STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 785 By: Reynolds

AS INTRODUCED

An Act relating to crimes and punishments; prohibiting state officers from being involved in certain employment situations; providing penalty; defining terms; prohibiting certain elected officials from entering into state employment; providing prohibition period; providing exemption; providing penalty; providing for codification; and providing an effective date.

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 488 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. No state officer:

1. Shall advocate or cause the employment, appointment, promotion, transfer, or advancement of a family member to an office or position with the state, a county, a municipality, or a school district;

2. Shall supervise or manage a family member who is in an office or position with the state; and

3. Acting in an official capacity, shall participate in any matter relating to the employment or termination of a family member.

B. 1. Any person who willfully violates any provision of subsection A of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment for not longer than six (6) months or by both such fine and imprisonment.

2. Any person convicted of willfully violating any provision of subsection A of this section shall be ineligible for appointment to or employment in a position in state service. If the person convicted is an employee of the state, that person shall forfeit his or her position.

C. As used in this section:

1. "State officer" shall have the same meaning as that term is defined in the Rules of the Ethics Commission; and

2. "Family member" means an individual who is related to the state officer as father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister, or who is a member of the household of the state officer.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 489 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. No former elected state official shall be appointed to or employed by an appointing authority of the state within two (2) years following the end of such official's last term of office. This section shall apply to such official even though the official's salary is paid with federal funds.

B. This section shall apply only to such elected state officials who are initially employed by the state following the official's last term of office, on or after the effective date of this act.

C. 1. Any person who willfully violates any provision of subsection A of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than One Thousand Dollars

($1,000.00), or by imprisonment for not longer than six (6) months or by both such fine and imprisonment.

2. Any person convicted of willfully violating any provision of subsection A of this section shall be ineligible for appointment to or employment in a position in state service. If the person convicted is an employee of the state, that person shall forfeit his or her position.

SECTION 3. This act shall become effective November 1, 2001.

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