim successors.

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

9 Section 686.5 An emergency interim successor is one who is designated for possible  
10 temporary succession to the powers and duties, but not the office, of a legislator. No  
11 person shall be designated or serve as an emergency interim successor unless ~~he~~ the  
12 person may, under the Constitution and statutes, hold the office of the legislator to  
13 whose powers and duties ~~he~~ the person is designated to succeed, but no constitutional or  
14 statutory provision prohibiting a legislator from holding another office or prohibiting the  
15 holder of another office from being a legislator shall be applicable to an emergency  
16 interim successor. An emergency interim successor shall serve at the pleasure of the  
17 designating legislator ~~designating him~~ or of any subsequent incumbent of the legislative  
18 office. Not more than one emergency interim successor may be related within the third  
19 degree of affinity or consanguinity to the legislator.

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

1 Section 686.6 Prior to an emergency or disaster, if a legislator fails to designate the  
2 required minimum number of emergency interim successors within sixty (60) days  
3 following ~~the effective date of this act~~ being sworn into office or, after such period, if for  
4 any reason the number of emergency interim successors for any legislator falls below the  
5 required minimum and remains below such minimum for a period of sixty (60) days, then  
6 the floor leader of the same political party in the same ~~house~~ chamber as such legislator  
7 shall, by and with the consent of the Speaker of the House of Representatives or  
8 President Pro Tempore of the Senate, promptly designate as many emergency interim  
9 successors as are required to achieve such minimum number, but the floor leader shall  
10 not assign to any designees a rank in order of succession higher than that of any  
11 remaining emergency interim successor previously designated by a legislator for  
12 succession to the legislator's own powers and duties. Each emergency interim successor  
13 designated by the floor leader shall serve at the pleasure of the designating person, but  
14 the legislator for whom the emergency successor is designated or any subsequent  
15 incumbent of the office may change the rank in order of succession or replace at the  
16 pleasure of the designating person any emergency interim successor so designated.

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

20 Section 686.7 Each designation of an emergency interim successor shall become  
21 effective when the legislator or party floor leader making the designation files with the  
22 Secretary of State the successor's name, address and rank in order of succession. The

1 removal of an emergency interim successor or change in order of succession shall become  
2 effective when the legislator or party floor leader, so acting, files this information with  
3 the Secretary of State. All such data shall be open to public inspection. The Secretary of  
4 State shall inform the Governor, the Oklahoma Department of Emergency Management,  
5 ~~the journal clerk of the house concerned~~ Clerk of the House of Representatives if the  
6 designations are for members of the House of Representatives, the Secretary of the  
7 Senate if the designations are for members of the Senate, and all emergency interim  
8 successors, of all such designations, removals and changes in order of succession. The  
9 ~~journal clerk of each house~~ Clerk of the House of Representatives shall enter all  
10 information regarding emergency interim successors for the ~~house~~ House of  
11 Representatives in its public journal at the beginning of each legislative session and shall  
12 enter all changes in membership or order of succession as soon as possible after the  
13 occurrence. The Secretary of the Senate shall enter all information regarding emergency  
14 interim successors for the Senate in its public journal at the beginning of each legislative  
15 session and shall enter all changes in membership or order of succession as soon as  
16 possible after the occurrence.

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

19 Section 686.8 ~~Promptly after designation each~~ An emergency interim successor  
20 shall take the oaths required for the legislator to whose powers and duties ~~he~~ the  
21 emergency interim successor is designated to succeed only if the interim emergency  
22 successor actually assumes the duties of the legislator. No other oath shall be required.

1 The oath shall be administered ~~(by the Speaker of the House of Representatives for the~~  
2 ~~emergency interim successors designated for that house, and by the President Pro~~  
3 ~~Tempore of the Senate for the emergency interim successors designated to serve for the~~  
4 ~~Senate)~~ by one of the Justices of the Supreme Court, or if no Justice is available, then by  
5 any person authorized to administer oaths.

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02-  
19 24-10 - DO PASS, As Amended and Coauthored.