



GENTNER DRUMMOND
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2026-4

The Honorable Chris Kannady
Oklahoma House of Representatives, District 91
2300 N. Lincoln Boulevard, Room 240
Oklahoma City, OK 73105

March 31, 2026

Dear Representative Kannady:

This office has received your request for an Attorney General Opinion in which you ask, in effect, the following question:

May the Oklahoma Governor’s cabinet secretaries receive an annual salary as compensation for their service as secretary in an amount that exceeds the maximum salary established for their respective cabinet positions pursuant to title 74, section 10.5 of the Oklahoma Statutes?

I.
SUMMARY

The answer is no. The Legislature has prescribed the annual compensation for executive cabinet secretaries under the provisions of title 74, section 10.5 of the Oklahoma Statutes. The statute is unequivocal: cabinet secretaries “may receive a maximum salary of” between \$65,000 and \$90,000 per year, depending on their position. 74 O.S.2021, § 10.5(1)–(10). Accordingly, any amount paid for a secretary’s service exceeding the statutory maximum would be improper overpayment to which a cabinet secretary is not entitled under Oklahoma law. These overpayment amounts, in turn, are subject to recovery under the Oklahoma Personnel Act.

II.
BACKGROUND

In 1986, the Legislature authorized the creation of a Governor’s Cabinet as part of the Executive Branch Reform Act (the “Act”). *See* 1986 Okla. Sess. Laws ch. 207, § 3. The Act provides that “[w]ithin forty-five (45) days of assuming office, each Governor may create a cabinet system for the executive branch of state government.” 74 O.S.2021, § 10.3(A). “The cabinet system may be an organizational framework created by executive order which includes all executive agencies, boards, commissions, or institutions and their assignments to specific cabinet areas.” *Id.* Under the Act, a “cabinet Secretary may be appointed as a position funded by the Office of the Governor

from funds available to that office, or appointed as a cabinet Secretary from among the agency heads within the cabinet area.” *Id.* § 10.3(B).

In 1997, the Legislature established salary amounts for which “[c]abinet Secretaries may be annually compensated for their services.” 1997 Okla. Sess. Laws ch. 384, § 2. The current version of the Act’s compensation statute for executive cabinet secretaries is codified under title 74, section 10.5 of the Oklahoma Statutes. Section 10.5 lists eleven cabinet positions and sets a “maximum salary,” ranging between \$65,000 and \$90,000 per year, for each listed office.¹ *Id.* § 10.5(1)–(10). By executive order issued on April 11, 2023, Governor Stitt organized the cabinet system for his second term of office. *See* Exec. Order No. 2023-08.

III. DISCUSSION

Essentially, your question asks whether the Governor’s cabinet secretaries may lawfully receive annual salaries greater than the maximum limits in section 10.5. They may not. As a fundamental matter, “[i]f the language in the statute is plain and unambiguous, the legislative intent is deemed to be expressed by the statutory language.” *Stricklen v. Multiple Inj. Tr. Fund*, 2024 OK 1, ¶ 14, 542 P.3d 858, 865–66; *see also TXO Prod. Corp. v. Okla. Corp. Comm’n*, 1992 OK 39, ¶ 7, 829 P.2d 964, 969 (“It is presumed that the legislature has expressed its intent in a statute and that it intended what it so expressed. The statute should then be interpreted to attain that purpose and end.”). Here, the Legislature’s intent could not be clearer. Simply put, “[t]here is no room in this case for statutory construction. This is so because the legislative intent can be ascertained from the plain language of” section 10.5. *See Nealis v. Baird*, 1999 OK 98, ¶ 55, 996 P.2d 438, 460. In short, a cabinet secretary may not be paid more than the maximum annual salary established by the Legislature in section 10.5.

As a final point, the Oklahoma Personnel Act contains provisions governing the recovery of overpayments to state employees. *See, e.g.*, 74 O.S.Supp.2022, § 840-2.19(D) (setting forth procedures for recovery of “[a]ny sum on a payroll claim found to have been paid in excess of the actual amount due and owing”). Under section 840-2.19, the “[r]ecovery of overpayments from an employee shall include all overpayments occurring within one (1) year prior to the determination of error.” *Id.* § 840-2.19(B)(7). Any payment of salary to a cabinet secretary for his or her cabinet service that exceeds section 10.5’s maximum salary is therefore subject to the Oklahoma Personnel Act’s recovery procedures.

Accordingly, this Office concludes that: **first**, a cabinet secretary may not receive an annual salary greater than the maximum salary amount established for his or her respective cabinet position under section 10.5; and **second**, any cabinet secretary who has been overpaid by the State of Oklahoma contrary to section 10.5 is subject to the overpayment recovery procedures in the Oklahoma Personnel Act.

¹ The cabinet positions enumerated in the statute are the Secretaries of (1) Human Resources and Administration, (2) Agriculture, (3) Commerce and Tourism, (4) Education, (5) Energy, (6) Finance and Administration, (7) Health, (8) Human Services, (9) Safety and Security, (10) State, and (11) Veterans Affairs. 74 O.S.2021, § 10.5(1–10). Under the Act, these cabinet positions “may be modified at the sole discretion of the Governor subject to Senate confirmation.” *Id.* § 10.3(A).

It is, therefore, the official Opinion of the Attorney General that:

Oklahoma cabinet secretaries may not be paid an annual salary as compensation for their service as secretary that exceeds the maximum salary amounts created for their respective positions pursuant to title 74, section 10.5 of the Oklahoma Statutes. Any compensation received and retained by a cabinet secretary in excess of the statutorily mandated maximum amount is an improper overpayment under Oklahoma law and is, as a result, subject to the Oklahoma Personnel Act's overpayment-recovery procedures.



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