

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2337

                                  By: Steagall

7                                   AS INTRODUCED

8                   Act relating to public health and safety; amending  
9                   63 O.S. 2011, Section 683.4, as amended by Section  
10                  506, Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2020,  
11                  Section 683.4), which relates to powers and duties of  
12                  the director of the Oklahoma Department of Emergency  
13                  Management; modifying scope of authority; amending 63  
14                  O.S. 2011, Section 683.9, as last amended by Section  
15                  3, Chapter 17, 1st Extraordinary Session, O.S.L. 2013  
16                  (63 O.S. Supp. 2020, Section 683.9), which relates to  
17                  emergency powers of the Governor; limiting duration  
18                  of certain proclamations; providing for approval of  
19                  extension by Legislature; and providing an effective  
20                  date.

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

22           SECTION 1.           AMENDATORY           63 O.S. 2011, Section 683.4, as  
23           amended by Section 506, Chapter 304, O.S.L. 2012 (63 O.S. Supp.  
24           2020, Section 683.4), is amended to read as follows:

          Section 683.4 A. There is hereby created the Oklahoma  
Department of Emergency Management (OEM). The Governor shall  
appoint a Director of the Department, with the advice and consent of

1 the Senate, who shall be the head of the Department. The Governor  
2 shall fix the salary of the Director, in cooperation with standards  
3 promulgated by the Office of Management and Enterprise Services.

4 B. The Director may employ personnel and fix their compensation  
5 in cooperation with standards promulgated by the Office of  
6 Management and Enterprise Services, and may make such expenditures  
7 within the appropriation therefor, or from such other available  
8 funds as may be necessary to carry out the purposes of the Oklahoma  
9 Emergency Management Act of 2003 and other programs specified by  
10 law.

11 C. The Director and other personnel of the Department shall be  
12 provided with appropriate office space, furniture, equipment,  
13 supplies, stationery, and printing in the same manner as provided  
14 for personnel of other state agencies.

15 D. The Director, subject to the direction and control of the  
16 Governor, shall be the executive head of the Department and shall  
17 serve as the chief advisor to the Governor on emergency management  
18 and shall:

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

21 2. Coordinate the activities of all organizations for emergency  
22 management within the state;

23

24

1 3. Maintain liaison with and cooperate with the emergency  
2 management agencies and organizations of other states and of the  
3 federal government;

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

6 5. Implement the Oklahoma Hazard Mitigation Program;

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

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

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

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

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

23 Section 683.9 The provisions of this section shall be operative  
24 only during the existence of a natural or man-made emergency. The

1 existence of such emergency may be proclaimed by the Governor or by  
2 concurrent resolution of the Legislature if the Governor in such  
3 proclamation, or the Legislature in such resolution, finds that an  
4 emergency or disaster has occurred or is anticipated in the  
5 immediate future. Any such emergency, ~~whether~~ proclaimed by the  
6 Governor ~~or by the Legislature,~~ shall terminate upon the  
7 proclamation of the termination thereof by the Governor, ~~or by~~  
8 automatically after thirty (30) days unless renewed by concurrent  
9 resolution of the Legislature, whichever occurs first. Any such  
10 emergency proclaimed by the Legislature shall terminate upon passage  
11 by the Legislature of a concurrent resolution terminating such  
12 emergency. During such period as such state of emergency exists or  
13 continues, the Governor shall have and may exercise the following  
14 additional emergency powers:

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

1 gas, and solid fuel, industrial production, construction and  
2 housing.

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

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

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

21 5. To perform and exercise such other functions, powers, and  
22 duties as are necessary to promote and secure the safety and  
23 protection of the civilian population and to carry out the  
24

1 provisions of the Emergency Operations Plan in a national or state  
2 emergency.

3 SECTION 3. This act shall become effective November 1, 2021.

4

5 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated  
6 02/11/2021 - DO PASS.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24