SHORT TITLE: Prohibiting certain state officers and employees from lobbying the Legislature; providing for filing of complaints, investigations and penalties; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1167 By: Brown

AS INTRODUCED

An Act relating to state government; providing definitions; prohibiting certain state officers and employees from lobbying the Legislature; providing for filing complaints; authorizing the Attorney General to conduct investigations and make referrals to district attorneys; providing penalty; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 841.7A of Title 74, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Employee" means a person employed by an agency of the executive branch of the State of Oklahoma, including all institutions in the Oklahoma State System of Higher Education, whether subject to the provisions of the Merit System of Personnel Administration or in unclassified service;

2. "Lobbying" or any derivative of the word thereof, means promoting, opposing or attempting to influence any official action of the Legislature or soliciting members of the Legislature for the purpose of influencing their votes; provided, however, appearing before a legislative committee, or discussing any official action of the Legislature with members of the Legislature, at the request of legislators or in response to a subpoena, or any official or employee appearing before a legislative committee or entity representing himself, shall not constitute lobbying;

3. "Officer" means a person who is an elected or appointed official with appointive or supervisory responsibilities in an agency of the executive branch of the State of Oklahoma, including

all institutions in The Oklahoma State System of Higher Education, whether subject to the provisions of the Merit System of Personnel Administration or in unclassified service; and

4. "Official action of the Legislature" means a bill, resolution, amendment, nomination or other matter pending in either house of the Legislature or any other matter which may be the subject of action by either house of the Legislature, including the introduction, consideration, passage, defeat, approval, disapproval or veto of the matter.

B. Notwithstanding any other provision of law, no officer or employee shall lobby any member of the Legislature, nor shall any officer direct any employee to lobby any member of the Legislature pertaining to any official action of the Legislature.

C. 1. Any member of the Legislature may file a written complaint with the Attorney General against any officer or employee who has violated the provisions of this section.

2. If, after conducting an investigation, the Attorney General determines a complaint is valid, it shall be the duty of the Attorney General to refer the matter to the local district attorney for action pursuant to Section 841.23 of this title.

D. Any officer or employee who knowingly and willfully violates the provisions of this section shall forfeit his position and be ineligible for appointment to or employment in a position in state service for a period of at least one (1) year and no more than five (5) years.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-1862 TDS