ENGROSSED HOUSE
BILL NO. 2055

By: Trebilcock, Lamons and Nations of the House

and

Anderson of the Senate

An Act relating to ethics; prohibiting certain persons and entities from making political contributions during certain period of time; prohibiting certain persons from accepting political contributions during certain period of time; providing exceptions; providing penalties; defining term; prohibiting knowingly paying or receiving contributions in certain places; providing exception; providing penalty; amending Rule 257:20-1-4 of the Rules of the Ethics Commission (74 O.S. 2001, Ch. 62, App.), which relates to the misuse of office by state officers or state employees; prohibiting legislators and statewide elective officers from appearing in certain announcements and ads during certain period of time; defining terms; 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 4260 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. During a regular session of the Legislature, a registered lobbyist, lobbyist principal, or political action committee shall not knowingly make a political contribution to a candidate committee for a person filing or intending to file as a candidate for any state office, as defined by Section 257:1-1-2 of the Ethics Commission, or any county office.

B. A candidate committee for a person filing or intending to file as a candidate for any state office, as defined by Section 257:1-1-2 of the Ethics Commission, or any county office shall not knowingly accept a political contribution from a registered lobbyist, lobbyist principal, or a political action committee, and

shall refuse a political contribution that is received from a registered lobbyist, lobbyist principal, or a political action committee, during the period prescribed by subsection A of this section. A political contribution that is received and refused during that period shall be returned to the contributor not later than thirty (30) days after the date of receipt. A contribution made by mail is not considered received during that period if it was placed with postage prepaid and properly addressed in the United States mail before the beginning of the period. The date indicated by the post office cancellation mark is considered to be the date the contribution was placed in the mail unless proven otherwise.

C. This section shall not apply to a political contribution that was made and accepted with the intent that it be used:

1. In a special election held or ordered during the period prescribed by subsection A of this section in which the person accepting the contribution is a candidate if the contribution was made after the person appointed a campaign treasurer with the appropriate authority and before the person was sworn in for that office; or

2. To defray expenses incurred in connection with an election contest or to defend legal actions or proceedings arising out of the campaign or election, or the performance of the candidate's official duties as a state office holder.

D. A person convicted of violating this section shall be guilty of a misdemeanor.

E. As used in this section, "political contribution" shall mean cash or a bank draft or check.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4261 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person to knowingly pay or receive payment of any contribution, as defined in Rule 257:1-1-2 of

the Ethics Commission, in a facility ordinarily used for the conduct of state government business. A person shall not be considered to have knowingly received payment of a contribution in violation of this section if the person who received the contribution, or the person or committee for whom the contribution was intended, expressly and unconditionally returns the payment to the contributor within six (6) business days of receipt.

B. Any person who willfully violates any provision 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.

SECTION 3. AMENDATORY Rule 257:20-1-4 of the Rules of the Ethics Commission (74 O.S. 2001, Ch. 62, App.), is amended to read as follows:

Rule 257:20-1-4. (a) No state officer or state employee shall use his or her official position to solicit or secure special privileges, exemptions or compensation for himself, herself or others, except in the performance of his or her duties or as may be allowed by law. Such prohibited activity, except as provided by statute, shall not include:

(1) writing letters or orally communicating recommendations for hiring, reclassifying, terminating or promoting a state employee; or

(2) an employee of an institution within The Oklahoma System of Higher Education receiving income from ownership interest in a technology or other intellectual property or in a business enterprise commercializing the technology or other intellectual property, or receiving income as a consultant, adviser, or employee of such business enterprise, when such technology or other intellectual property is the result of research conducted by the employee in the performance of his or her duties on behalf of the

institution or involving the authorized use of the facilities, equipment, or services of the institution.

(b) No state officer or state employee, except in the performance of his or her duties, shall disclose or offer to disclose confidential information acquired by reason of his or her official position to any person, group or others not entitled to receive such confidential information, nor shall he or she use such information for his or her personal gain or benefit.

(c) No state officer or state employee shall:

(1) receive or solicit any compensation that would impair his or her independence of judgment for his or her services as an officer or employee of any state agency, from any source other than the state, unless otherwise provided by law; or

(2) accept or solicit other employment which would impair his or her independence of judgment in the performance of his or her public duties.

Provided, the activities prohibited by this subsection shall not include an employee of an institution within The Oklahoma State System of Higher Education receiving income from ownership interest in a technology or other intellectual property or in a business enterprise commercializing the technology or other intellectual property, or receiving income as a consultant, adviser, or employee of such business enterprise, when such technology or other intellectual property is the result of research conducted by the employee in the performance of his or her duties on behalf of the institution or the authorized use of the facilities or services of the institution.

(d) No legislator or statewide elective officer shall be employed by or receive any commission, fee, or other compensation from the state, except:

(1) the compensation and allowance for expenses provided by law to such legislator or statewide elective officer;

(2) compensation from serving in the Oklahoma National Guard or the Oklahoma State Guard; or

(3) income from government pension or retirement plans.

(e) No legislator or statewide elective officer shall appear in any public service announcement or on billboard ads from January 1 of an election year through the date of the General Election. As used in this subsection, "public service announcement" means a commercial, advertisement or other programming material which is broadcast or otherwise transmitted that is intended to improve the health, safety and welfare of the community or promote the programs, activities or services of government agencies or facilities and that does not provide a commercial benefit to the sponsoring agency.

SECTION 4. This act shall become effective November 1, 2006.

Passed the House of Representatives the 16th day of March, 2006.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2006.

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Presiding Officer of the Senate