

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 HOUSE BILL 3587

 By: McCall

7 AS INTRODUCED

8 An Act relating to state government; amending 74 O.S.
9 2011, Section 2, which relates to power of the
10 Governor; authorizing Governor to appoint or replace
11 certain persons; authorizing President Pro Tempore of
12 the Senate and the Speaker of the House of
13 Representatives to appoint or replace certain
14 persons; providing for codification; and providing an
15 effective date.

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

16 SECTION 1. AMENDATORY 74 O.S. 2011, Section 2, is
17 amended to read as follows:

18 Section 2. ~~The~~ A. Notwithstanding any other provisions of law,
19 the Governor shall have power to remove any officers appointed by
20 ~~him, in case of incompetency, neglect of duty, or malfeasance in~~
21 ~~office; and may then fill the same as provided in cases of vacancy~~
22 or her.

23 B. Notwithstanding any other provisions of law, in addition to
24 any appointments created by expiring terms or vacancies provided by

1 law, the Governor shall have the power to remove any gubernatorial
2 appointments on any agency, board or commission at any time, subject
3 to the provisions of this section. Nothing in this section shall
4 apply to appointments to any agency, board or commission if the
5 appointment authority is provided for in the Constitution. A
6 vacancy created pursuant to the provisions of this section shall be
7 filled as provided by law.

8 C. Provided, if a gubernatorial appointment requires
9 confirmation by the Senate, removal of the appointee shall also
10 require confirmation by the Senate. If the Governor removes such an
11 appointee when the Legislature is not in session, such appointee may
12 continue to serve pending confirmation by the Senate of the action
13 to remove the appointee.

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 464.1 of Title 74, unless there
16 is created a duplication in numbering, reads as follows:

17 In addition to any appointments created by expiring terms or
18 vacancies provided by law, the President Pro Tempore of the Senate
19 and the Speaker of the House of Representatives shall have the power
20 to remove any of their respective appointments on any agency, board
21 or commission at any time, subject to the provisions of this
22 section. Nothing in this section shall apply to appointments to any
23 agency, board or commission if the appointment authority is provided
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1 for in the Constitution. A vacancy created pursuant to the
2 provisions of this section shall be filled as provided by law.

3 SECTION 3. This act shall become effective November 1, 2018.
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5 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT OVERSIGHT AND
6 ACCOUNTABILITY, dated 02/12/2018 - DO PASS.
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