

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1329

By: Corn

AS INTRODUCED

An Act relating to travel reimbursement for elective state officers; amending Section 257:10-1-3 of the Rules of the Ethics Commission (74 O.S. Supp. 2005, Ch. 62, App.), which relates to prohibited activities, and 47 O.S. 2001, Section 2-101, which relates to the Department of Public Safety; requiring elective state officers traveling at state expense to reimburse state under certain circumstances; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 257:10-1-3 of the Rules of the Ethics Commission (74 O.S. Supp. 2005, Ch. 62, App.), is amended to read as follows:

Section 257:10-1-3. (a) A person shall not use or authorize the use of public funds, property, or time, to participate or assist in the organization of or preparation for a fundraiser for a campaign or in any solicitation of funds for or against a candidate for state office or a ballot measure.

(b) A person shall not use or authorize the use of public funds, property, or time to produce, print, publish, broadcast, or otherwise disseminate material designed or timed to influence the results of an election for state office or a ballot measure, except political activities or statements inherent to or part of the function of a candidate or an elective officer or in the performance of a state officer's or state employee's duties or as allowed by law, regardless of the lack of specific reference to the election.

(c) Subsections (a) and (b) shall not prevent:

(1) use of a meeting room, auditorium or similar space in a public facility, provided that:

- (A) if a fee is normally charged for use of the facility, the fee is the same for all candidates for state office, political parties or ballot measure committees for such use;
- (B) the facility is not required for public purposes during the applicable time period;
- (C) the same opportunity for use of the facility is given to all candidates for a particular office who request its use on a first-come-first-serve basis;
- (D) the same opportunity for use of the facility is given to all political parties which request its use on a first-come-first-serve basis; and
- (E) the same opportunity for use of the facility is given to all ballot measure committees which request its use on a first-come-first-serve basis;

(2) incidental use of public building sidewalks, common grounds, parking lots and areas within public buildings;

(3) the handing out of leaflets, brochures, or partisan or nonpartisan campaign materials on sidewalks, common grounds, or parking lots and within public buildings which are not used for the conduct of state government business; or

(4) any other activity the exercise of which is guaranteed by the Oklahoma Constitution or the United States Constitution.

(d) A person shall not authorize the use of state officers or state employees for the purposes set forth in Subsections (a) and (b) while in a uniform that identifies him or her as a state officer or state employee or during the hours that the state officer or state employee is officially in work status for a governmental entity.

(e) A person shall not print or distribute or cause to be printed or distributed, at public expense, a newsletter or other mass mailing of promotional material on behalf of an elective officer from the day the officer files a declaration of candidacy through the date of the election for the office.

(f) A person shall not solicit, verbally or in writing, in a facility ordinarily used for the conduct of state government business, a contribution from a state employee.

(g) A person shall not distribute or post, or cause to be distributed or posted, in a facility ordinarily used for the conduct of state government business, a communication designed to influence the outcome of an election for state office or a ballot measure.

(h) This section, except for Subsection (e), does not apply to:

(1) activities that are part of the ordinary conduct of the governmental entity; provided, in any situation in which an elective state officer is traveling at state expense to perform duties which are part of the ordinary conduct of the governmental entity and is also, while so traveling, participating or assisting in the organization of or preparation for a fundraiser for a campaign or in any solicitation of funds for or against a candidate for state office or a ballot measure, the elective state officer shall reimburse the state in full for all such state expenses, within thirty (30) days of the date of such travel; and

(2) nonpartisan voter registration activities.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 2-101, is amended to read as follows:

Section 2-101. ~~(a)~~ A. A department of the government of this state to be known as the "Department of Public Safety" is hereby created, and offices for the Department shall be furnished by the ~~Office of Public Affairs~~ Department of Central Services. The Department of Public Safety shall be under the control and

supervision of the Commissioner of Public Safety, which office and position is hereby created.

The Commissioner shall have such powers and authority as may be granted by the provisions of the Uniform Vehicle Code or as may otherwise be provided by law.

~~(b)~~ B. The Governor shall be the chief officer of the Department of Public Safety and the Commissioner of Public Safety shall execute the lawful orders of the Governor and shall be responsible to ~~him~~ the Governor for the operation and administration of ~~said~~ the Department.

C. The Commissioner of Public Safety shall provide personal security and protection, transportation, and communications capabilities for the Governor, the Governor's immediate family, and the Lieutenant Governor. The Commissioner is authorized to provide necessary communications equipment to said persons even if said persons are not on state property or in state vehicles. The Commissioner of Public Safety is hereby authorized to purchase or lease and equip motor vehicles for the use of the Governor and Lieutenant Governor. The purchase or lease price of any such motor vehicles and equipment shall be paid from any appropriation for motor vehicles made to the Department of Public Safety. Provided, in any situation in which the Governor, the Governor's immediate family or the Lieutenant Governor is traveling at state expense to perform duties which are part of the ordinary conduct of the Office of the Governor or the Office of the Lieutenant Governor and is also, while so traveling, participating or assisting in the organization of or preparation for a fundraiser for a campaign or in any solicitation of funds for or against a candidate for state office or a ballot measure, the Governor or Lieutenant Governor shall reimburse the state in full for all such state expenses, within thirty (30) days of the date of such travel.

SECTION 3. 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.

50-2-2343

CD

6/13/2015 8:26:10 AM