

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 HOUSE BILL 4133

 By: Swope

7 AS INTRODUCED

8 An Act relating to state government; amending 74 O.S.
9 2021, Section 8, which relates to the Office of the
10 Governor; requiring Governor to notify certain
 officials of absence; providing requirements of
 notification; and providing an effective date.

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

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

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

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

3 B. If a majority of a committee, comprised of the State Auditor
4 and Inspector, State Treasurer, Superintendent of Public
5 Instruction, Chairman of the Corporation Commission and Insurance
6 Commissioner, transmits to the President Pro Tempore of the Senate,
7 the Speaker of the House of Representatives and the Governor its
8 written declaration that the Governor is unable to discharge the
9 powers and duties of his Office, then the Office, with its
10 compensation, shall devolve upon the Lieutenant Governor or other
11 successor in forty-eight (48) hours unless the Governor transmits to
12 the President Pro Tempore of the Senate, the Speaker of the House of
13 Representatives and the members of the committee a written
14 declaration to the contrary within the same forty-eight-hour time
15 period.

16 C. If, within forty-eight (48) hours after the Governor
17 transmits such a declaration, a majority of the committee provided
18 in subsection B of this section transmits to the President Pro
19 Tempore of the Senate and the Speaker of the House of
20 Representatives a written declaration that the Governor is unable to
21 perform the powers and duties of his Office, then the Legislature
22 shall convene within seventy-two (72) hours. If a resolution
23 declaring probable justification for a determination that inability
24 exists is not adopted by two-thirds (2/3) of the members of each

1 house of the Legislature within seventy-two (72) hours after the
2 Legislature convenes, then the Governor shall continue to hold the
3 Office.

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

8 D. The Supreme Court shall determine the issue of the inability
9 of the Governor, by preference and with priority over all other
10 matters, under such rules as it shall adopt. If the Supreme Court
11 determines that the Governor is unable to perform the powers and
12 duties of his Office, then the Office, with its compensation, shall
13 devolve upon the Lieutenant Governor or other successor. If the
14 Supreme Court determines that the Governor is able, then he shall
15 continue to hold the Office.

16 E. If the Office has devolved upon the Lieutenant Governor or
17 other successor pursuant to the provisions of this act, and a
18 majority of the committee provided in subsection B of this section
19 transmits to the President Pro Tempore of the Senate and the Speaker
20 of the House of Representatives a written declaration that the
21 Governor is able to perform the powers and duties of his Office,
22 then the Supreme Court shall determine the issue pursuant to the
23 provisions of subsection D of this section.

1 F. When the Office has devolved upon the Lieutenant Governor or
2 other successor, the provisions of this act shall also apply to the
3 person holding the Office.

4 G. The Office of the Governor shall provide timely notification
5 to the Lieutenant Governor and the Secretary of State in the event
6 of planned or unplanned absences from office. The notification
7 shall include details regarding the duration and reason for the
8 absence.

9 SECTION 2. This act shall become effective November 1, 2024.

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11 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
12 02/20/2024 - DO PASS.
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