

THE HOUSE OF REPRESENTATIVES  
Wednesday, March 5, 2008

Committee Substitute for  
House Joint  
Resolution No. 1099

COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 1099 - By:  
MILLER AND JETT of the House.

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

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

1           SECTION 1. The Secretary of State shall refer to the people for their approval or  
2 rejection, as and in the manner provided by law, the following proposed amendments to  
3 the Constitution of the State of Oklahoma by adding a new Section 14.1 to Article VI and  
4 by amending Section 4 of Article XXV, Section 3 of Article XXVI, Section 1 of Article  
5 XXVIII and Section 2 of Article XXIX of the Constitution of the State of Oklahoma, to  
6 read as follows:

1 ARTICLE VI

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

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

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

17 2. Advise the entities represented of any policy changes or problems as directed by  
18 the Governor; and

19 3. Coordinate information gathering for the Legislature as requested.

20 C. The Governor or the Governor's cabinet Secretary shall have the power to  
21 appoint and replace any heads of executive agencies, boards, and commissions under the

1 cabinet Secretary's purview. This paragraph shall not apply to statewide elected  
2 officials.

3 D. The cabinet Secretaries shall serve at the pleasure of the Governor. Whenever a  
4 Secretary position becomes vacant, the Governor shall appoint a successor within thirty  
5 (30) calendar days pursuant to the provisions of subsection B of this section. If the  
6 Legislature is not in session at the time of appointment it shall be subject to the advice  
7 and consent of the Senate upon convening of the next regular session of the Legislature.

## 8 ARTICLE XXV

9 Section 4. It shall be the duty of the ~~Commission~~ Governor or the Governor's  
10 cabinet Secretary to ~~select~~ appoint a Director of Public Welfare, ~~who shall not be a~~  
11 ~~member of the Commission, and~~ who shall serve as the executive and administrative  
12 officer of the Department of Public Welfare. The Director shall be appointed wholly on  
13 the basis of ability, training and experience qualifying him or her for public welfare  
14 administration. The Director shall serve at the pleasure of the ~~Commission~~ Governor.  
15 The salary of the Director shall be fixed by the Commission.

16 The Commission shall formulate the policies, and adopt rules and regulations for  
17 the effective administration of the duties of the Department. All executive and  
18 administrative duties and responsibilities of the Department shall be discharged by the  
19 Director, subject to the approval of the Commission. Subject to the control of the  
20 Commission, the Director shall have the power and it shall be his duty to employ  
21 personnel of the Department, prescribe minimum standards of qualifications for such  
22 personnel and conduct examinations before employment, formulate salary schedules for

1 classified service based upon training, experience and general ability of persons selected  
2 for positions in the Department or any institutions or activities under the supervision of  
3 the Department.

#### 4 ARTICLE XXVI

5 Section 3. A Director of Wildlife Conservation shall be appointed by ~~a majority vote~~  
6 ~~of the entire Commission, who shall be removed only for cause and after public hearing~~  
7 ~~by the Commission. His duties and compensation for his services shall be fixed by a~~  
8 ~~majority vote of the entire Commission~~ the Governor or the Governor's cabinet Secretary.

9 The Director shall, with the approval of the Commission, appoint such assistants  
10 and employees as the Commission may deem necessary.

11 ~~The Commission shall determine the qualifications of the Director, all assistants~~  
12 ~~and employees. No Commissioner shall be eligible for employment as Director or~~  
13 ~~otherwise.~~

#### 14 ARTICLE XXVIII

15 Section 1. There is hereby created the Alcoholic Beverage Laws Enforcement  
16 Commission. The purpose of the Commission shall be to enforce the alcoholic beverage  
17 laws of the State, and the Commission shall have such power and authority to enforce  
18 such laws, rules and regulations as shall be prescribed by the Legislature.

19 The Commission shall consist of seven (7) members, to be appointed by the  
20 Governor with the advice and consent of the State Senate. Five (5) of the members shall  
21 be at-large members representing the lay citizenry. The remaining two (2) members  
22 shall be persons with law enforcement experience in the State. Any time there is a

1 vacancy on the Commission the Governor shall appoint a replacement, with the advice  
2 and consent of the State Senate, within ninety (90) days. Members of the Commission  
3 shall be appointed for a term of five (5) years. ~~The Commission~~ Governor or the  
4 Governor's cabinet Secretary shall appoint a Director, whose duties shall be defined by  
5 the Legislature. No more than four (4) members of the Commission shall be appointed  
6 from the same political party. No more than two (2) members of the Commission shall be  
7 appointed from the same federal congressional district.

8 No member of the Commission shall hold any license authorized by this Article, or  
9 have any interest in any capacity, in the manufacture, sale, distribution or  
10 transportation of alcoholic beverages.

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

13 ARTICLE XXIX

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

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

7 BALLOT TITLE

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

9 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

10 This measure amends the Oklahoma Constitution. It adds Section 14.1 to Article 6.

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

16 SHALL THE PROPOSAL BE APPROVED?

17 FOR THE PROPOSAL — YES \_\_\_\_\_

18 AGAINST THE PROPOSAL — NO \_\_\_\_\_

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

1 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03-04-08 - DO PASS, As  
2 Amended and Coauthored.