

BILL SUMMARY

MEASURE: HJR 1099 (Committee Substitute)

AUTHOR: Representative Miller

SUBJECT: A Joint Resolution directing the Secretary of State to refer to the people a Constitutional amendment; allowing the Governor to create a cabinet system; providing powers and duties of cabinet Secretaries; ballot title; directing filing.

PROVISIONS: Section 1. AMENDMENT Requiring the Secretary of State to refer to the people for their approval or rejection a proposed Constitutional Amendment:

ARTICLE VI. Section 14.1 A. Adding new section, that moves statutory language to the Constitution outlining how each Governor may create a cabinet system for the executive branch, though not limited to 15 cabinet heads as statute currently requires. The cabinet 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 The cabinet is in effect until superseded by the Legislature by law, or removes by law the authority of the Governor to create a cabinet area.

B. The governor shall appoint a Secretary to head each cabinet area, funded by the Office of the Governor from funds available to the Governor. (Does not include requirement to create a cabinet area for the Oklahoma Department of Veterans affairs, as current statute requires.) The cabinet Secretaries shall:

1. Advise and report to the Governor any problems;
2. Advise the entities represented of any policy changes; and
3. Coordinate information gathering for the Legislature as requested.

C. Unlike current statute, allows the Governor or cabinet Secretary the power to appoint and replace any heads of executive agencies, boards, and commissions under the Secretary's cabinet area. This does not apply to statewide elected officials.

D. Outlines that Secretaries serve at the pleasure of the Governor. Providing for appointment in case of vacancy. (Does not include exception as statute does that the appointment or removal of a cabinet Secretary who is also an agency head shall not affect the status of the duties of the agency head.)

ARTICLE XXV. Section 4. Removes duty from the Oklahoma Public Welfare Commission and applies it to the Governor or cabinet Secretary to appoint a Director of Public Welfare, allowing person to be a member of the Commission.

ARTICLE XXVI. Section 3. Removes appointment of the Director of the Wildlife Commission from a majority of the Commission, deletes provision for removal and that duties and compensation be set by a majority vote of the Commission, granting appointment power to the Governor or cabinet Secretary. Deletes provision that the Commission shall determine the qualifications of the Director, all assistants and employees and that no Commissioner shall be eligible for employment.

ARTICLE XXVIII. Section 1. Removes appointment power of the Director from the ABLE Commission and grants such power to the Governor or cabinet Secretary.

ARTICLE XXIX. Section 2. C. Deletes provision that the Ethics Commission may employ an executive director.
D. Adding new subsection that the Governor or cabinet Secretary shall appoint a Director of the Ethics Commission, whose duties shall be defined by the Legislature

Section 2. BALLOT TITLE Outlines the ballot title for the proposed Constitutional amendment in Section 1 of this Joint Resolution.

Section 3. BALLOT TITLE DISTRIBUTION Immediately after passage, the Chief Clerk of the House shall provide the Secretary of State and the Attorney General with one copy each of the House Joint Resolution and Ballot Title as set forth in Section 2.

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DATE: March 10, 2008