

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 410

By: Stanislawski and Loveless

COMMITTEE SUBSTITUTE

An Act relating to veterans agencies; amending 72 O.S. 2011, Section 63.3, as amended by Section 4, Chapter 262, O.S.L. 2014 (72 O.S. Supp. 2016, Section 63.3), which relates to powers and duties of the Oklahoma Veterans Commission; amending 74 O.S. 2011, Section 10.3, as amended by Section 1, Chapter 127, O.S.L. 2012 (74 O.S. Supp. 2016, Section 10.3), which relates to the Governor's Cabinet; modifying appointment procedure for certain position; modifying procedure for removal of certain cabinet secretary; clarifying language; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 72 O.S. 2011, Section 63.3, as amended by Section 4, Chapter 262, O.S.L. 2014 (72 O.S. Supp. 2016, Section 63.3), is amended to read as follows:

Section 63.3. The Oklahoma Veterans Commission shall perform all acts necessary or proper to afford emergency, temporary and permanent relief and assistance to all honorably discharged ex-service persons of all wars of the United States of America and to their dependents, and shall perform such other duties as may be

1 prescribed by law. The Commission shall promulgate rules ~~and~~
2 ~~regulations~~, in accordance with the Administrative Procedures Act,
3 for the operation and maintenance of the Department of Veterans
4 Affairs; provided, however, in all cases priority and preference
5 shall always be given to disabled or diseased ex-service persons.
6 The members of the Commission shall be reimbursed for necessary
7 travel as provided in the State Travel Reimbursement Act. In
8 addition to its other powers and duties as herein provided, the
9 Commission shall have the following specific powers and duties which
10 shall, however, not be deemed to be exclusive:

11 1. To organize itself by the election of a ~~Chairman~~ Chair, Vice
12 ~~Chairman~~ Chair and Secretary, who shall perform the duties required
13 of them by the rules ~~and regulations~~, but shall receive no extra
14 compensation therefor, and to provide for the time and place of
15 meetings of the Commission;

16 2. To ~~appoint the Director of the Department of Veterans~~
17 ~~Affairs and~~ submit a list of nominees to the Governor, to serve as
18 both the Director of the Department and as cabinet secretary for the
19 cabinet area consisting of the Department and other related veterans
20 entities as provided in subsection B of Section 10.3 of Title 74 of
21 the Oklahoma Statutes, and to determine the salary for such
22 position;

23 3. To remove the person serving as Director of the Department
24 and as cabinet secretary for the cabinet area consisting of the

1 Department and other related veterans entities upon a two-thirds
2 (2/3) vote as provided in subsection B of Section 10.3 of Title 74
3 of the Oklahoma Statutes;

4 4. To provide for the employment of all such other personnel as
5 may be necessary to carry out the provisions of Sections 63.1
6 through 63.4 of this title, and any other duties prescribed by law.
7 ~~The salary and tenure of the Director of the Department shall be~~
8 ~~determined by the Commission; and~~

9 ~~3.~~ 5. To approve all claims or expenditures from such
10 appropriations as may be made to the Commission prior to the payment
11 thereof except as may be otherwise provided by law.

12 SECTION 2. AMENDATORY 74 O.S. 2011, Section 10.3, as
13 amended by Section 1, Chapter 127, O.S.L. 2012 (74 O.S. Supp. 2016,
14 Section 10.3), is amended to read as follows:

15 Section 10.3. A. Within forty-five (45) days of assuming
16 office, each Governor may create a cabinet system for the executive
17 branch of state government. The cabinet system may be an
18 organizational framework created by executive order which includes
19 all executive agencies, boards, commissions, or institutions and
20 their assignments to specific cabinet areas. The cabinet system
21 shall consist of no more than fifteen cabinet areas and each cabinet
22 area shall consist of executive agencies, boards, commissions, or
23 institutions with similar programmatic or administrative objectives.
24 One cabinet area shall consist of the Oklahoma Department of

1 Veterans Affairs, its institutions and other executive agencies,
2 boards, commissions and institutions which are related to veterans.
3 The Governor's cabinet shall be in effect until the Legislature
4 supersedes each specific cabinet area or department by providing by
5 law for specific cabinet areas or departments, or removes by law the
6 authority of the Governor to create a cabinet area. At any time
7 during the Governor's term of office, the cabinet may be modified at
8 the sole discretion of the Governor subject to Senate confirmation
9 as provided by subsection B of this section.

10 B. The Governor shall appoint, with the advice and consent of
11 the Senate, a Secretary to head each cabinet area. ~~The;~~ provided,
12 the Secretary appointee for the cabinet area consisting of the
13 Oklahoma Department of Veterans Affairs and other related veterans
14 entities shall ~~be~~ be:

15 1. Be an honorably discharged veteran and be eligible to
16 receive benefits from the United States Department of Veterans
17 Affairs;

18 2. Be appointed, with the advice and consent of the Senate,
19 from a list of three qualified persons submitted to the Governor by
20 the Oklahoma Veterans Commission;

21 3. Be subject to removal upon a vote of not less than two-
22 thirds of the members of the Oklahoma Veterans Commission; and

23 4. Also serve as the Director of the Oklahoma Department of
24 Veterans Affairs. Provided, the person serving in such position on

1 the effective date of this act shall continue to serve without being
2 reappointed as provided in this subsection, until such time as there
3 is a vacancy in such position.

4 C. A cabinet Secretary may be appointed as a position funded by
5 the Office of the Governor from funds available to that office, or
6 appointed as a cabinet Secretary from among the agency heads within
7 the cabinet area. The cabinet Secretaries shall:

8 1. Advise the Governor of any policy changes or problems within
9 the area they represent;

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

12 3. Coordinate information gathering for the Legislature as
13 requested.

14 ~~C.—The~~ D. Except as otherwise provided in subsection B of this
15 section, the cabinet Secretaries shall serve at the pleasure of the
16 Governor, however, the appointment or removal of a cabinet Secretary
17 who is also an agency head shall not otherwise affect the status of
18 the other duties of the agency head. Whenever a Secretary position
19 becomes vacant, the Governor shall appoint a successor within thirty
20 (30) calendar days pursuant to the provisions of subsection B of
21 this section. If the Legislature is not in session at the time of
22 appointment it shall be subject to the advice and consent of the
23 Senate upon convening of the next regular session of the
24 Legislature.

1 SECTION 3. This act shall become effective July 1, 2017.

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

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