

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 271

By: Dahm

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6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2021, Section 683.4, which relates to powers
9 and duties of the Director of the Oklahoma Department
10 of Emergency Management; modifying scope of
11 authority; updating statutory language; amending 63
12 O.S. 2021, Section 683.9, which relates to emergency
13 powers of the Governor; limiting duration of certain
14 proclamations; providing for approval of extension by
15 Legislature; updating statutory references; and
16 providing an effective date.

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

20 SECTION 1. AMENDATORY 63 O.S. 2021, Section 683.4, is
21 amended to read as follows:

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

B. The Director may employ personnel and fix their compensation
in cooperation with standards promulgated by the Office of

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

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

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

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

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

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

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

23 5. Implement the ~~Oklahoma Hazard Mitigation Program~~ State
24 Comprehensive All-hazard Mitigation Plan;

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~~ Support and advocate
5 volunteerism in accordance with 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~~ 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. 2021, Section 683.9, is
14 amended to read as follows:

15 Section 683.9. The provisions of this section shall be
16 operative only during the existence of a natural or man-made
17 emergency. The existence of such emergency may be proclaimed by the
18 Governor or by concurrent resolution of the Legislature if the
19 Governor in such proclamation, or the Legislature in such
20 resolution, finds that an emergency or disaster has occurred or is
21 anticipated in the immediate future. Any such emergency, ~~whether~~
22 proclaimed by the Governor ~~or by the Legislature,~~ shall terminate
23 upon the proclamation of the termination thereof by the Governor, ~~or~~
24 by automatically after thirty (30) days unless renewed by concurrent

1 resolution of the Legislature, whichever occurs first. Any such
2 emergency proclaimed by the Legislature shall terminate upon passage
3 by the Legislature of a concurrent resolution terminating such
4 emergency. During such period as such state of emergency exists or
5 continues, the Governor shall have and may exercise the following
6 additional emergency powers:

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

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

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

3 4. Subject to the provisions of the State Constitution, to
4 remove from office any public officer having administrative
5 responsibilities under ~~this act~~ the Oklahoma Emergency Management
6 Act of 2003 for willful failure to obey any order, rule or
7 regulation adopted pursuant to ~~this act~~ Section 683.1 et seq. of
8 this title. Such removal shall be upon charges after service upon
9 such person of a copy of such charges and after giving such person
10 an opportunity to be heard in the defense of such person. Pending
11 the preparation and disposition of charges, the Governor may suspend
12 such person for a period not exceeding thirty (30) days. A vacancy
13 resulting from removal or suspension pursuant to this section shall
14 be filled by the Governor until it is filled as otherwise provided
15 by law; and

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, 2023.

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