

1 ENGROSSED SENATE
2 BILL NO. 1408

By: Dahm of the Senate

3 and

4 Murphey of the House

5
6 [emergency state government operations - succession
7 procedures - Governor - repealer - legislators -
8 effective date]
9

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

11 SECTION 1. AMENDATORY 63 O.S. 2011, Section 685.5, is
12 amended to read as follows:

13 Section 685.5. ~~All~~ Unless otherwise provided by law, all state
14 officers, other than the Governor, subject to such regulations as
15 the Governor, or other official authorized under the Constitution
16 and ~~this act~~ Section 685.1 et seq. of this title to exercise the
17 powers and discharge the duties of the Office of Governor, may
18 issue, upon approval of ~~this act~~ Section 685.1 et seq. of this
19 title, in addition to any deputy, shall designate, by the title of
20 their office or position, emergency interim successors and specify
21 their order of succession. The officer shall review and revise, as
22 necessary, designations made pursuant to ~~this act~~ Section 685.1 et
23 seq. of this title to ensure their current status. The officer
24 shall designate a ~~sufficient number of such emergency interim~~

1 ~~successors so that there will be not less than three nor more than~~
2 ~~seven deputies or emergency interim successors or any combination~~
3 ~~thereof, at any time~~ deputy, chief administrative officer or such
4 other personnel of the agency of the officer as emergency interim
5 successors. In the event that any state officer is unavailable
6 following an emergency or disaster, ~~and in the event a deputy, if~~
7 ~~any, is also unavailable,~~ the said powers of the office shall be
8 exercised and ~~said~~ the duties of the office shall be discharged by
9 the designated emergency interim successors in the order specified.
10 The authority of an emergency successor shall cease:

11 1. When the incumbent of the office, or a deputy or an interim
12 successor higher in designation becomes available to exercise the
13 powers and to perform the duties of the office; or

14 2. When a successor to the office has been duly elected or
15 appointed and has qualified according to law.

16 SECTION 2. AMENDATORY 63 O.S. 2011, Section 685.6, is
17 amended to read as follows:

18 Section 685.6. ~~The respective officers of~~ For vacancies on the
19 governing body of each city or incorporated town, and of all other
20 political subdivisions, of this state, ~~shall designate interim~~
21 ~~successors, and shall specify the order of succession of deputies~~
22 ~~and interim successors, in the same manner, and with the same~~
23 ~~effect, as is provided for state officers by Section 5 hereof~~ if
24 state law or the municipal charter provides for vacancies on the

1 governing body of the municipality to be filled by the remaining
2 members of the governing body or by other available means, such
3 provisions shall govern in the event of an emergency resulting in
4 vacancies of more than a quorum of the governing body. If there are
5 no such provisions in state law or the municipal charter, vacancies
6 shall be filled by the Governor or person acting as Governor by
7 temporary appointment until such vacancies can be filled by
8 election.

9 SECTION 3. AMENDATORY 63 O.S. 2011, Section 685.7, is
10 amended to read as follows:

11 Section 685.7. Whenever an emergency or disaster occurs in the
12 United States, and in the event that any judge of any court is
13 unavailable to exercise the powers and discharge the duties of the
14 office, and no other judge authorized to act or no special judge
15 appointed in accordance with the provisions of the Constitution or
16 statutes is available to exercise the powers and discharge the
17 duties of such office, the duties of the office shall be discharged
18 and the powers exercised by the special emergency judges, each of
19 whom shall otherwise be qualified to serve as a judge, as
20 ~~hereinafter provided for:~~

21 ~~1. The Governor shall designate for each member of the Supreme~~
22 ~~Court special emergency judges in the number of not less than three~~
23 ~~nor more than seven for each member of said court, and shall specify~~
24 ~~the order of their succession.~~

1 ~~2. The Governor shall designate for each member of the Court of~~
2 ~~Criminal Appeals special emergency judges in the number of not less~~
3 ~~than three nor more than seven for each member of said court, and~~
4 ~~shall specify the order of their succession.~~

5 ~~3. The Chief Justice of the Supreme Court, in consultation with~~
6 ~~the other members of said court, shall designate for each court of~~
7 ~~record, except the Supreme Court and the Court of Criminal Appeals,~~
8 ~~special emergency judges in the number of not less than three nor~~
9 ~~more than seven for each judge of said courts and shall specify~~
10 ~~their order of succession.~~

11 ~~4. The judge of the district court, or the senior judge of any~~
12 ~~such district, in consultation with the other district judges of~~
13 ~~that district, where there is more than one judge shall designate~~
14 ~~not less than three nor more than seven emergency judges for courts~~
15 ~~not of record within that district and shall specify their order of~~
16 ~~succession. Such special emergency judges shall be appointed by the~~
17 ~~Governor or person acting as Governor by temporary appointment until~~
18 ~~such vacancies can be filled by election or as provided by law.~~

19 Such special emergency judges shall, in the order specified,
20 exercise the powers and discharge the duties of such office in case
21 of the unavailability of the regular judge or judges or persons
22 immediately preceding them in the designation. The designating
23 authority shall review and revise, as necessary, designations made
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1 pursuant to ~~this act~~ Section 685.1 et seq. of this title to ensure
2 their current status.

3 Said special emergency judges shall discharge the duties and
4 exercise the powers of such office until such time as a vacancy
5 which may exist shall be filled in accordance with the Constitution
6 and statutes or until the regular judge or one preceding the
7 designee in the order of succession becomes available to exercise
8 the powers and discharge the duties of the office.

9 SECTION 4. AMENDATORY 63 O.S. 2011, Section 686.1, is
10 amended to read as follows:

11 Section 686.1. ~~This act~~ Sections 686.2, 686.3, 686.10 and
12 686.11 of this title shall be known as the "Emergency Management
13 Interim Legislative ~~Succession~~ Operations Act" and shall be
14 cumulative to the Oklahoma Emergency Management Act of 2003.

15 SECTION 5. AMENDATORY 63 O.S. 2011, Section 686.2, is
16 amended to read as follows:

17 Section 686.2. ~~The Legislature declares:~~

18 ~~1. Because of existing possibilities of natural or man-made~~
19 ~~disasters or emergencies of unprecedented destructiveness, which may~~
20 ~~result in the death or inability to act of a large proportion of the~~
21 ~~membership of the Legislature; and~~

22 ~~2. Because to conform in time of~~ In the event of an emergency
23 or natural or man-made disaster to that would cause existing legal
24 requirements pertaining to the Legislature ~~would~~ to be

1 impracticable, and ~~would~~ jeopardize continuity of operation of a
2 legally constituted Legislature; ~~it is therefore necessary to adopt~~
3 ~~special provisions as hereinafter,~~ the Governor may declare the
4 provisions of the Emergency Management Interim Legislative
5 Operations Act set out for the effective operation of the
6 Legislature during natural or man-made disasters or emergencies to
7 be in force and effect.

8 SECTION 6. AMENDATORY 63 O.S. 2011, Section 686.3, is
9 amended to read as follows:

10 Section 686.3. As used in ~~this act~~ the Emergency Management
11 Interim Legislative Operations Act:

12 1. "Emergency" means any occasion or instance for which, in the
13 determination of the President of the United States or the Governor
14 of the State of Oklahoma, federal or state assistance is needed to
15 supplement state and local efforts and capabilities to save lives,
16 protect property, public health and safety, or to lessen or avert
17 threat of a catastrophe in any part of the state; and

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

22 3. ~~"Unavailable" means absent from the place of session, other~~
23 ~~than on official business of the Legislature, or unable, for~~
24 ~~physical, mental or legal reasons, to exercise the powers and~~

1 ~~discharge the duties of a legislator, whether or not such absence or~~
2 ~~inability would give rise to a vacancy under existing constitutional~~
3 ~~or statutory provisions.~~

4 SECTION 7. AMENDATORY 63 O.S. 2011, Section 686.11, is
5 amended to read as follows:

6 Section 686.11. In the event of an emergency or natural or man-
7 made disaster, the Governor shall call the Legislature into session
8 as soon as practicable, and in any case within thirty (30) days
9 following the inception of the emergency or disaster. Each
10 legislator ~~and each emergency interim successor, unless the Governor~~
11 ~~is certain that the legislator to whose powers and duties the~~
12 ~~legislator is designated to succeed or any emergency interim~~
13 ~~successor higher in order of succession will not be unavailable,~~
14 shall proceed to the place of session as expeditiously as
15 practicable. At such session or at any session in operation at the
16 inception of the emergency or disaster, and at any subsequent
17 session, limitations on the length of session and on the subjects
18 which may be acted upon shall be suspended.

19 SECTION 8. REPEALER 63 O.S. 2011, Sections 686.4, 686.5,
20 686.6, 686.7, 686.8, 686.9, 686.12, 686.13 and 686.14, are hereby
21 repealed.

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