

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1860 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Kyle Hilbert _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 1860

By: Treat of the Senate

and

Hilbert and West (Kevin) of
the House

10 FLOOR SUBSTITUTE

11 An Act relating to state government; amending 74 O.S.
12 2021, Section 8, which relates to the powers and
duties of the Governor; making language gender
13 neutral; requiring certain notification when the
Governor is absent from the state; updating statutory
reference; and declaring an emergency.

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

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

19 Section 8. A. 1. The Office of Governor, with its
20 compensation, shall devolve upon the Lieutenant Governor or the
21 person who is next in succession to the Office pursuant to the
22 provisions of Section 15 of Article VI of the Oklahoma Constitution
23 if the Governor transmits to the President Pro Tempore of the Senate
24 and the Speaker of the House of Representatives ~~his~~ a written

1 declaration that he or she is unable to discharge the powers and
2 duties of ~~his~~ the Office. The Lieutenant Governor or other
3 successor shall hold the Office until the Governor transmits to the
4 President Pro Tempore of the Senate and the Speaker of the House of
5 Representatives a written declaration that he or she is able to
6 perform the powers and duties of ~~his~~ the Office.

7 2. The Governor being absent from the state shall be deemed a
8 temporary inability to discharge the powers and duties of the
9 Office. Prior to being absent from the state, the Governor and
10 every office holder listed in the line of succession provided in
11 Section 15 of Article VI of the Oklahoma Constitution when serving
12 as acting Governor shall provide electronic notification to his or
13 her successor indicating the start date and time of the absence and
14 the anticipated return date and time. Except in the event of an
15 emergency, notice shall be provided at least twenty-four (24) hours
16 prior to being absent from the state.

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

1 successor in forty-eight (48) hours unless the Governor transmits to
2 the President Pro Tempore of the Senate, the Speaker of the House of
3 Representatives and the members of the committee a written
4 declaration to the contrary within the same forty-eight-hour time
5 period.

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

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

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

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

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

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

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

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22 59-2-11031 LRB 04/22/24

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