

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 21, 2024

Mr President:

Mr. Speaker:

The Conference Committee, to which was referred

SB1860

By: Treat of the Senate and Hilbert, West (Kevin), et al of the House


Title: State government; requiring certain office holders to provide notification to successor when absent from the state. Effective date

_____ together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations

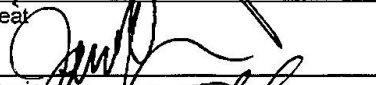
- 1 That the House recede from all Amendments
- 2 That the attached Conference Committee Substitute (Request #3805) be adopted.

Respectfully submitted,


SENATE CONFEREES.




 Treat



 Hilbert



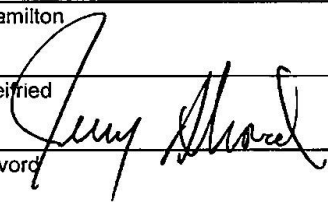
 Garvin



 Stewart

_____ Hamilton

_____ Seifried


 _____ Alford

_____ Young

HOUSE CONFEREES.

Conference Committee on General Government

Senate Action _____ Date _____ House Action _____ Date _____

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 1860

6 By: Treat of the Senate

7 and

8 Hilbert, West (Kevin), and
9 Swope of the House

10 CONFERENCE COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

1 transmits to the President Pro Tempore of the Senate, the Speaker of
2 the House of Representatives and the members of the committee a
3 written declaration to the contrary within the same forty-eight-hour
4 time 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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21 59-2-3805 MSBB 7/5/2024 11:40:53 PM

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