

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 HOUSE BILL 3597

 By: McCall and Osburn (Mike)

7 AS INTRODUCED

8 An Act relating to state government; amending 74 O.S.
9 2011, Section 10.3, as amended by Section 1, Chapter
10 127, O.S.L. 2012 (74 O.S. Supp. 2017, Section 10.3),
 which relates to cabinet system of the Governor;
11 prohibiting certain persons from appointment to
 cabinet secretary; and providing an effective date.

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

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

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

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

13 B. The Governor shall appoint, with the advice and consent of
14 the Senate, a Secretary to head each cabinet area. The Secretary
15 appointee for the cabinet area consisting of the Oklahoma Department
16 of Veterans Affairs and other related veterans entities shall be an
17 honorably discharged veteran and be eligible to receive benefits
18 from the United States Department of Veterans Affairs. A cabinet
19 Secretary may be appointed as a position funded by the Office of the
20 Governor from funds available to that office, ~~or appointed as a~~
21 ~~cabinet Secretary from among the agency heads within the cabinet~~
22 ~~area.~~ No chief executive officer of any board, commission,
23 department or program in the executive branch of state government
24

1 shall be eligible for appointment as a cabinet Secretary. The
2 cabinet Secretaries shall:

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

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

7 3. Coordinate information gathering for the Legislature as
8 requested.

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

19 SECTION 2. This act shall become effective November 1, 2018.
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21 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated
22 02/07/2018 - DO PASS, As Coauthored.
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