

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

☐ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1404, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Brecheen

Brecheen-MG-FS-Req#3484  
3/12/2018 6:41 PM

(Floor Amendments Only)    Date and Time Filed: \_\_\_\_\_

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1404

By: Brecheen of the Senate

and

6 Ritze of the House

7  
8  
9 FLOOR SUBSTITUTE

10 [ state government - Executive Branch Reform Act of  
11 1986 - employee compensation - effective date ]  
12

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

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

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

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

12 B. The Governor shall appoint, with the advice and consent of  
13 the Senate, a Secretary to head each cabinet area. The Secretary  
14 appointee for the cabinet area consisting of the Oklahoma Department  
15 of Veterans Affairs and other related veterans entities shall be an  
16 honorably discharged veteran and be eligible to receive benefits  
17 from the United States Department of Veterans Affairs. A cabinet  
18 Secretary may be appointed as a position funded by the Office of the  
19 Governor from funds available to that office, or appointed as a  
20 cabinet Secretary from among the agency heads within the cabinet  
21 area. The cabinet Secretaries shall:

22 1. Advise the Governor of any policy changes or problems within  
23 the area they represent;  
24

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

3        3. Coordinate information gathering for the Legislature as  
4 requested.

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

15        D. The maximum salary for all staff, subordinates and  
16 statutorily-created agency employees, shall not exceed ninety  
17 percent (90%) of the salary of the Governor.

18        E. 1. In instances where the Governor must hire a physician,  
19 the Governor may petition the Legislature for exceptions to the  
20 provisions of this section. The petition shall state:

21            a. the reasons and purposes for the requested exception,

22            b. each specific employment position for which the  
23            exception is sought, and

24            c. the desired salary range for each requested exception.

1        2. Requested exceptions shall be granted if a majority of the  
2 members of both houses of the Legislature approve and sign the  
3 petition. Petitions shall be delivered to the Senate President Pro  
4 Tempore and the Speaker of the House. Within fifteen (15)  
5 legislative days following the day on which a petition is received,  
6 the President Pro Tempore and Speaker of the House shall distribute  
7 the petition to all members of the Senate and House of  
8 Representatives. The Governor shall be notified of the approval or  
9 disapproval of a petition no later than thirty (30) calendar days  
10 after the petition has been delivered.

11        3. For all other positions, the Governor may request that the  
12 Legislature vote to approve or disapprove individual exceptions to  
13 the provisions of this section. Requested exceptions shall be  
14 granted if a majority of the members of both houses of the  
15 Legislature approve the request. Such requests shall be delivered  
16 to the President Pro Tempore of the Senate and Speaker of the House  
17 of Representatives. The requests shall state:

18            a. the reasons and purposes for the requested exception,

19            b. each specific employment position for which the  
20            exception is sought, and

21            c. the desired salary range for each requested exception.

22        Within thirty (30) legislative days following the day on which a  
23 request is received, the Senate and House of Representatives shall  
24 hold floor votes to approve or disapprove all such requests.

SECTION 2. This act shall become effective November 1, 2019.

56-2-3484 MG 3/12/2018 6:41:14 PM