

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2579

By: Stearman

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6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 683.9, as last amended by
9 Section 3, Chapter 17, 1st Extraordinary Session,
10 O.S.L. 2013 (63 O.S. Supp. 2020, Section 683.9),
11 which relates to emergency powers of the Governor;
12 providing for termination of states of emergency;
13 providing for legislative extensions; and providing
14 an effective date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2011, Section 683.9, as
17 last amended by Section 3, Chapter 17, 1st Extraordinary Session,
18 O.S.L. 2013 (63 O.S. Supp. 2020, Section 683.9), is amended to read
19 as follows:

20 Section 683.9 The provisions of this section shall be operative
21 only during the existence of a natural or man-made emergency. The
22 existence of such emergency may be proclaimed by the Governor or by
23 concurrent resolution of the Legislature if the Governor in such
24 proclamation, or the Legislature in such resolution, finds that an
emergency or disaster has occurred or is anticipated in the

1 immediate future. Any ~~such~~ state of emergency, ~~whether~~ proclaimed
2 by the Governor ~~or by the Legislature~~, shall terminate upon the
3 proclamation of the termination thereof by the Governor, or by
4 passage by the Legislature of a concurrent resolution terminating
5 such emergency, or automatically after thirty (30) days, whichever
6 occurs first; provided, however, the Legislature may extend such
7 proclamation by concurrent resolution for the length of time of its
8 choosing but no more than thirty (30) days per each such resolution.
9 During a state of emergency proclaimed by the Governor or after such
10 a proclamation has terminated, by any means described in this
11 section, the Governor shall not issue an additional proclamation of
12 a state of emergency that is substantially similar to and based on
13 the same circumstances as the terminated proclamation, without first
14 receiving approval by concurrent resolution by both chambers of the
15 Legislature. Any state of emergency proclaimed by the Legislature
16 shall terminate upon the passage by the Legislature of a concurrent
17 resolution terminating the emergency. During such period as such
18 state of emergency exists or continues, the Governor shall have and
19 may exercise the following additional emergency powers:

- 20 1. To activate the Emergency Operations Plan, and to assume
21 regulatory control over all essential resources of this state,
22 directly or through the boards, agencies, offices and officers
23 established by the Emergency Operations Plan, to determine
24 priorities of such resources and allocate such resources as the

1 Governor may deem necessary in cooperation with the political
2 subdivisions of this state, the federal government, or other states.
3 "Resources" shall mean all economic resources within this state,
4 including but not limited to food, manpower, health, water,
5 transportation, economic stabilization, electric power, petroleum,
6 gas, and solid fuel, industrial production, construction and
7 housing-; i

8 2. To enforce all laws, rules and regulations relating to
9 emergency management and to assume direct operational control of any
10 or all emergency management forces and helpers in this state-; i

11 3. To provide for the evacuation of all or part of the
12 population from any stricken or threatened area or areas within this
13 state and to take such steps as are necessary for the receipt and
14 care of such evacuees-; i

15 4. Subject to the provisions of the State Constitution, to
16 remove from office any public officer having administrative
17 responsibilities under this act for willful failure to obey any
18 order, rule or regulation adopted pursuant to this act. Such
19 removal shall be upon charges after service upon such person of a
20 copy of such charges and after giving such person an opportunity to
21 be heard in the defense of such person. Pending the preparation and
22 disposition of charges, the Governor may suspend such person for a
23 period not exceeding thirty (30) days. A vacancy resulting from
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1 removal or suspension pursuant to this section shall be filled by
2 the Governor until it is filled as otherwise provided by law; and

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

8 SECTION 2. This act shall become effective November 1, 2021.

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10 58-1-6715 AB 01/19/21

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