

SHORT TITLE: State government; modifying the Governor's cabinet;
codification; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1129

By: Wright

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 1991, Sections 10.1, 10.2, 10.3, and Section 19, Chapter 398, O.S.L. 1993 (74 O.S. Supp. 1995, Section 10.4), which relate to the Executive Branch Reform Act; renaming the Executive Branch Reform Act; expanding purpose of the Executive Branch Reform Act; modifying time period in which the Governor shall create a cabinet system; modifying composition of cabinet; excluding the Department of Veterans Affairs from the cabinet; deleting certain legislative authority; removing certain requirement for secretary of the Department of Veterans Affairs; authorizing cabinet secretaries to be paid from certain fund; providing for office space for cabinet secretaries; unclassifying certain positions; expanding duties of cabinet secretaries; modifying cabinet secretary appointment; granting certain authority; authorizing establishment of certain subcommittee; designating chair of committee; deleting obsolete language; granting certain law enforcement authority to cabinet secretaries; creating certain cabinet areas; stating qualifications and providing for funding; amending 70 O.S. 1991, Section 3-116, as last amended by Section 24, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 1995, Section 3-116) and 3-117, which

relate the State Department of Education; stating duties of certain board and certain office; designating chief executive officer of certain office; requiring creation of Education Cabinet area; stating duties of Secretary of Education; modifying name of the Education Oversight Board and expanding authority thereof; modifying duties of the Office of Accountability; making the Secretary of Education the chief executive of certain office; repealing 70 O.S. 1991, Section 3-118, which relates to the Office of Secretary of Education; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 10.1, is amended to read as follows:

Section 10.1 Sections 1 through 5 of this act shall be known and may be cited as the ~~"Executive Branch Reform Act of 1986"~~ "Cabinet Organization Act".

SECTION 2. AMENDATORY 74 O.S. 1991, Section 10.2, is amended to read as follows:

Section 10.2 The purpose of the ~~Executive Branch Reform Act of 1986~~ Cabinet Organization Act is to provide the Governor with the authority to organize the various departments, agencies, boards, commissions and other entities of the executive branch of state government into a cabinet system of government in order to improve the effectiveness, efficiency and accountability of state government

and to establish authorities and responsibilities of the cabinet secretaries.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 10.3, is amended to read as follows:

Section 10.3 A. ~~Within forty-five (45) days of assuming office, each~~ Each Governor shall create a cabinet system for the executive branch of state government. ~~Said~~ The cabinet system shall be an organizational framework created by executive order which ~~includes~~ shall include all executive agencies, boards, commissions, or institutions and their assignments to specific cabinet areas. ~~The cabinet system shall consist of no fewer than ten or more than fifteen cabinet areas and each~~ Each cabinet area shall consist of executive agencies, boards, commissions, or institutions with similar ~~programmatic~~ programs, responsibilities or administrative objectives; ~~provided, one cabinet area shall consist of the Oklahoma Department of Veterans Affairs, its institutions and other executive agencies, boards, commissions and institutions which are related to veterans. The Governor's cabinet shall be in effect until the Legislature supersedes each cabinet area by providing by law for specific cabinet areas or departments, or removes by law the authority of the Governor to create a cabinet area.~~

B. The Governor shall appoint, with the advice and consent of the Senate, a Secretary to head each cabinet area designated in the executive order. ~~The Secretary appointee for the cabinet area consisting of the Oklahoma Department of Veterans Affairs and other related veterans entities shall be an honorably discharged veteran as defined by Title 72 of the Oklahoma Statutes.~~ A cabinet Secretary may be appointed as a position funded by the Office of the Governor from funds available to that office, or appointed as a cabinet Secretary from among the agency heads within the cabinet area, or may be paid from funds available to an agency within the cabinet area. Each cabinet secretary shall be entitled to an office

and a secretary or administrative assistant who may be paid out of the funds available to the Office of the Governor or funds available to an agency within the cabinet areas of the cabinet secretary. A cabinet secretary and the secretary or administrative assistant to a cabinet secretary shall be in the unclassified service of the personnel administration.

The cabinet Secretaries shall:

1. Advise the Governor of any policy changes or problems within the area they represent;
2. Advise the entities represented of any policy changes or problems as directed by the Governor; ~~and~~
3. Coordinate information gathering for the Legislature as requested; and
4. Implement any policies of the Governor which are consistent with the Constitution and laws of this state.

C. The cabinet Secretaries shall serve at the pleasure of the Governor, however, the appointment or removal of a cabinet Secretary who is also an agency head shall not otherwise affect the status of the other duties of the agency head. Whenever a Secretary position becomes vacant, the Governor shall appoint a successor ~~within thirty (30) calendar days pursuant to the provisions of subsection B of this section~~ in the same manner in which the initial cabinet secretary was appointed. If the Legislature is not in session at the time of appointment it shall be subject to the advice and consent of the Senate upon convening of the next regular session of the Legislature. Any cabinet secretary designated shall have full authority of such position pending confirmation.

SECTION 4. AMENDATORY Section 19, Chapter 398, O.S.L. 1992 (74 O.S. Supp. 1995, Section 10.4), is amended to read as follows:

Section 10.4 A. ~~Effective January 1, 1993, there~~ The Governor is hereby ~~established~~ authorized to establish an executive

environmental subcommittee of the Governor's cabinet ~~which shall be.~~
The subcommittee shall be composed of at least three (3) cabinet
members, selected by the Governor from those members of the
~~Governor's~~ cabinet responsible for the natural resources agencies,
~~as follows: the cabinet secretaries for~~ including but not limited to
the Department of Environmental Quality, the Oklahoma Corporation
Commission, the Department of Agriculture, the Oklahoma Water
Resources Board, the Conservation Commission, the Department of
Mines, or their successor agencies and such other members as the
Governor may ~~appoint to reach a total of three~~ deem necessary to
perform the duties imposed in this subsection. The cabinet
secretary for the Department of Environmental Quality or its
successor cabinet position shall serve as chairperson of the
committee.

The cabinet secretary for the Department of Environmental
Quality or the cabinet secretaries successor shall serve as chair of
the committee.

B. The executive environmental committee shall:

1. Coordinate pollution control programs of the state carried
on by all state agencies to avoid duplication of effort;

2. Maintain an up-to-date record of the availability,
acquisition and disposition of all federal funds, state
appropriations and other grants intended for pollution control,
prevention or abatement;

3. Coordinate and make application on behalf of various state
environmental agencies for federal funds disbursed pursuant to the
Federal Water Pollution Control Act and the Federal Environmental
Protection Act and such other sources of private or public funds or
grants for which more than one state environmental agency may
qualify;

4. ~~Until July 1, 1993, be~~ Be designated as the proper
governmental entity to receive or accept any federal agency grants

or other grants designated to or made to the Pollution Control Coordinating Board or the Department of Pollution Control;

5. Maintain a central repository for all duly adopted rules pertaining to environmental pollution prevention, control and abatement; ~~and~~

6. Perform such other duties assigned to it by the Governor; and

7. Have the authority to enforce state and federal laws in the event a state agency fails to enforce such laws which could cause federal sanctions against the state of any agency, board, commission, or political subdivision of the state.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 3-116, as last amended by Section 24, Chapter 322, O.S.L. 1991 (70 O.S. Supp. 1995, Section 3-116) is amended to read as follows:

Section 3-116 A. There is hereby created the Education Oversight Advisory Board. The membership of the Education Oversight Advisory Board shall consist of:

1. The ~~Chairperson~~ Chair of the Education Committee of the Oklahoma House of Representatives;

2. The ~~Chairperson~~ Chair of the Education Committee of the Senate;

3. One member, who is not a legislator, appointed by the Governor;

4. One member, who is not a legislator, appointed by the Speaker of the Oklahoma House of Representatives; and

5. One member, who is not a legislator, appointed by the President Pro Tempore of the Senate.

B. The two Legislative Education Committee Chairpersons shall serve as members of the Board as long as each holds that position in such chairperson's respective house. The terms of the appointed members shall be staggered.

C. The initial term of the member appointed by the Governor shall expire on June 30, 1996. The initial term of the member appointed by the President Pro Tempore of the Senate shall expire on June 30, 1995. The initial term of the member appointed by the Speaker of the House of Representatives shall expire on June 30, 1994. After expiration of the initial terms, the terms of the three appointed members shall be three (3) years and shall begin on July 1 of the year the preceding term expires. No more than one appointed member may reside in any one Congressional District, county, city or town. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

~~B.~~ D. A chairperson and vice-chairperson shall be elected annually from the membership of the Board. A quorum, which shall consist of three members, must be present for the transaction of any business. Members shall be reimbursed for travel in the performance of their official duties in accordance with the State Travel Reimbursement Act.

~~C.~~ E. The Education Oversight Advisory Board shall ~~have oversight over~~ provide advice to the Governor, President Pro Tempore of the Senate, Speaker of the House of Representatives, Superintendent of Public Instruction and the Secretary of Education regarding implementation of:

1. The provisions of Enrolled House Bill No. 1017 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature; ~~and~~
2. The provisions of the Oklahoma Teacher Preparation Act; and
3. The provision of other legislation or executive orders which affect the education system in this state.

~~D. The Education Oversight Board shall govern the operation of the Office of Accountability created in Section 3-117 of this title. The Secretary of Education shall be the chief executive officer of the Office of Accountability.~~

SECTION 6. AMENDATORY 70 O.S. 1991, Section 3-117, is amended to read as follows:

Section 3-117. There is hereby created the Office of Accountability. Said office shall be ~~under the direction of~~ responsible for receiving and distributing all reports and recommendations to the Education Oversight Board. The State Board of Education is hereby directed to support the Office of Accountability from the budget of the State Board and without cost to the Office of Accountability or the Education Oversight Board. The Secretary of Education shall be the chief executive officer of the Office of Accountability.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10.5 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Governor shall create one cabinet area which shall consist of the Oklahoma Department of Veterans Affairs, its institutions and other executive agencies, boards, commissions and institutions which are related to veterans. The Secretary of the cabinet area consisting of the Oklahoma Department of Veterans Affairs and related veterans entities shall be an honorably discharged veteran. The cabinet Secretary and any staff for the Veterans Affairs Secretary shall be funded by the Department of Veterans Affairs.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10.6 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Governor shall create one cabinet area which shall consist of Education. The Secretary of Education shall:

1. Oversee the Office of Accountability;
2. Employ necessary personnel;
3. Monitor the efforts of the public school districts to comply with the provisions of legislation which relate to common education;

4. Identify districts not making satisfactory progress toward compliance with statutory directives and recommend appropriate corrective actions to the State Board of Education concerning each district so identified;

5. Have executive responsibility for the Oklahoma Educational Indicators Program and the annual report required of the State Board of Education pursuant to Section 1210.531 of Title 70 of the Oklahoma Statutes;

6. Review and make periodic public comment on progress and effectiveness of the State Board and State Department of Education, the Office of the State Superintendent of Public Instruction, other bodies created by legislation, the State System of Higher Education where appropriate, and the public schools of this state concerning the implementation of the provisions of legislation which relate to common education;

7. Analyze the revenues for all systems of education and the expenditure of common education revenue, giving close attention to expenditures for administrative expenses relating to the common schools;

8. Make reports to the public concerning these matters whenever appropriate; and

9. Submit recommendations regarding funding for education on statutory changes to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor whenever appropriate.

SECTION 9. REPEALER 70 O.S. 1991, Section 3-118, is hereby repealed.

SECTION 10. This act shall become effective July 1, 1996.

SECTION 11. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-2-2125

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