

1 ENGROSSED HOUSE
2 BILL NO. 2337

By: Steagall and Kendrix of the
House

3 and

4 Dahm of the Senate

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7 [public health and safety - emergency powers of the
8 Governor - effective date]
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 63 O.S. 2011, Section 683.4, as
14 amended by Section 506, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
15 2020, Section 683.4), is amended to read as follows:

16 Section 683.4 A. There is hereby created the Oklahoma
17 Department of Emergency Management (OEM). The Governor shall
18 appoint a Director of the Department, with the advice and consent of
19 the Senate, who shall be the head of the Department. The Governor
20 shall fix the salary of the Director, in cooperation with standards
21 promulgated by the Office of Management and Enterprise Services.

22 B. The Director may employ personnel and fix their compensation
23 in cooperation with standards promulgated by the Office of
24 Management and Enterprise Services, and may make such expenditures

1 within the appropriation therefor, or from such other available
2 funds as may be necessary to carry out the purposes of the Oklahoma
3 Emergency Management Act of 2003 and other programs specified by
4 law.

5 C. The Director and other personnel of the Department shall be
6 provided with appropriate office space, furniture, equipment,
7 supplies, stationery, and printing in the same manner as provided
8 for personnel of other state agencies.

9 D. The Director, subject to the direction and control of the
10 Governor, shall be the executive head of the Department and shall
11 serve as the chief advisor to the Governor on emergency management
12 and shall:

13 1. Be responsible to the Governor for carrying out the programs
14 as required by law;

15 2. Coordinate the activities of all organizations for emergency
16 management within the state;

17 3. Maintain liaison with and cooperate with the emergency
18 management agencies and organizations of other states and of the
19 federal government;

20 4. Develop and maintain a comprehensive all-hazards mitigation
21 plan for this state;

22 5. Implement the Oklahoma Hazard Mitigation Program;

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1 6. Have such additional ~~authority,~~ duties, and responsibilities
2 authorized by the Oklahoma Emergency Management Act of 2003 and as
3 may be prescribed by the Governor;

4 7. Supervise the Office of Volunteerism in accordance with
5 Section 683.26 of this title; and

6 8. Report quarterly to the Governor, the Speaker of the House
7 of Representatives and the President Pro Tempore of the Senate the
8 balance and outstanding obligations of the State Emergency Fund.

9 E. The Director shall supervise the formulation, execution,
10 review and revisions of the state Emergency Operations Plan as
11 provided for by Section 683.2 of this title. The plan shall be
12 reviewed annually and revised as necessary.

13 SECTION 2. AMENDATORY 63 O.S. 2011, Section 683.9, as
14 last amended by Section 3, Chapter 17, 1st Extraordinary Session,
15 O.S.L. 2013 (63 O.S. Supp. 2020, Section 683.9), is amended to read
16 as follows:

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

1 proclamation of the termination thereof by the Governor, or by
2 automatically after thirty (30) days unless renewed by concurrent
3 resolution of the Legislature, whichever occurs first. Any such
4 emergency proclaimed by the Legislature shall terminate upon passage
5 by the Legislature of a concurrent resolution terminating such
6 emergency. During such period as such state of emergency exists or
7 continues, the Governor shall have and may exercise the following
8 additional emergency powers:

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

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

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

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

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

21 SECTION 3. This act shall become effective November 1, 2021.
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1 Passed the House of Representatives the 11th day of March, 2021.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2021.

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9 Presiding Officer of the Senate