

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2769

By: Osburn (Mike)

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5  
6 AS INTRODUCED

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

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.~~ No chief executive officer of any board, commission,  
22 department or program in the executive branch of state government  
23 shall be eligible for appointment as a cabinet Secretary. The  
24 cabinet Secretaries shall:

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

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

5 3. Coordinate information gathering for the Legislature as  
6 requested.

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

17 SECTION 2. This act shall become effective November 1, 2018.

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