

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 HOUSE BILL 3045

 By: Osborn

7 AS INTRODUCED

8 An Act relating to state government; amending 74 O.S.
9 2011, Section 2, which relates to power of the
10 Governor; authorizing Governor to appoint or replace
11 certain persons; amending 68 O.S. 2011, Section 102,
 which relates to powers and duties of the Oklahoma
 Tax Commission; modifying appointments made by
 Governor; and providing an effective date.

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

15 SECTION 1. AMENDATORY 74 O.S. 2011, Section 2, is
16 amended to read as follows:

17 Section 2. A. The Governor shall have power to remove any
18 officers appointed by him, ~~in case of incompetency, neglect of duty,~~
19 ~~or malfeasance in office; and may then fill the same as provided in~~
20 ~~cases of vacancy or her.~~

21 B. In addition to any appointments created by expiring terms or
22 vacancies provided by law, the Governor shall have the power,

1 subject to the confirmation by the Senate, to appoint and replace
2 any gubernatorial appointments on any agency, board, or commission.

3 SECTION 2. AMENDATORY 68 O.S. 2011, Section 102, is
4 amended to read as follows:

5 Section 102. The "Oklahoma Tax Commission" is hereby created,
6 and shall possess such duties, powers and authority as are
7 hereinafter defined, and as are now or as may hereafter be conferred
8 upon it by law. The Tax Commission shall consist of three (3)
9 persons to be appointed by the Governor of the State of Oklahoma by
10 and with the consent of the State Senate of the State of Oklahoma.
11 No more than two ~~(2)~~ members of the Tax Commission shall be, or
12 shall have been in the previous six (6) months, members of the same
13 political party. The members of the Tax Commission shall ~~not~~ be
14 subject to removal from office at the will and pleasure of the
15 Governor, ~~but may be removed only for cause and in the manner~~
16 ~~provided by law for the removal of state officials not subject to~~
17 ~~impeachment under the provision of Section 1, Article VIII, of the~~
18 ~~Constitution.~~

19 The members of the Oklahoma Tax Commission as now constituted
20 shall continue to serve until the members of the Tax Commission
21 created by this act are duly appointed, confirmed and qualified.
22 Within twenty (20) days after the effective date of this act, the
23 Governor shall appoint a new Tax Commission with the term of office

1 of one member to expire on the second Monday of January 1955, the
2 term of office of the second member to expire on the second Monday
3 of January 1957, and the term of office of the third member to
4 expire on the second Monday of January 1959. Except as set out
5 above the term of office of each member of said Commission shall be
6 for six (6) years with the term of office of one member of the Tax
7 Commission expiring on the second Monday of January of each
8 odd-numbered year. Provided, however, that a member of the
9 Commission shall continue to serve after the expiration of his or
10 her term of office until ~~his~~ a successor is appointed, confirmed and
11 qualified. In the event of a vacancy in the membership of the Tax
12 Commission before the expiration of any term of office, the Governor
13 shall fill such vacancy for the unexpired term within twenty (20)
14 days, and no member of the Commission shall be entitled to draw any
15 salary or perform any service until his or her appointment is
16 confirmed by the Senate, if the Senate then be in session. If the
17 Senate be not in session, then ~~such~~ the member may serve and draw
18 his or her salary until some special or regular session convenes;
19 and if his or her appointment is then not confirmed within twenty
20 (20) days, he or she shall cease to perform such services and cease
21 to draw a salary.

22 Each member of the Tax Commission shall, at the time of ~~his~~
23 appointment, be a resident and citizen of the State of Oklahoma, and
24

1 shall devote all of his or her time to the administration of the
2 affairs of the Tax Commission. The Governor shall at the time of
3 making the initial appointments, and also at the time of making each
4 appointment to fill a vacancy on the Commission as provided by this
5 act, designate one member to serve as Chairman, one member to serve
6 as Vice Chairman and one member to serve as Secretary.

7 The Oklahoma Tax Commission shall appoint an administrator who
8 shall serve at the pleasure of the Commission and who shall be the
9 administrative officer of the Commission and manage the activities
10 of the employees provided for in Sections 104 and 105 of this title.

11 SECTION 3. This act shall become effective November 1, 2012.

12

13 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated
14 02/09/2012 - DO PASS, As Amended and Coauthored.

15

16

17

18

19

20

21

22

23

24