

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3208

By: Lepak

COMMITTEE SUBSTITUTE

An Act relating to state government; amending 74 O.S. 2011, Sections 10.1, 10.3, as amended by Section 1, Chapter 127, O.S.L. 2012 and 10.5 (74 O.S. Supp. 2017, Section 10.3), which relate to the Executive Branch Reform Act of 1986; correcting internal cites; providing for the filling of certain cabinet positions; providing for and modifying certain salaries; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 10.1, is amended to read as follows:

Section 10.1 Sections ~~4~~ 10.1 through ~~5~~ 10.5 of this ~~act~~ title shall be known and may be cited as the "Executive Branch Reform Act of 1986".

SECTION 2. AMENDATORY 74 O.S. 2011, Section 10.3, as amended by Section 1, Chapter 127, O.S.L. 2012 (74 O.S. Supp. 2017, Section 10.3), is amended to read as follows:

Section 10.3 A. 1. Within forty-five (45) days of assuming office, each Governor may create a cabinet system for the executive

1 branch of state government. The cabinet system may be an
2 organizational framework created by executive order which includes
3 all executive agencies, boards, commissions, or institutions and
4 their assignments to specific cabinet areas. The cabinet system
5 shall consist of no more than fifteen cabinet areas ~~and each~~. Each
6 cabinet area shall consist of executive agencies, boards,
7 commissions, or institutions with similar programmatic or
8 administrative objectives that shall report directly to the cabinet
9 Secretary responsible for that cabinet area. One cabinet area shall
10 consist of the Oklahoma Department of Veterans Affairs, its
11 institutions and other executive agencies, boards, commissions and
12 institutions which are related to veterans. The Governor's cabinet
13 shall be in effect until the Legislature supersedes each specific
14 cabinet area or department by providing by law for specific cabinet
15 areas or departments, or removes by law the authority of the
16 Governor to create a cabinet area. The Governor may appoint the
17 Lieutenant Governor as a cabinet Secretary serving in a role to be
18 determined by the Governor.

19 2. If a constitutional amendment is approved by a vote of the
20 people making the office of State Treasurer an appointed office and
21 the cabinet system includes a Secretary whose cabinet area oversees
22 state financial or budgetary matters, that office shall be filled by
23 the State Treasurer.

1 3. If a constitutional amendment is approved by a vote of the
2 people making the office of Superintendent of Public Instruction an
3 appointed office and the cabinet system includes a Secretary for
4 Education, that office shall be filled by the Superintendent of
5 Public Instruction.

6 4. If a constitutional amendment is approved by a vote of the
7 people making the office of Commissioner of Labor an appointed
8 office and the cabinet system includes a Secretary of Labor, that
9 office shall be filled by the Commissioner of Labor.

10 5. If a constitutional amendment is approved by a vote of the
11 people making the office of Insurance Commissioner an appointed
12 office and the cabinet system includes a Secretary of Insurance that
13 office shall be filled by the Insurance Commissioner.

14 6. At any time during the Governor's term of office, the
15 cabinet may be modified at the sole discretion of the Governor
16 subject to Senate confirmation as provided by subsection B of this
17 section.

18 B. The Governor shall appoint, with the advice and consent of
19 the Senate, a Secretary to head each cabinet area, except as
20 provided in paragraphs 2 through 5 of subsection A of this section.

21 The Secretary appointee for the cabinet area consisting of the
22 Oklahoma Department of Veterans Affairs and other related veterans
23 entities shall be an honorably discharged veteran and be eligible to
24 receive benefits from the United States Department of Veterans

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

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

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

9 3. Coordinate information_gathering for the Legislature as
10 requested.

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

21 SECTION 3. AMENDATORY 74 O.S. 2011, Section 10.5, is
22 amended to read as follows:
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1 Section 10.5 A. Notwithstanding other limits established by
2 law, the following cabinet Secretaries may be annually compensated
3 for their services, payable monthly, as follows:

4 1. The Secretary of Human Resources and Administration may
5 receive a maximum salary of Seventy-five Thousand Dollars
6 (\$75,000.00);

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

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

11 4. The Secretary of Education may receive a maximum salary of
12 Sixty-five Thousand Dollars (\$65,000.00); provided, if the Secretary
13 of Education is the Superintendent of Public Instruction, the
14 Secretary shall be compensated as provided in Section 250.4 of this
15 title;

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

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

20 7. The Secretary of Health and the Secretary of Human Services
21 may receive a maximum salary of Eighty Thousand Dollars
22 (\$80,000.00);

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

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

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

9 11. If the State Treasurer becomes a cabinet Secretary, the
10 Treasurer shall be compensated as provided in Section 250.4 of this
11 title;

12 12. If the Commissioner of Labor becomes a cabinet Secretary,
13 the Commissioner shall be compensated as provided in Section 250.4
14 of this title; and

15 13. If the Insurance Commissioner shall be compensated as
16 provided in Section 250.4 of this title.

17 B. If additional cabinet Secretaries are appointed, as allowed
18 pursuant to Section 10.3 of this title, the salary for each such
19 cabinet Secretary shall be established by the Governor in an amount
20 not to exceed the highest salary provided for a cabinet Secretary
21 pursuant to this section.

22 SECTION 4. This act shall become effective November 1, 2018.
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24 56-2-10054 LRB 02/28/18