

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 652

By: Nichols

AS INTRODUCED

An Act relating to state contracts; prohibiting certain persons engaged in business with state governmental entities from filing declarations of candidacy for certain offices; requiring certain affidavit; amending 21 O.S. 2001, Section 341, as amended by Section 4, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2004, Section 341), which relates to crimes and punishments; prohibiting certain persons from entering into certain contracts; 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 5-105b of Title 26, unless there is created a duplication in numbering, reads as follows:

A person who, as of the date of the first day of the filing period for an office for which a declaration of candidacy is required to be filed with the State Election Board or within the six-month period immediately preceding such date, is engaged in selling, causing to be sold, renting or leasing, or who attempts to sell, rent or lease, either as an individual or through any business enterprise in which the person holds a substantial financial interest, as defined in the rules of the Ethics Commission, goods, services, buildings or property to any state governmental entity, shall not be eligible to file such a declaration of candidacy. Every candidate filing such a declaration of candidacy shall sign and provide to the Secretary of the State Election Board an affidavit that he or she is eligible pursuant to this section to file such declaration of candidacy.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 341, as amended by Section 4, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2004, Section 341), is amended to read as follows:

Section 341. A. Every public officer of the state or any county, city, town, or member or officer of the Legislature, and every deputy or clerk of any such officer and every other person receiving any money or other thing of value on behalf of or for account of this state or any department of the government of this state or any bureau or fund created by law and in which this state or the people thereof, are directly or indirectly interested, who either:

First: Receives, directly or indirectly, any interest, profit or perquisites, arising from the use or loan of public funds in the officer's or person's hands or money to be raised through an agency for state, city, town, district, or county purposes; or

Second: Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to any moneys so received ~~by him~~, on behalf of the state, city, town, district or county, or the people thereof, or in which they are interested; or

Third: Fraudulently alters, falsifies, cancels, destroys or obliterates any such account, shall, upon conviction, thereof, be deemed guilty of a felony and shall be punished by a fine of not to exceed Five Hundred Dollars (\$500.00), and by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than twenty (20) years and, in addition thereto, the person shall be disqualified to hold office in this state, and the court shall issue an order of such forfeiture, and should appeal be taken from the judgment of the court, the defendant may, in the discretion of the court, stand suspended from such office until such cause is finally determined.

B. Every elected officer of the state including members of the Legislature, and the spouse of every such officer is prohibited from

entering into any contract with the state or any state governmental entity, either as an individual or through any business enterprise in which the person holds an ownership interest of five percent (5%) or more. Violation of this prohibition shall be a felony, punishable, upon conviction, by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than twenty (20) years and, in addition thereto, the person shall be disqualified to hold office in this state, and the court shall issue an order of such forfeiture, and should appeal be taken from the judgment of the court, the defendant may, in the discretion of the court, stand suspended from such office until such cause is finally determined.

SECTION 3. This act shall become effective November 1, 2005.

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