

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3056

By: Bengé

4  
5  
6 AS INTRODUCED

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; adding definition; modifying number of emergency  
15 interim successors; requiring submission of  
16 designations to certain persons; prohibiting  
17 emergency interim successors from being related to  
18 the designating legislator; modifying time period for  
19 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 for which, in the  
2 determination of the President of the United States or the Governor  
3 of the State of Oklahoma, federal or state assistance is needed to  
4 supplement state and local efforts and capabilities to save lives,  
5 protect property, public health and safety, or to lessen or avert  
6 threat of a catastrophe in any part of the state;

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

11        3. "Natural disaster" means any natural catastrophe, including,  
12 but not limited to, a tornado, severe storm, high water, flood  
13 waters, wind-driven water, earthquake, landslide, mudslide,  
14 snowstorm, or drought which causes damage of sufficient severity and  
15 magnitude to warrant hazard mitigation or the use of resources of  
16 the federal government, or the state and political subdivisions  
17 thereof to alleviate the damage, loss, hardship or suffering caused  
18 thereby; and

19        4. "Unavailable" means absent from the place of session, other  
20 than on official business of the Legislature, or unable, for  
21 physical, mental or legal reasons, to exercise the powers and  
22 discharge the duties of a legislator, whether or not such absence or  
23 inability would give rise to a vacancy under existing constitutional  
24 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. An emergency interim successor shall not be related within  
6 the third degree of affinity or consanguinity to the legislator.

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

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

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

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

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

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

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

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

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

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

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

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

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