

ENROLLED SENATE
BILL NO. 802

By: Leftwich of the Senate

and

Armes, Nance, Roan and
Ingmire of the House

An Act relating to government; amending 74 O.S. 2001, Section 10.3, as last amended by Section 1 of Enrolled House Bill No. 1816 of the 1st Session of the 50th Oklahoma Legislature, which relates to governor cabinet system; deleting reference; amending 74 O.S. 2001, Section 62.9, as amended by Section 2, Chapter 276, O.S.L. 2004 (74 O.S. Supp. 2004, Section 62.9), which relates to the Oklahoma State Bureau of Investigation; allowing transfer of title of certain equipment for certain purpose; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 10.3, as last amended by Section 1 of Enrolled House Bill No. 1816 of the 1st Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 10.3 A. Within forty-five (45) days of assuming office, each Governor may create a cabinet system for the executive branch of state government. The cabinet system may be an organizational framework created by executive order which includes all executive agencies, boards, commissions, or institutions and their assignments to specific cabinet areas. The cabinet system shall consist of no more than fifteen cabinet areas and each cabinet area shall consist of executive agencies, boards, commissions, or institutions with similar programmatic 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. 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~~ and be eligible to receive benefits from the United States Department of Veterans Affairs. 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. 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.

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. 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.

SECTION 2. AMENDATORY 74 O.S. 2001, Section 62.9, as amended by Section 2, Chapter 276, O.S.L. 2004 (74 O.S. Supp. 2004, Section 62.9), is amended to read as follows:

Section 62.9 Unless otherwise prohibited, as funds become available from appropriations approved by the United States Congress or grants awarded by federal agencies to the Oklahoma State Bureau of Investigation, or from the OSBI Revolving Fund, the A.F.I.S. Fund, or the Forensic Science Improvement Revolving Fund, the Oklahoma State Bureau of Investigation shall be authorized to use the funds to purchase equipment and provide training to law enforcement agencies located in this state at no cost to the agencies. The costs of training may include tuition, equipment, supplies, and costs involved in attending training, and travel costs paid in accordance with the State Travel Reimbursement Act. In consideration of the economic benefit provided to the State of Oklahoma, its citizens, their health, and their property, by the continued use of the equipment and training for use in law enforcement efforts, the Oklahoma State Bureau of Investigation may transfer title to any such equipment to a law enforcement agency for official law enforcement uses only.

SECTION 3. 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.

Passed the Senate the 26th day of May, 2005.

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of May, 2005.

Presiding Officer of the House
of Representatives