

ENROLLED HOUSE
BILL NO. 2176

By: Nelson and Hickman of the
House

and

Aldridge of the Senate

An Act relating to state officials; amending 21 O.S. 2001, Section 360, which relates to crimes against state property and revenue; prohibiting certain persons from soliciting licensees regarding legislation; providing exception; amending 62 O.S. 2001, Section 45.1, as amended by Section 4, Chapter 301, O.S.L. 2003 (62 O.S. Supp. 2008, Section 45.1), which relates to the Oklahoma Program Performance Budgeting and Accountability Act; modifying filing requirement; providing penalty for certain agencies; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 360, is amended to read as follows:

Section 360. A. No public employee or public official, as defined in Section 304 of Title 51 of the Oklahoma Statutes, shall directly or indirectly coerce, attempt to coerce, command, advise or direct any state employee to pay, lend or contribute any part of his or her salary or compensation, time, effort or anything else of value to any party, committee, organization, agency or person for political purposes.

B. No public employee or official shall retaliate against any employee for exercising his or her rights or for not participating in permitted political activities as provided in Ethics Commission Rule 10-1-4.

C. No chief executive officer or other administrative head of a state agency which has the power to issue a license to a natural person or any person having authority to act on such chief executive officer's or administrative head's behalf shall directly or indirectly solicit or request support or opposition for legislation from any natural person who holds a license issued by that agency.

D. The provisions of subsection C of this section shall not be applicable to a statewide elected official.

E. The provisions of subsection C of this section shall not be applicable to an executive officer or other administrative head of a state agency which has the power to issue a license to a natural person or any person having authority to act on such chief executive officer's or administrative head's behalf if the licensee is also a member of the Legislature, a person who serves on the governing board of the agency or a person who is appointed to serve on a task force or similar entity created by legislative action.

F. The provisions of subsection C of this section shall not be construed to prevent any executive officer or other administrative head of a state agency which has the power to issue a license to a natural person or any person having authority to act on such chief executive officer's or administrative head's behalf from providing information regarding legislation, including pending legislation, to an elected or appointed government official, another agency, or from responding to a request for information from a member of the news media, news press or any natural person who holds a license issued by that agency.

G. Any person convicted of willfully violating the provisions of this section shall be guilty of a felony and shall be punished by the imposition of a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not longer than two (2) years, or by both said fine and imprisonment.

SECTION 2. AMENDATORY 62 O.S. 2001, Section 45.1, as amended by Section 4, Chapter 301, O.S.L. 2003 (62 O.S. Supp. 2008, Section 45.1), is amended to read as follows:

Section 45.1 Sections 45.1 through 45.10 of this title shall be known and may be cited as the "Oklahoma Program Performance Budgeting and Accountability Act". All state agencies are to prepare and submit their budgetary systems in a program format. In addition, all state agencies are to collect and identify data to measure performance of their programs. If any nonappropriated state agency fails to file a report under the Oklahoma Program Performance Budgeting and Accountability Act, the agency shall be subject to a penalty of one percent (1%) for the first violation, two percent (2%) for the second violation, and five percent (5%) for any other violations, of the agency's fee revenue which shall be apportioned to the General Revenue Fund of the State Treasury, or the cost of an auditor from the Office of the State Auditor and Inspector to prepare and file a report on behalf of the agency, whichever is greater. The cost of an audit shall be paid to the State Auditor and Inspector. If the State Auditor and Inspector does not complete the audit within ninety (90) days, the Legislative Service Bureau shall perform the audit and the cost of the audit shall be paid to the Legislative Service Bureau. The agency shall submit its computations to the Office of State Finance, and the Office of State Finance shall take such steps to cause the revenue of the affected agency to be reduced accordingly. The Office of State Finance shall prepare a list of nonappropriated state agencies that violate this section to be published annually on the website of the Office of State Finance.

Implementation of this act shall be designed to better prioritize state funding needs, reduce program duplication, enhance budgeting information necessary to improve the efficiency of state operations and improve state services to the public.

SECTION 3. This act shall become effective July 1, 2009.

SECTION 4. 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.

Passed the House of Representatives the 19th day of May, 2009.

Presiding Officer of the House of
Representatives

Passed the Senate the 21st day of May, 2009.

Presiding Officer of the Senate