STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1561 By: Wesselhoft

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 2011, Sections 10.3, as amended by Section 1, Chapter 127, O.S.L. 2012 and 10.5 (74 O.S. Supp. 2012, Section 10.3), which relate to the cabinet system; providing for a Native American issues cabinet area; designating the Oklahoma Native American Liaison as the cabinet Secretary; clarifying language; establishing the maximum salary of the Secretary of Native American Affairs; amending 74 O.S. 2011, Section 1207, as amended by Section 1, Chapter 299, O.S.L. 2012 (74 O.S. Supp. 2012, Section 1207), which relates to the Oklahoma Native American Liaison; requiring the Oklahoma Native American Liaison to serve as the Secretary of Native American Affairs; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 10.3, as amended by Section 1, Chapter 127, O.S.L. 2012 (74 O.S. Supp. 2012, 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. 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. One cabinet area shall consist of all the functions of all executive agencies, boards, commissions and institutions related to Native American issues and state and tribal relations. The Governor's cabinet shall be in effect until the Legislature supersedes each specific cabinet area or department by providing by law for specific cabinet areas or departments, or removes by law the authority of the Governor to create a cabinet area. At any time during the Governor's term of office, the cabinet may be modified at the sole discretion of the Governor subject to Senate confirmation as provided by subsection B of this section.

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 and be eligible to receive benefits from the United States Department of Veterans Affairs. The

Secretary for the cabinet area consisting of the areas of responsibility related to Native American issues and state and tribal relations shall be the Oklahoma Native American Liaison appointed pursuant to Section 1207 of this title. 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. AMENDATORY 74 O.S. 2011, Section 10.5, is amended to read as follows:

Section 10.5 Notwithstanding other limits established by law, the following cabinet Secretaries may be annually compensated for their services, payable monthly, as follows:

1. The Secretary of Human Resources and Administration may receive a maximum salary of ~~Seventy Five Thousand Dollars ($75,000.00)~~ Seventy-five Thousand Dollars ($75,000.00);

2. The Secretary of Agriculture may receive a maximum salary of Seventy Thousand Dollars ($70,000.00);

3. The Secretary of Commerce and Tourism may receive a maximum salary of Seventy Thousand Dollars ($70,000.00);

4. The Secretary of Education may receive a maximum salary of Sixty-five Thousand Dollars ($65,000.00);

5. The Secretary of Energy may receive a maximum salary of Seventy Thousand Dollars ($70,000.00);

6. The Secretary of Finance and Administration may receive a maximum salary of Ninety Thousand Dollars ($90,000.00);

7. The Secretary of Health and the Secretary of Human Services may receive a maximum salary of Eighty Thousand Dollars ($80,000.00);

8. The Secretary of Safety and Security may receive a maximum salary of Eighty-five Thousand Dollars ($85,000.00);

9. The Secretary of State may receive a maximum salary of Sixty-five Thousand Dollars ($65,000.00). However, if the Secretary of State is designated as a cabinet Secretary, the salary of the Secretary of State may be increased to an amount not to exceed the highest salary provided for a cabinet Secretary pursuant to this section; ~~and~~

10. The Secretary of Veterans Affairs may receive a maximum salary of Sixty-five Thousand Dollars ($65,000.00); and

11. The Secretary of Native American Affairs may receive a maximum salary of Sixty-five Thousand Dollars ($65,000.00).

SECTION 3. AMENDATORY 74 O.S. 2011, Section 1207, as amended by Section 1, Chapter 299, O.S.L. 2012 (74 O.S. Supp. 2012, Section 1207), is amended to read as follows:

Section 1207. A. The State of Oklahoma recognizes the status of the federally recognized tribal governments residing in the geographical boundaries of the state as sovereign nations and the state recognizes the need for further cooperation between the state and the tribes and their citizens and the importance of the government-to-government relationship between the state and the tribes.

B. There is hereby created the position of Oklahoma Native American Liaison who shall be appointed by the Governor. The Oklahoma Native American Liaison ~~may~~ shall also serve as the Secretary of Native American Affairs or a successor cabinet position

and shall have jurisdictional areas of responsibility related to Native American issues and state and tribal relations. The first Oklahoma Native American Liaison shall be appointed no later than December 1, 2012.

C. Any person appointed to the position of Oklahoma Native American Liaison shall be a member or citizen of a federally recognized American Indian tribe or nation that has its primary tribal headquarters located in Oklahoma and shall have valid proof of membership or citizenship.

D. The salary and any other expenses for the Oklahoma Native American Liaison shall be budgeted as a separate line item through the Governor. The Governor shall provide adequate office space, equipment and support necessary to enable the Oklahoma Native American Liaison to carry out the duties and responsibilities of the position.

E. The Oklahoma Native American Liaison shall:

1. Have the powers and duties over Native American issues and state and tribal relation areas designated to the position by the Governor;

2. Monitor all compacts, including gaming, tobacco, and motor vehicle fuel compacts, entered into by the state and political subdivisions with federally recognized Indian tribal governments within this state;

3. Coordinate with the Office of Tribal Relations within the Oklahoma Historical Society on the gathering, preserving and maintaining of all compacts and agreements between federally recognized Indian tribal governments and the state and political subdivisions and all related records, documents and materials;

4. Monitor state agency consultation policies with tribal governments;

5. Monitor the interactions of state agencies with tribal governments;

6. Provide coordination between tribes and state agencies for any activities of the state agency that will directly affect tribal governments or their property;

7. Inform tribes about ongoing or proposed state programs that will affect tribal governments or their property;

8. Coordinate with tribal governments to determine priorities of interest for possible cooperation between the various agencies and the tribal governments;

9. Inform tribes on funding opportunities through partnerships with state agencies to address locally determined priorities of interest agreed to by both the state and tribal governments;

10. Ensure continuing outreach to tribes and shall establish and maintain relationships with tribes and tribal organizations; and

11. Make an annual report on the interaction between the state and state agencies and tribal governments and shall submit the

report to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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