

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 1206

By: Brown

4  
5  
6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 63 O.S. 2001, Section 683.9, as amended by Section 9,  
9 Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2008, Section  
10 683.9), which relates to emergencies; modifying time  
11 of suspension; and providing an effective date.

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

13 SECTION 1. AMENDATORY 63 O.S. 2001, Section 683.9, as  
14 amended by Section 9, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2008,  
15 Section 683.9), is amended to read as follows:

16 Section 683.9 The provisions of this section shall be operative  
17 only during the existence of a natural or man-made emergency. The  
18 existence of such emergency may be proclaimed by the Governor or by  
19 concurrent resolution of the Legislature if the Governor in such  
20 proclamation, or the Legislature in such resolution, finds that an  
21 emergency or disaster has occurred or is anticipated in the  
22 immediate future. Any such emergency, whether proclaimed by the  
23 Governor or by the Legislature, shall terminate upon the  
24 proclamation of the termination thereof by the Governor, or by

1 passage by the Legislature of a concurrent resolution terminating  
2 such emergency. During such period as such state of emergency  
3 exists or continues, the Governor shall have and may exercise the  
4 following additional emergency powers:

5 1. To activate the Emergency Operations Plan, and to assume  
6 regulatory control over all essential resources of this state,  
7 directly or through the boards, agencies, offices and officers  
8 established by said Emergency Operations Plan, to determine  
9 priorities of such resources and allocate such resources as the  
10 Governor may deem necessary in cooperation with the political  
11 subdivisions of this state, the federal government, or other states.  
12 "Resources" shall mean all economic resources within this state  
13 including but not limited to food, manpower, health and health  
14 manpower, water, transportation, economic stabilization, electric  
15 power, petroleum, gas, and solid fuel, industrial production,  
16 construction and housing.

17 2. To enforce all laws, rules and regulations relating to  
18 emergency management and to assume direct operational control of any  
19 or all emergency management forces and helpers in this state.

20 3. To provide for the evacuation of all or part of the  
21 population from any stricken or threatened area or areas within this  
22 state and to take such steps as are necessary for the receipt and  
23 care of such evacuees.

24

1       4. Subject to the provisions of the State Constitution, to  
2 remove from office any public officer having administrative  
3 responsibilities under this act for willful failure to obey any  
4 order, rule or regulation adopted pursuant to this act. Such  
5 removal shall be upon charges after service upon such person of a  
6 copy of such charges and after giving such person an opportunity to  
7 be heard in the defense of such person. Pending the preparation and  
8 disposition of charges, the Governor may suspend such person for a  
9 period not exceeding ~~thirty (30)~~ sixty (60) days. A vacancy  
10 resulting from removal or suspension pursuant to this section shall  
11 be filled by the Governor until it is filled as otherwise provided  
12 by law.

13       5. To perform and exercise such other functions, powers, and  
14 duties as are necessary to promote and secure the safety and  
15 protection of the civilian population and to carry out the  
16 provisions of the Emergency Operations Plan in a national or state  
17 emergency.

18       SECTION 2. This act shall become effective November 1, 2009.

19

20       52-1-396           MRB           3/6/2009 2:19:23 AM

21

22

23

24