

1 **SENATE FLOOR VERSION**

2 February 26, 2020

3 SENATE BILL NO. 1405

By: Dahm

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6 An Act relating to appointment powers; amending 74
7 O.S. 2011, Section 2, which relates to the power of
8 the Governor; authorizing Governor to appoint or
9 replace certain persons; providing exception;
10 authorizing President Pro Tempore of the Senate and
11 the Speaker of the House of Representatives to
12 appoint or replace certain persons; providing
13 exception; providing for codification; and declaring
14 an emergency.

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 provision of law, in addition to
24 any appointments created by expiring terms or vacancies provided by
25 law, the Governor shall have the power to remove any gubernatorial
26 appointments on any agency, board or commission at any time, subject
27 to the provisions of this section. Nothing in this section shall

1 apply to appointments to any agency, board or commission if the
2 appointing authority is provided for in the Constitution. A vacancy
3 created pursuant to the provisions of this section shall be filled
4 as provided by law.

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

8 Notwithstanding any other provision of law, in addition to any
9 appointments created by expiring terms or vacancies provided by law,
10 the President Pro Tempore of the Senate and the Speaker of the House
11 of Representatives shall have the power to remove any of their
12 respective appointments on any agency, board or commission at any
13 time, subject to the provisions of this section. Nothing in this
14 section shall apply to appointments to any agency, board or
15 commission if the appointing authority is provided for in the
16 Constitution. A vacancy created pursuant to the provisions of this
17 section shall be filled as provided by law.

18 SECTION 3. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22 COMMITTEE REPORT BY: COMMITTEE ON RULES
23 February 26, 2020 - DO PASS
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