

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 997

By: Kirt and Floyd

4  
5  
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.  
8 2011, Sections 10.3, as amended by Section 1, Chapter  
9 127, O.S.L. 2012 and 10.5 (74 O.S. Supp. 2018,  
10 Section 10.3), which relate to the cabinet system;  
11 providing for a Native American issues cabinet area;  
12 designating the Oklahoma Native American Liaison as  
13 the cabinet Secretary; clarifying language;  
14 establishing the maximum salary of the Secretary of  
15 Native American Affairs; amending 74 O.S. 2011,  
16 Section 1207, as amended by Section 1, Chapter 299,  
17 O.S.L. 2012 (74 O.S. Supp. 2018, Section 1207), which  
18 relates to the Oklahoma Native American Liaison;  
19 requiring the Oklahoma Native American Liaison to  
20 serve as the Secretary of Native American Affairs;  
21 and declaring an emergency.

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

23 SECTION 1. AMENDATORY 74 O.S. 2011, Section 10.3, as  
24 amended by Section 1, Chapter 127, O.S.L. 2012 (74 O.S. Supp. 2018,  
25 Section 10.3), is amended to read as follows:

26 Section 10.3. A. Within forty-five (45) days of assuming  
27 office, each Governor may create a cabinet system for the executive  
28 branch of state government. The cabinet system may be an  
29 organizational framework created by executive order which includes

1 all executive agencies, boards, commissions, or institutions and  
2 their assignments to specific cabinet areas. The cabinet system  
3 shall consist of no more than fifteen cabinet areas and each cabinet  
4 area shall consist of executive agencies, boards, commissions, or  
5 institutions with similar programmatic or administrative objectives.  
6 One cabinet area shall consist of the Oklahoma Department of  
7 Veterans Affairs, its institutions and other executive agencies,  
8 boards, commissions and institutions which are related to veterans.  
9 One cabinet area shall consist of all the functions of all executive  
10 agencies, boards, commissions and institutions related to Native  
11 American issues and state and tribal relations. The Governor's  
12 cabinet shall be in effect until the Legislature supersedes each  
13 specific cabinet area or department by providing by law for specific  
14 cabinet areas or departments, or removes by law the authority of the  
15 Governor to create a cabinet area. At any time during the  
16 Governor's term of office, the cabinet may be modified at the sole  
17 discretion of the Governor subject to Senate confirmation as  
18 provided by subsection B of this section.

19 B. The Governor shall appoint, with the advice and consent of  
20 the Senate, a Secretary to head each cabinet area. The Secretary  
21 appointee for the cabinet area consisting of the Oklahoma Department  
22 of Veterans Affairs and other related veterans entities shall be an  
23 honorably discharged veteran and be eligible to receive benefits  
24 from the United States Department of Veterans Affairs. The

1 Secretary for the cabinet area consisting of the areas of  
2 responsibility related to Native American issues and state and  
3 tribal relations shall be the Oklahoma Native American Liaison  
4 appointed pursuant to Section 1207 of this title. A cabinet

5 Secretary may be appointed as a position funded by the Office of the  
6 Governor from funds available to that office, or appointed as a  
7 cabinet Secretary from among the agency heads within the cabinet  
8 area. The cabinet Secretaries shall:

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

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

13 3. Coordinate information gathering for the Legislature as  
14 requested.

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

1 SECTION 2. AMENDATORY 74 O.S. 2011, Section 10.5, is

2 amended to read as follows:

3 Section 10.5. Notwithstanding other limits established by law,  
4 the following cabinet Secretaries may be annually compensated for  
5 their services, payable monthly, as follows:

6 1. The Secretary of Human Resources and Administration may  
7 receive a maximum salary of ~~Seventy Five Thousand Dollars~~  
8 ~~(\$75,000.00)~~ Seventy-five Thousand Dollars (\$75,000.00);

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

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

13 4. The Secretary of Education may receive a maximum salary of  
14 Sixty-five Thousand Dollars (\$65,000.00);

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

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

19 7. The Secretary of Health and the Secretary of Human Services  
20 may receive a maximum salary of Eighty Thousand Dollars  
21 (\$80,000.00);

22 8. The Secretary of Safety and Security may receive a maximum  
23 salary of Eighty-five Thousand Dollars (\$85,000.00);  
24

1           9. The Secretary of State may receive a maximum salary of  
2 Sixty-five Thousand Dollars (\$65,000.00). However, if the Secretary  
3 of State is designated as a cabinet Secretary, the salary of the  
4 Secretary of State may be increased to an amount not to exceed the  
5 highest salary provided for a cabinet Secretary pursuant to this  
6 section; ~~and~~

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

9           11. The Secretary of Native American Affairs may receive a  
10 maximum salary of Sixty-five Thousand Dollars (\$65,000.00).

11           SECTION 3.           AMENDATORY           74 O.S. 2011, Section 1207, as  
12 amended by Section 1, Chapter 299, O.S.L. 2012 (74 O.S. Supp. 2018,  
13 Section 1207), is amended to read as follows:

14           Section 1207. A. The State of Oklahoma recognizes the status  
15 of the federally recognized tribal governments residing in the  
16 geographical boundaries of the state as sovereign nations and the  
17 state recognizes the need for further cooperation between the state  
18 and the tribes and their citizens and the importance of the  
19 government-to-government relationship between the state and the  
20 tribes.

21           B. There is hereby created the position of Oklahoma Native  
22 American Liaison who shall be appointed by the Governor. The  
23 Oklahoma Native American Liaison ~~may~~ shall also serve as the  
24 Secretary of Native American Affairs or a successor cabinet position

1 and shall have jurisdictional areas of responsibility related to  
2 Native American issues and state and tribal relations. The first  
3 Oklahoma Native American Liaison shall be appointed no later than  
4 December 1, 2012.

5 C. Any person appointed to the position of Oklahoma Native  
6 American Liaison shall be a member or citizen of a federally  
7 recognized American Indian tribe or nation that has its primary  
8 tribal headquarters located in Oklahoma and shall have valid proof  
9 of membership or citizenship.

10 D. The salary and any other expenses for the Oklahoma Native  
11 American Liaison shall be budgeted as a separate line item through  
12 the Governor. The Governor shall provide adequate office space,  
13 equipment and support necessary to enable the Oklahoma Native  
14 American Liaison to carry out the duties and responsibilities of the  
15 position.

16 E. The Oklahoma Native American Liaison shall:

17 1. Have the powers and duties over Native American issues and  
18 state and tribal relation areas designated to the position by the  
19 Governor;

20 2. Monitor all compacts, including gaming, tobacco, and motor  
21 vehicle fuel compacts, entered into by the state and political  
22 subdivisions with federally recognized Indian tribal governments  
23 within this state;

1           3. Coordinate with the Office of Tribal Relations within the  
2 Oklahoma Historical Society on the gathering, preserving and  
3 maintaining of all compacts and agreements between federally  
4 recognized Indian tribal governments and the state and political  
5 subdivisions and all related records, documents and materials;

6           4. Monitor state agency consultation policies with tribal  
7 governments;

8           5. Monitor the interactions of state agencies with tribal  
9 governments;

10          6. Provide coordination between tribes and state agencies for  
11 any activities of the state agency that will directly affect tribal  
12 governments or their property;

13          7. Inform tribes about ongoing or proposed state programs that  
14 will affect tribal governments or their property;

15          8. Coordinate with tribal governments to determine priorities  
16 of interest for possible cooperation between the various agencies  
17 and the tribal governments;

18          9. Inform tribes on funding opportunities through partnerships  
19 with state agencies to address locally determined priorities of  
20 interest agreed to by both the state and tribal governments;

21          10. Ensure continuing outreach to tribes and shall establish  
22 and maintain relationships with tribes and tribal organizations; and

23          11. Make an annual report on the interaction between the state  
24 and state agencies and tribal governments and shall submit the

1 report to the Governor, the Speaker of the House of Representatives,  
2 and the President Pro Tempore of the Senate.

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

7  
8 57-1-1408 MD 1/17/2019 4:54:10 PM

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24