

1 ENGROSSED SENATE  
2 BILL NO. 1860

By: Treat of the Senate

3 and

4 Hilbert of the House

5  
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.

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1 Passed the Senate the 14th day of March, 2024.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2024.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives