

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE JOINT  
6 RESOLUTION NO. 1099

By: Miller

7 COMMITTEE SUBSTITUTE

8 A Joint Resolution directing the Secretary of State  
9 to refer to the people for their approval or  
10 rejection a proposed amendment to the Constitution of  
11 the State of Oklahoma by adding a new section to  
12 Article VI to be designated as Section 14.1 and  
13 proposed amendments to Section 4 of Article XXV,  
14 Section 3 of Article XXVI, Section 1 of Article  
15 XXVIII and Section 2 of Article XXIX of the  
16 Constitution of the State of Oklahoma; allowing the  
17 Governor to create a cabinet system; allowing the  
18 Governor to appoint cabinet Secretaries; providing  
19 powers and duties of cabinet Secretaries; modifying  
20 appointment of directors of certain agencies, boards,  
21 and commissions; providing ballot title; and  
22 directing filing.

23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
24 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for  
their approval or rejection, as and in the manner provided by law,  
the following proposed amendments to the Constitution of the State  
of Oklahoma by adding a new Section 14.1 to Article VI and by

1 amending Section 4 of Article XXV, Section 3 of Article XXVI,  
2 Section 1 of Article XXVIII and Section 2 of Article XXIX of the  
3 Constitution of the State of Oklahoma, to read as follows:

4 ARTICLE VI

5 Section 14.1 A. Within forty-five (45) days of assuming  
6 office, each Governor may create a cabinet system for the executive  
7 branch of state government. The cabinet system may be an  
8 organizational framework created by executive order which includes  
9 all executive agencies, boards, commissions, or institutions and  
10 their assignments to specific cabinet areas. Each cabinet area  
11 shall consist of executive agencies, boards, commissions, or  
12 institutions with similar programmatic or administrative objectives.  
13 The Governor's cabinet shall be in effect until the Legislature  
14 supersedes each cabinet area by providing by law for specific  
15 cabinet areas or departments, or removes by law the authority of the  
16 Governor to create a cabinet area.

17 B. The Governor shall appoint, with the advice and consent of  
18 the Senate, a Secretary to head each cabinet area. A cabinet  
19 Secretary may be appointed as a position funded by the Office of the  
20 Governor from funds available to that office. The cabinet  
21 Secretaries shall:

22 1. Advise and report to the Governor any policy changes or  
23 problems within the area they represent;

24



1 | serve at the pleasure of the ~~Commission~~ Governor. The salary of the  
2 | Director shall be fixed by the Commission.

3 |       The Commission shall formulate the policies, and adopt rules and  
4 | regulations for the effective administration of the duties of the  
5 | Department. All executive and administrative duties and  
6 | responsibilities of the Department shall be discharged by the  
7 | Director, subject to the approval of the Commission. Subject to the  
8 | control of the Commission, the Director shall have the power and it  
9 | shall be his duty to employ personnel of the Department, prescribe  
10 | minimum standards of qualifications for such personnel and conduct  
11 | examinations before employment, formulate salary schedules for  
12 | classified service based upon training, experience and general  
13 | ability of persons selected for positions in the Department or any  
14 | institutions or activities under the supervision of the Department.

15 |                                   ARTICLE XXVI

16 |       Section 3. A Director of Wildlife Conservation shall be  
17 | appointed by ~~a majority vote of the entire Commission, who shall be~~  
18 | ~~removed only for cause and after public hearing by the Commission.~~  
19 | ~~His duties and compensation for his services shall be fixed by a~~  
20 | ~~majority vote of the entire Commission~~ the Governor or the  
21 | Governor's cabinet Secretary.

22 |       The Director shall, with the approval of the Commission, appoint  
23 | such assistants and employees as the Commission may deem necessary.

24 |



1 No member of the Commission shall hold any license authorized by  
2 this Article, or have any interest in any capacity, in the  
3 manufacture, sale, distribution or transportation of alcoholic  
4 beverages.

5 The members of the Commission shall be removable from office for  
6 cause as other officers not subject to impeachment.

7 ARTICLE XXIX

8 Section 2. Appropriation - Compensation - Staff. A. The  
9 Ethics Commission shall receive an annual appropriation by the  
10 Legislature sufficient to enable it to perform its duties as set  
11 forth in this Constitutional Amendment. Any funds appropriated to  
12 the Ethics Commission, which remain unspent at the end of the fiscal  
13 year shall be returned to the general revenue fund. The Commission  
14 shall present its proposed budget to the Governor and the  
15 Legislature on the second day of each legislature session.

16 B. The Commissioners shall receive reimbursement for travel,  
17 lodging, and meals while on official business as provided for other  
18 officers of the State, but they shall not be otherwise compensated.

19 C. The Commission may employ ~~an executive director~~ and other  
20 staff, including attorneys, necessary to fulfill its duties.

21 D. The Governor or the Governor's cabinet Secretary shall  
22 appoint a Director, whose duties shall be defined by the  
23 Legislature.

24

1 SECTION 2. The Ballot Title for the proposed Constitutional  
2 amendments as set forth in SECTION 1 of this resolution shall be in  
3 the following form:

4 BALLOT TITLE

5 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This measure amends the Oklahoma Constitution. It adds Section  
8 14.1 to Article 6. This measure allows the Governor to create a  
9 cabinet system. The cabinet system will be used for the  
10 executive branch of the state. The Governor may appoint cabinet  
11 Secretaries for each cabinet area. The measure lists the duties  
12 of the cabinet Secretary. The measure also amends other  
13 sections of the Constitution. It changes how the directors of  
14 certain agencies are selected.

15 SHALL THE PROPOSAL BE APPROVED?

16 FOR THE PROPOSAL - YES \_\_\_\_\_

17 AGAINST THE PROPOSAL - NO \_\_\_\_\_

18 SECTION 3. The Chief Clerk of the House of Representatives,  
19 immediately after the passage of this resolution, shall prepare and  
20 file one copy thereof, including the Ballot Title set forth in  
21 SECTION 2 hereof, with the Secretary of State and one copy with the  
22 Attorney General.

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24 51-2-10508 LRB 03/04/08

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