

1 **SENATE FLOOR VERSION**

2 March 1, 2017

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 410

6 By: Stanislawski and Loveless

7 [veterans agencies - Oklahoma Veterans Commission -
8 Governor's Cabinet - appointment procedure - cabinet
9 secretary - ~~effective date~~ -
10 ~~emergency~~]

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

12 SECTION 1. AMENDATORY 72 O.S. 2011, Section 63.3, as
13 amended by Section 4, Chapter 262, O.S.L. 2014 (72 O.S. Supp. 2016,
14 Section 63.3), is amended to read as follows:

15 Section 63.3. The Oklahoma Veterans Commission shall perform
16 all acts necessary or proper to afford emergency, temporary and
17 permanent relief and assistance to all honorably discharged ex-
18 service persons of all wars of the United States of America and to
19 their dependents, and shall perform such other duties as may be
20 prescribed by law. The Commission shall promulgate rules ~~and~~
21 ~~regulations~~, in accordance with the Administrative Procedures Act,
22 for the operation and maintenance of the Department of Veterans
23 Affairs; provided, however, in all cases priority and preference
24 shall always be given to disabled or diseased ex-service persons.

1 The members of the Commission shall be reimbursed for necessary
2 travel as provided in the State Travel Reimbursement Act. In
3 addition to its other powers and duties as herein provided, the
4 Commission shall have the following specific powers and duties which
5 shall, however, not be deemed to be exclusive:

6 1. To organize itself by the election of a ~~Chairman~~ Chair, Vice
7 ~~Chairman~~ Chair and Secretary, who shall perform the duties required
8 of them by the rules ~~and regulations~~, but shall receive no extra
9 compensation therefor, and to provide for the time and place of
10 meetings of the Commission;

11 2. To ~~appoint the Director of the Department of Veterans~~
12 ~~Affairs and~~ submit a list of nominees to the Governor, to serve as
13 both the Director of the Department and as cabinet secretary for the
14 cabinet area consisting of the Department and other related veterans
15 entities as provided in subsection B of Section 10.3 of Title 74 of
16 the Oklahoma Statutes, and to determine the salary for such
17 position;

18 3. To remove the person serving as Director of the Department
19 and as cabinet secretary for the cabinet area consisting of the
20 Department and other related veterans entities upon a two-thirds
21 (2/3) vote as provided in subsection B of Section 10.3 of Title 74
22 of the Oklahoma Statutes;

23 4. To provide for the employment of all such other personnel as
24 may be necessary to carry out the provisions of Sections 63.1

1 through 63.4 of this title, and any other duties prescribed by law.
2 ~~The salary and tenure of the Director of the Department shall be~~
3 ~~determined by the Commission; and~~

4 ~~3.~~ 5. To approve all claims or expenditures from such
5 appropriations as may be made to the Commission prior to the payment
6 thereof except as may be otherwise provided by law.

7 SECTION 2. AMENDATORY 74 O.S. 2011, Section 10.3, as
8 amended by Section 1, Chapter 127, O.S.L. 2012 (74 O.S. Supp. 2016,
9 Section 10.3), is amended to read as follows:

10 Section 10.3. A. Within forty-five (45) days of assuming
11 office, each Governor may create a cabinet system for the executive
12 branch of state government. The cabinet system may be an
13 organizational framework created by executive order which includes
14 all executive agencies, boards, commissions, or institutions and
15 their assignments to specific cabinet areas. The cabinet system
16 shall consist of no more than fifteen cabinet areas and each cabinet
17 area shall consist of executive agencies, boards, commissions, or
18 institutions with similar programmatic or administrative objectives.
19 One cabinet area shall consist of the Oklahoma Department of
20 Veterans Affairs, its institutions and other executive agencies,
21 boards, commissions and institutions which are related to veterans.
22 The Governor's cabinet shall be in effect until the Legislature
23 supersedes each specific cabinet area or department by providing by
24 law for specific cabinet areas or departments, or removes by law the

1 authority of the Governor to create a cabinet area. At any time
2 during the Governor's term of office, the cabinet may be modified at
3 the sole discretion of the Governor subject to Senate confirmation
4 as provided by subsection B of this section.

5 B. The Governor shall appoint, with the advice and consent of
6 the Senate, a Secretary to head each cabinet area. ~~The; provided,~~
7 the Secretary appointee for the cabinet area consisting of the
8 Oklahoma Department of Veterans Affairs and other related veterans
9 entities shall ~~be~~:

10 1. Be an honorably discharged veteran and be eligible to
11 receive benefits from the United States Department of Veterans
12 Affairs;

13 2. Be appointed, with the advice and consent of the Senate,
14 from a list of three qualified persons submitted to the Governor by
15 the Oklahoma Veterans Commission;

16 3. Be subject to removal upon a vote of not less than two-
17 thirds of the members of the Oklahoma Veterans Commission; and

18 4. Also serve as the Director of the Oklahoma Department of
19 Veterans Affairs. Provided, the person serving in such position on
20 the effective date of this act shall continue to serve without being
21 reappointed as provided in this subsection, until such time as there
22 is a vacancy in such position.

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

20 ~~SECTION 3. This act shall become effective July 1, 2017.~~

21 ~~SECTION 4. It being immediately necessary for the preservation~~
22 ~~of the public peace, health or safety, an emergency is hereby~~
23 ~~declared to exist, by reason whereof this act shall take effect and~~
24 ~~be in full force from and after its passage and approval.~~

1 COMMITTEE REPORT BY: COMMITTEE ON RULES
2 March 1, 2017 - DO PASS AS AMENDED

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