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**TIME TO RETHINK OKLAHOMA'S EMERGENCY POWERS**

*The legislature must be forced to act in extended emergencies.*

**OKLAHOMA CITY, OK** (July 21, 2021) – The 1889 Institute has released “Rethinking Emergency Powers in Oklahoma,” a proposal to reform the state’s emergency powers provisions. It proposes that declared emergencies last only one week before the legislature must weigh in to extend such declarations by two weeks. After that, the legislature must pass explicit enactments according to warranted circumstances. Right now, Oklahoma’s Emergency Management Act allows the legislature to extend an emergency declaration indefinitely.

“The legislature—the body in which all laws originate—is the proper authority to determine the best path forward in an ongoing, long-term emergency situation,” said the study’s author, 1889 Research Fellow, Mike Davis. “Emergency powers are a dangerous tool, granting nearly unchecked power to officials at the executive level of governments. It should only exist with tight safeguards,” Davis said.

Davis also criticizes the way an emergency is defined in Oklahoma law.

“Oklahoma’s Emergency Management act defines an emergency in a way that nearly anything a governor might consider dangerous could constitute an emergency,” said Davis. “If a governor were, at some future date, to decide that banning cars would save lives, under Oklahoma law, that governor could declare an emergency and do just that. The legislature would likely step in, and this is unlikely to happen, but no law potentially so easily abused should exist on the books,” Davis insisted.

In addition to time limits and other restrictions on emergency powers at the state level, the paper includes a call for tighter limits on local government emergency powers during state-declared emergencies. The paper recommends limiting local government emergency powers only to those authorized by the governor.

“If the reaction to the Covid-19 epidemic has taught us nothing else, we now know that some government executives are itching at the chance to prove themselves in an emergency, even if it’s one of their own declaration, which means they all need tighter leashes,” said Davis.

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**About the 1889 Institute**

The 1889 Institute is an Oklahoma think tank committed to independent, principled state policy fostering limited and responsible government, free enterprise and a robust civil society. The publication, “Oklahoma Government Revenues and Spending in Perspective” and other reports can be found on the nonprofit’s website at [www.1889institute.org](http://www.1889institute.org).