EHB 1816

THE STATE SENATE
Wednesday, April 6, 2005

ENGROSSED

House Bill No. 1816

ENGROSSED HOUSE BILL NO. 1816 - By: ARMES and DUNCAN of the House and BARRINGTON of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Section 10.3, as amended by Section 1, Chapter 371, O.S.L. 2003 (74 O.S. Supp. 2004, Section 10.3), which relates to creating a cabinet system; adding certain requirement for certain appointment; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 10.3, as amended by Section 1, Chapter 371, O.S.L. 2003 (74 O.S. Supp. 2004, Section 10.3), 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 <u>and be eligible to receive benefits from the United States Department of Veterans Affairs</u>. 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. This act shall become effective November 1, 2005.

COMMITTEE REPORT BY: COMMITTEE ON VETERANS & MILITARY AFFAIRS, dated 4-4-05 - DO PASS.