

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 4133

By: Swope

AS INTRODUCED

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

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

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

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