

1 STATE OF OKLAHOMA

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

3 SENATE JOINT  
4 RESOLUTION 24

By: Jett

5  
6 AS INTRODUCED

7 A Joint Resolution relating to the Oklahoma Emergency  
8 Management Act of 2003; ordering a legislative  
9 referendum pursuant to the Oklahoma Constitution;  
10 amending 63 O.S. 2011, Section 683.8, which relates  
11 to the powers and duties of the Governor; providing  
exception to emergency powers and duties of the  
Governor during an emergency declaration; providing  
ballot title; and directing filing.

12  
13 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
14 1ST SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

15 SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma  
16 Constitution, there is hereby ordered the following legislative  
17 referendum which shall be filed with the Secretary of State and  
18 addressed to the Governor of the state, who shall submit the same to  
19 the people for their approval or rejection at the next General  
20 Election.

21 SECTION 2. AMENDATORY 63 O.S. 2011, Section 683.8, is  
22 amended to read as follows:

23 Section 683.8. A. The Governor shall have general direction  
24 and control of the Oklahoma Department of Emergency Management and  
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1 shall be responsible for carrying out the provisions of the Oklahoma  
2 Emergency Management Act of 2003. In the event of an emergency that  
3 exceeds local capability, the Governor may assume direct operational  
4 control over all or any part of the emergency management functions  
5 within this state.

6 B. The Governor shall have general direction and control of  
7 emergency management within the state and all officers, boards,  
8 agencies, individual or groups established under the Emergency  
9 Operations Plan. The Governor shall have the authority pursuant to  
10 the Oklahoma Emergency Management Act of 2003 to establish such  
11 offices, boards, agencies, or positions as may be necessary to carry  
12 into effect the Emergency Operations Plan.

13 C. The Governor is authorized to cooperate with the federal  
14 government, with other states, and with private agencies in all  
15 matters pertaining to the emergency management of this state and of  
16 the nation.

17 D. To effect the policy and purpose of the Oklahoma Emergency  
18 Management Act of 2003, the Governor is further authorized and  
19 empowered to:

20 1. Make, amend, and rescind the necessary orders and rules to  
21 carry out the provisions of the Oklahoma Emergency Management Act of  
22 2003 within the limits of authority conferred upon the Governor  
23 herein, with due consideration of the emergency management plans of  
24 the federal government; provided, such orders shall not effect or

1 cause to effect any business in the state to be deemed essential or  
2 nonessential;

3 2. Cause to be prepared and updated annually a comprehensive  
4 plan and program for emergency management of this state, such plans  
5 and programs to be integrated into and coordinated with the plans of  
6 the federal government and of other states to the fullest possible  
7 extent, and to coordinate the preparation of plans and programs for  
8 emergency management by the political subdivisions of this state;

9 3. Procure supplies and equipment in accordance with such plans  
10 and programs, institute training programs and public information  
11 programs, take all other preparatory steps, including the partial or  
12 full activation of emergency management organizations in advance of  
13 actual disaster, and to ensure the furnishing of adequately trained  
14 and equipped personnel in time of need, during periods of national  
15 emergency, or natural disasters that might occur in this state, or  
16 which develop into emergency situations;

17 4. On behalf of this state, enter into mutual aid arrangements  
18 with other states and coordinate mutual aid plans between political  
19 subdivisions of this state;

20 5. Delegate any administrative authority vested in the Governor  
21 pursuant to the Oklahoma Emergency Management Act of 2003, and  
22 provide for subdelegation of any such authority;

1           6. Confirm the appointment of qualified emergency managers upon  
2 recommendations of local authorities as provided in Section 683.11  
3 of this title;

4           7. Cooperate with the President of the United States and the  
5 heads of the Armed Forces, the Federal Emergency Management Agency,  
6 and other appropriate federal officers and agencies, with the  
7 officers and agencies of other states in matters pertaining to the  
8 emergency management of the state and nation, including the  
9 direction and control of:

- 10           a. state emergency management activations and exercises,
- 11           b. warnings for actual or exercise events and the  
12           equipment to be used in connection therewith,
- 13           c. the conduct of civilians and the movement of and  
14           cessation of movement of pedestrians and vehicular  
15           traffic during, prior and subsequent to natural and  
16           man-made disasters and emergencies,
- 17           d. public meetings or gatherings, and
- 18           e. the evacuation and reception of the civil population;
- 19           and

20           8. Prescribe uniform signals, warnings, alerts, credentials and  
21 insignia.

22           E. In addition to prevention measures included in the state and  
23 local comprehensive plans and programs for emergency management, the  
24 Governor shall consider on a continuing basis steps that could be  
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1 taken to mitigate the harmful consequences of emergencies and  
2 natural disasters. At the Governor's direction and pursuant to any  
3 other authority specified by law, state agencies, including but not  
4 limited to those charged with responsibilities in connection with  
5 floodplain management, stream encroachment and flow regulation,  
6 weather modification, fire prevention and control, air quality,  
7 public works, land use and land use planning, and construction  
8 standards, shall make studies of matters related to potential to  
9 mitigate emergency and natural disasters. The Governor, from time  
10 to time, shall make such recommendations to the Legislature, to  
11 political subdivisions and to other appropriate public and private  
12 entities as may facilitate measures for mitigation of the harmful  
13 consequences of emergencies and natural disasters.

14 SECTION 3. This resolution shall become effective upon approval  
15 by the people.

16 SECTION 4. The Ballot Title for the proposed act shall be in  
17 the following form:

18 BALLOT TITLE  
19 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

20 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

21 This measure prohibits the Governor from deeming any business in  
22 Oklahoma as essential or nonessential. This measure adds an  
23 exception to the powers and duties given to the Governor by the  
24

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1 Oklahoma Emergency Management Act of 2003 during a state  
2 emergency.

3 SHALL THE PROPOSAL BE APPROVED?

4 FOR THE PROPOSAL - YES \_\_\_\_\_

5 AGAINST THE PROPOSAL - NO \_\_\_\_\_

6 SECTION 5. The President Pro Tempore of the Senate shall  
7 immediately after the passage of this order for legislative  
8 referendum, prepare and file in accordance with Section 3 of Article  
9 V of the Oklahoma Constitution, one copy of this order for  
10 legislative referendum, including the Ballot Title set forth in  
11 SECTION 4 hereof, with the Secretary of State and one copy with the  
12 Attorney General.

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14 58-1-1601 MR 1/21/2021 7:38:36 PM  
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