

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2770

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 2, which relates to power of the  
9 Governor; authorizing Governor to appoint or replace  
10 certain persons; authorizing President Pro Tempore of  
11 the Senate and the Speaker of the House of  
12 Representatives to appoint or replace certain  
13 persons; providing for codification; and providing an  
14 effective date.

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 provisions of law, in addition to  
24 any appointments created by expiring terms or vacancies provided by  
law, the Governor shall have the power to remove any gubernatorial

1 appointments on any agency, board or commission at any time, subject  
2 to the provisions of this section. Nothing in this section shall  
3 apply to appointments to any agency, board or commission if the  
4 appointment authority is provided for in the Constitution. A  
5 vacancy created pursuant to the provisions of this section shall be  
6 filled as provided by law.

7 C. Provided, if a gubernatorial appointment requires  
8 confirmation by the Senate, removal of the appointee shall also  
9 require confirmation by the Senate. If the Governor removes such an  
10 appointee when the Legislature is not in session, such appointee may  
11 continue to serve pending confirmation by the Senate of the action  
12 to remove the appointee.

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

16 In addition to any appointments created by expiring terms or  
17 vacancies provided by law, the President Pro Tempore of the Senate  
18 and the Speaker of the House of Representatives shall have the power  
19 to remove any of their respective appointments on any agency, board  
20 or commission at any time, subject to the provisions of this  
21 section. Nothing in this section shall apply to appointments to any  
22 agency, board or commission if the appointment authority is provided  
23 for in the Constitution. A vacancy created pursuant to the  
24 provisions of this section shall be filled as provided by law.

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SECTION 3. This act shall become effective November 1, 2018.

56-2-9082 LRB 01/03/18