

1 ENGROSSED HOUSE
2 BILL NO. 3587

By: McCall and McDugle of the
House

3 and

4 Schulz of the Senate

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6
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.
Passed the House of Representatives the 12th day of March, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the ____ day of _____, 2018.

Presiding Officer of the Senate