

1 **SENATE FLOOR VERSION**

2 February 15, 2024

3 SENATE BILL NO. 1860

By: Treat

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6 An Act relating to state government; amending 74 O.S.
7 2021, Section 8, which relates to the powers and
8 duties of the Governor; making language gender
9 neutral; requiring certain notification when the
10 Governor is absent from the state; updating statutory
11 reference; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 74 O.S. 2021, Section 8, is
14 amended to read as follows:

15 Section 8. A. 1. The Office of Governor, with its
16 compensation, shall devolve upon the Lieutenant Governor or the
17 person who is next in succession to the Office pursuant to the
18 provisions of Section 15 of Article VI of the Oklahoma Constitution
19 if the Governor transmits to the President Pro Tempore of the Senate
20 and the Speaker of the House of Representatives ~~his~~ a written
21 declaration that he or she is unable to discharge the powers and
22 duties of ~~his~~ the Office. The Lieutenant Governor or other
23 successor shall hold the Office until the Governor transmits to the
24 President Pro Tempore of the Senate and the Speaker of the House of

1 Representatives a written declaration that he or she is able to
2 perform the powers and duties of ~~his~~ the Office.

3 2. The Governor being absent from the state shall be deemed a
4 temporary inability to discharge the powers and duties of the
5 Office. Notification, as provided in this subsection, shall be
6 required when the Governor is absent from the state. At least
7 twenty-four (24) hours prior to the Governor being absent from the
8 state, the Governor shall provide electronic notification to the
9 Lieutenant Governor of his or her plans to be absent from the state,
10 indicating the start date and time and the anticipated return date
11 and time in such notification. The notification required by this
12 subsection shall also be required of the acting Governor, when he or
13 she is absent from the state, and follow the line of succession
14 pursuant to the provisions of Section 15 of Article VI of the
15 Oklahoma Constitution, or as may be provided by law.

16 B. If a majority of a committee, comprised of the State Auditor
17 and Inspector, State Treasurer, Superintendent of Public
18 Instruction, Chairman of the Corporation Commission and Insurance
19 Commissioner, transmits to the President Pro Tempore of the Senate,
20 the Speaker of the House of Representatives and the Governor its
21 written declaration that the Governor is unable to discharge the
22 powers and duties of ~~his~~ the Office, then the Office, with its
23 compensation, shall devolve upon the Lieutenant Governor or other
24 successor in forty-eight (48) hours unless the Governor transmits to

1 the President Pro Tempore of the Senate, the Speaker of the House of
2 Representatives and the members of the committee a written
3 declaration to the contrary within the same forty-eight-hour time
4 period.

5 C. If, within forty-eight (48) hours after the Governor
6 transmits such a declaration, a majority of the committee provided
7 in subsection B of this section transmits to the President Pro
8 Tempore of the Senate and the Speaker of the House of
9 Representatives a written declaration that the Governor is unable to
10 perform the powers and duties of ~~his~~ the Office, then the
11 Legislature shall convene within seventy-two (72) hours. If a
12 resolution declaring probable justification for a determination that
13 inability exists is not adopted by two-thirds (2/3) of the members
14 of each house of the Legislature within seventy-two (72) hours after
15 the Legislature convenes, then the Governor shall continue to hold
16 the Office.

17 If such a resolution is adopted by two-thirds (2/3) of the
18 members of each house of the Legislature within seventy-two (72)
19 hours after the Legislature convenes, then a copy of the resolution
20 shall be transmitted immediately to the Supreme Court.

21 D. The Supreme Court shall determine the issue of the inability
22 of the Governor, by preference and with priority over all other
23 matters, under such rules as it shall adopt. If the Supreme Court
24 determines that the Governor is unable to perform the powers and

1 duties of ~~his~~ the Office, then the Office, with its compensation,
2 shall devolve upon the Lieutenant Governor or other successor. If
3 the Supreme Court determines that the Governor is able, then he or
4 she shall continue to hold the Office.

5 E. If the Office has devolved upon the Lieutenant Governor or
6 other successor pursuant to the provisions of this ~~act~~ section, and
7 a majority of the committee provided in subsection B of this section
8 transmits to the President Pro Tempore of the Senate and the Speaker
9 of the House of Representatives a written declaration that the
10 Governor is able to perform the powers and duties of ~~his~~ the Office,
11 then the Supreme Court shall determine the issue pursuant to the
12 provisions of subsection D of this section.

13 F. When the Office has devolved upon the Lieutenant Governor or
14 other successor, the provisions of this ~~act~~ section shall also apply
15 to the person holding the Office.

16 SECTION 2. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

20 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
21 February 15, 2024 - DO PASS
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