

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2017)

HOUSE BILL 3208

By: Lepak

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 2011, Sections 10.1, 10.3, as amended by Section 1, Chapter 127, O.S.L. 2012 and 10.5 (74 O.S. Supp. 2017, Section 10.3), which relate to the Executive Branch Reform Act of 1986; correcting internal cites; providing for the filling of certain cabinet positions; providing for and modifying certain 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 ~~4~~ 10.1 through ~~5~~ 10.5 of this ~~act~~ title shall be known and may be cited as the "Executive Branch Reform Act of 1986".

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

Section 10.3 A. 1. Within forty-five (45) days of assuming office, each Governor may create a cabinet system for the executive branch of state government. The cabinet system may be an

1 organizational framework created by executive order which includes
2 all executive agencies, boards, commissions, or institutions and
3 their assignments to specific cabinet areas. The cabinet system
4 shall consist of no more than fifteen cabinet areas ~~and each~~. Each
5 cabinet area shall consist of executive agencies, boards,
6 commissions, or institutions with similar programmatic or
7 administrative objectives that shall report directly to the cabinet
8 Secretary responsible for that cabinet area. One cabinet area shall
9 consist of the Oklahoma Department of Veterans Affairs, its
10 institutions and other executive agencies, boards, commissions and
11 institutions which are related to veterans. The Governor's cabinet
12 shall be in effect until the Legislature supersedes each specific
13 cabinet area or department by providing by law for specific cabinet
14 areas or departments, or removes by law the authority of the
15 Governor to create a cabinet area. The Governor may appoint the
16 Lieutenant Governor as a cabinet Secretary serving in a role to be
17 determined by the Governor.

18 2. If a Constitutional amendment is approved by a vote of the
19 people making the offices of State Treasurer, Superintendent of
20 Public Instruction, Commissioner of Labor and Insurance Commissioner
21 appointed offices beginning on a specified date, then beginning on
22 that date:

- 23 a. if the cabinet system includes a Secretary whose
24 cabinet area oversees state financial or budgetary

1 matters, that office shall be filled by the State
2 Treasurer,

3 b. if the cabinet system includes a Secretary of
4 Education, that office shall be filled by the
5 Superintendent of Public Instruction,

6 c. if the cabinet system includes a Secretary of Labor,
7 that office shall be filled by the Commissioner of
8 Labor, and

9 d. if the cabinet system includes a Secretary of
10 Insurance, that office shall be filled by the
11 Insurance Commissioner.

12 3. At any time during the Governor's term of office, the
13 cabinet may be modified at the sole discretion of the Governor
14 subject to Senate confirmation as provided by subsection B of this
15 section.

16 B. The Governor shall appoint, with the advice and consent of
17 the Senate, a Secretary to head each cabinet area, except as
18 provided in paragraph 2 of subsection A of this section. The
19 Secretary appointee for the cabinet area consisting of the Oklahoma
20 Department of Veterans Affairs and other related veterans entities
21 shall be an honorably discharged veteran and be eligible to receive
22 benefits from the United States Department of Veterans Affairs. A
23 cabinet Secretary may be appointed as a position funded by the
24 Office of the Governor from funds available to that office, or

1 appointed as a cabinet Secretary from among the agency heads within
2 the cabinet area. The 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; 7i however, the appointment or removal of a cabinet
11 Secretary who is also an agency head shall not otherwise affect the
12 status of the other duties of the agency head. Whenever a Secretary
13 position becomes vacant, the Governor shall appoint a successor
14 within thirty (30) calendar days pursuant to the provisions of
15 subsection B of this section. If the Legislature is not in session
16 at the time of appointment it shall be subject to the advice and
17 consent of the Senate upon convening of the next regular session of
18 the Legislature.

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

21 Section 10.5 A. Notwithstanding other limits established by
22 law, the following cabinet Secretaries may be annually compensated
23 for their services, payable monthly, as follows:
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1 1. The Secretary of Human Resources and Administration may
2 receive a maximum salary of Seventy-five Thousand Dollars
3 (\$75,000.00);

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

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

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

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

15 6. The Secretary of Finance and Administration may receive a
16 maximum salary of Ninety Thousand Dollars (\$90,000.00);

17 7. The Secretary of Health and the Secretary of Human Services
18 may receive a maximum salary of Eighty Thousand Dollars
19 (\$80,000.00);

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

22 9. The Secretary of State may receive a maximum salary of
23 Sixty-five Thousand Dollars (\$65,000.00). However, if the Secretary
24 of State is designated as a cabinet Secretary, the salary of the

1 Secretary of State may be increased to an amount not to exceed the
2 highest salary provided for a cabinet Secretary pursuant to this
3 section; ~~and~~

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

6 11. If the State Treasurer becomes a cabinet Secretary, the
7 Treasurer shall be compensated as provided in Section 250.4 of this
8 title;

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

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

14 B. If additional cabinet Secretaries are appointed, as allowed
15 pursuant to Section 10.3 of this title, the salary for each such
16 cabinet Secretary shall be established by the Governor in an amount
17 not to exceed the highest salary provided for a cabinet Secretary
18 pursuant to this section.

19 SECTION 4. This act shall become effective November 1, 2018.
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