

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1208

By: Dahm

AS INTRODUCED

An Act relating to emergency state government operations; amending 63 O.S. 2011, Sections 685.5, 685.6, 686.1, 686.2, 686.3 and 686.11, which relate to the emergency succession procedures; modifying procedure to name certain emergency interim successors; changing name of act; modifying legislative declaration; authorizing Governor to declare provisions of act to be in force and effect; deleting definition; deleting provisions relating to emergency interim successors for legislators; repealing 63 O.S. 2011, Sections 686.4, 686.5, 686.6, 686.7, 686.8, 686.9, 686.12, 686.13 and 686.14, which relate to emergency interim successors for legislators; and providing an effective date.

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

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

Section 685.5. ~~All~~ Unless otherwise provided by law, all state officers, other than the Governor, subject to such regulations as the Governor, or other official authorized under the Constitution and ~~this act~~ Section 685.1 et seq. of this title to exercise the powers and discharge the duties of the Office of Governor, may issue, upon approval of ~~this act~~ Section 685.1 et seq. of this

1 title, ~~in addition to any deputy~~, shall designate, by the title of
2 their office or position, emergency interim successors and specify
3 their order of succession. The officer shall review and revise, as
4 necessary, designations made pursuant to ~~this act~~ Section 685.1 et
5 seq. of this title to ensure their current status. The officer
6 shall designate a ~~sufficient number of such emergency interim~~
7 ~~successors so that there will be not less than three nor more than~~
8 ~~seven deputies or emergency interim successors or any combination~~
9 ~~thereof, at any time~~ deputy, chief administrative officer or such
10 other personnel of the agency of the officer as emergency interim
11 successors. In the event that any state officer is unavailable
12 following an emergency or disaster, ~~and in the event a deputy, if~~
13 ~~any, is also unavailable~~, the ~~said~~ powers of the office shall be
14 exercised and ~~said~~ the duties of the office shall be discharged by
15 the designated emergency interim successors in the order specified.
16 The authority of an emergency successor shall cease:

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

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

22 SECTION 2. AMENDATORY 63 O.S. 2011, Section 685.6, is
23 amended to read as follows:
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1 Section 685.6. ~~The respective officers of~~ For vacancies on the
2 governing body of each city or incorporated town, and of all other
3 political subdivisions, of this state, ~~shall designate interim~~
4 ~~successors, and shall specify the order of succession of deputies~~
5 ~~and interim successors, in the same manner, and with the same~~
6 ~~effect, as is provided for state officers by Section 5 hereof if~~
7 state law or the municipal charter provides for vacancies on the
8 governing body of the municipality to be filled by the remaining
9 members of the governing body or by other available means, such
10 provisions shall govern in the event of an emergency resulting in
11 vacancies of more than a quorum of the governing body. If there are
12 no such provisions in state law or the municipal charter, vacancies
13 shall be filled by the Governor or person acting as Governor by
14 temporary appointment until such vacancies can be filled by
15 election.

16 SECTION 3. AMENDATORY 63 O.S. 2011, Section 686.1, is
17 amended to read as follows:

18 Section 686.1. ~~This act~~ Sections 686.2, 686.3, 686.10 and
19 686.11 of this title shall be known as the "Emergency Management
20 Interim Legislative ~~Succession~~ Operations Act" and shall be
21 cumulative to the Oklahoma Emergency Management Act of 2003.

22 SECTION 4. AMENDATORY 63 O.S. 2011, Section 686.2, is
23 amended to read as follows:

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

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

5 ~~2. Because to conform in time of~~ In the event of an emergency
6 or natural or man-made disaster ~~to~~ that would cause existing legal
7 requirements pertaining to the Legislature ~~would~~ to be
8 impracticable, and ~~would~~ jeopardize continuity of operation of a
9 legally constituted Legislature; ~~it is therefore necessary to adopt~~
10 ~~special provisions as hereinafter,~~ the Governor may declare the
11 provisions of the Emergency Management Interim Legislative
12 Operations Act set out for the effective operation of the
13 Legislature during natural or man-made disasters or emergencies to
14 be in force and effect.

15 SECTION 5. AMENDATORY 63 O.S. 2011, Section 686.3, is
16 amended to read as follows:

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

19 1. "Emergency" means any occasion or instance for which, in the
20 determination of the President of the United States or the Governor
21 of the State of Oklahoma, federal or state assistance is needed to
22 supplement state and local efforts and capabilities to save lives,
23 protect property, public health and safety, or to lessen or avert
24 threat of a catastrophe in any part of the state; and

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

5 ~~3. "Unavailable" means absent from the place of session, other~~
6 ~~than on official business of the Legislature, or unable, for~~
7 ~~physical, mental or legal reasons, to exercise the powers and~~
8 ~~discharge the duties of a legislator, whether or not such absence or~~
9 ~~inability would give rise to a vacancy under existing constitutional~~
10 ~~or statutory provisions.~~

11 SECTION 6. AMENDATORY 63 O.S. 2011, Section 686.11, is
12 amended to read as follows:

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

3 SECTION 7. REPEALER 63 O.S. 2011, Sections 686.4, 686.5,
4 686.6, 686.7, 686.8, 686.9, 686.12, 686.13 and 686.14, are hereby
5 repealed.

6 SECTION 8. This act shall become effective November 1, 2018.

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