

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3208

By: Lepak and McDugle of the
House

and

Treat of the Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to state government; amending 74 O.S.
13 2011, Sections 10.1, 10.3, as amended by Section 1,
14 Chapter 127, O.S.L. 2012 and 10.5 (74 O.S. Supp.
15 2017, Section 10.3), which relate to the Executive
16 Branch Reform Act of 1986; correcting internal cites;
17 providing for the filling of certain cabinet
18 positions; providing for and modifying certain
19 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 ~~±~~ 10.1 through ~~±~~ 10.5 of this ~~act~~ title
shall be known and may be cited as the "Executive Branch Reform Act
of 1986".

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

4 Section 10.3 A. 1. Within forty-five (45) days of assuming
5 office, each Governor may create a cabinet system for the executive
6 branch of state government. The cabinet system may be an
7 organizational framework created by executive order which includes
8 all executive agencies, boards, commissions, or institutions and
9 their assignments to specific cabinet areas. The cabinet system
10 shall consist of no more than fifteen cabinet areas ~~and each.~~ Each
11 cabinet area shall consist of executive agencies, boards,
12 commissions, or institutions with similar programmatic or
13 administrative objectives that shall report directly to the cabinet
14 Secretary responsible for that cabinet area. One cabinet area shall
15 consist of the Oklahoma Department of Veterans Affairs, its
16 institutions and other executive agencies, boards, commissions and
17 institutions which are related to veterans. The Governor's cabinet
18 shall be in effect until the Legislature supersedes each specific
19 cabinet area or department by providing by law for specific cabinet
20 areas or departments, or removes by law the authority of the
21 Governor to create a cabinet area. The Governor may appoint the
22 Lieutenant Governor as a cabinet Secretary serving in a role to be
23 determined by the Governor.

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

6 3. If a constitutional amendment is approved by a vote of the
7 people making the office of Superintendent of Public Instruction an
8 appointed office and the cabinet system includes a Secretary for
9 Education, that office shall be filled by the Superintendent of
10 Public Instruction.

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

15 5. If a constitutional amendment is approved by a vote of the
16 people making the office of Insurance Commissioner an appointed
17 office and the cabinet system includes a Secretary of Insurance that
18 office shall be filled by the Insurance Commissioner.

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

23 B. The Governor shall appoint, with the advice and consent of
24 the Senate, a Secretary to head each cabinet area, except as

1 provided in paragraphs 2 through 5 of subsection A of this section.

2 The Secretary appointee for the cabinet area consisting of the
3 Oklahoma Department of Veterans Affairs and other related veterans
4 entities shall be an honorably discharged veteran and be eligible to
5 receive benefits from the United States Department of Veterans
6 Affairs. A cabinet Secretary may be appointed as a position funded
7 by the Office of the Governor from funds available to that office,
8 or appointed as a cabinet Secretary from among the agency heads
9 within the cabinet area. The cabinet Secretaries shall:

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

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

14 3. Coordinate information_gathering for the Legislature as
15 requested.

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

3 SECTION 3. AMENDATORY 74 O.S. 2011, Section 10.5, is
4 amended to read as follows:

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

8 1. The Secretary of Human Resources and Administration may
9 receive a maximum salary of Seventy-five Thousand Dollars
10 (\$75,000.00);

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

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

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

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

22 6. The Secretary of Finance and Administration may receive a
23 maximum salary of Ninety Thousand Dollars (\$90,000.00);
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1 7. The Secretary of Health and the Secretary of Human Services
2 may receive a maximum salary of Eighty Thousand Dollars
3 (\$80,000.00);

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

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

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

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

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

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

22 B. If additional cabinet Secretaries are appointed, as allowed
23 pursuant to Section 10.3 of this title, the salary for each such
24 cabinet Secretary shall be established by the Governor in an amount

1 not to exceed the highest salary provided for a cabinet Secretary
2 pursuant to this section.

3 SECTION 4. This act shall become effective November 1, 2018.
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5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/01/2018 - DO PASS,
6 As Amended and Coauthored.
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