

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 876

By: Standridge

COMMITTEE SUBSTITUTE

An Act relating to public finance; creating the Right Side Up Government Act of 2018; providing short title; creating the Joint Committee on Accountability in Government; providing for membership, co-chairs, powers and duties thereof; creating Office of Accountability within Legislative Service Bureau; stating purpose; providing two methods of staff organization; requiring analysis of total cost of certain persons; providing for transfers of certain costs and personnel; providing for certain alternative funding method; specifying duties of Office of Management and Enterprise Services; prohibiting net gain in certain employment; providing for certain division of salary expenses; providing for employment status of certain employees; requiring approval of Joint Committee co-chairs for such payment; specifying duties of transferred employees; providing that provisions not apply in certain circumstances; prohibiting use of state funds to contract with or otherwise compensate a lobbyist; providing for joint selections by the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate; imposing duties upon the Office of Accountability; authorizing compensation; providing for dismissal; requiring compliance by agencies, boards and commissions; providing for codification; and declaring an emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 42 of Title 62, unless there is
3 created a duplication in numbering, reads as follows:

4 A. This act shall be known and may be cited as the "Right Side
5 Up Government Act of 2018".

6 B. There is hereby created the Joint Committee on
7 Accountability in Government, which shall consist of seven members
8 of the Senate appointed by the President Pro Tempore of the Senate
9 and seven members of the House of Representatives appointed by the
10 Speaker of the House of Representatives. Not more than five of such
11 members from each house of the Legislature shall be from the same
12 political party. Not more than two of such members from each house
13 of the Legislature shall be from the same congressional district.
14 The Joint Committee is hereby authorized to issue process, compel
15 attendance of witnesses, to administer oaths to any person appearing
16 before the committee and to compel the production of financial and
17 other records relating to state government operations. The
18 President Pro Tempore of the Senate and the Speaker of the House of
19 Representatives shall each designate one appointee to serve as co-
20 chairs of the Joint Committee. A quorum shall consist of at least
21 four of the Senate appointees and four of the House of
22 Representatives appointees. Any action of the Joint Committee shall
23 require an affirmative vote of a majority of the quorum of the
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1 Senate appointees and a majority of the quorum of the House of
2 Representatives appointees.

3 C. There is hereby created within the Legislative Service
4 Bureau the Office of Accountability.

5 D. The purpose of the Office of Accountability shall be to
6 assist the Legislature in performing its constitutional and
7 statutory function of ensuring government funds are expended in a
8 fiscally responsible manner. The Joint Committee shall oversee and
9 direct the operations of the Office of Accountability.

10 E. At its first meeting after the effective date of this act,
11 the Joint Committee shall make a determination as to whether it
12 shall organize its staff according to the method set forth in
13 Section 2 of this act or the method set forth in Section 3 of this
14 act. Once such determination is made, the method chosen shall be in
15 effect until such time as the Joint Committee makes a determination
16 to organize its staff in a different manner.

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 42.1 of Title 62, unless there
19 is created a duplication in numbering, reads as follows:

20 A. If the Joint Committee on Accountability in Government makes
21 a determination to organize its staff according to the method set
22 forth in this section, within ninety (90) days of the effective date
23 of this act, an analysis shall be done to determine the total cost
24 to the state for the preceding fiscal year with respect to:

1 1. Any person employed by an appropriated state agency,
2 including salary and benefits, and who is registered with the Ethics
3 Commission as a legislative liaison pursuant to the provisions of
4 the Rules of the Ethics Commission; and

5 2. Any registered executive or legislative lobbyists that are
6 under contract with or otherwise compensated by any appropriated
7 state agency.

8 Provided, the director or other person who serves as the chief
9 officer of an appropriated agency, or the immediate subordinate of
10 such an officer, shall be excluded from the provisions of this act.

11 C. The following amounts are hereby transferred to the
12 Legislative Service Bureau:

13 1. Seventy percent (70%) of the cost determined pursuant to
14 paragraph 1 of subsection B of this section; and

15 2. One hundred percent (100%) of the cost determined pursuant
16 to paragraph 2 of subsection B of this section.

17 Provided, in lieu of such transfer, the Legislature may, by law,
18 provide an alternative funding option and may designate employees
19 other than those specified in subsection B of this section to be
20 transferred as provided herein.

21 The Office of Management and Enterprise Services shall work with
22 all impacted agencies to determine how many full-time equivalent
23 employees can be created at the Legislative Service Bureau and how
24 many full-time equivalent employees will be eliminated at the

1 impacted state agencies. The new employees at the Legislative
2 Service Bureau as a result of this act shall be known as In-Agency
3 Auditors. In this process of moving employees within state
4 government there shall not be any net gain in full-time equivalent
5 employees. Any employees who are transferred to the Legislative
6 Service Bureau shall retain leave time earned and any retirement and
7 longevity benefits which have accrued during their tenure with the
8 agency from which transferred. All employees who are transferred
9 shall become at-will employees who work at the pleasure of the Joint
10 Committee on Accountability in Government.

11 D. Because the employee is an at-will employee of the Joint
12 Committee, the co-chairs can, with the majority approval of the
13 Joint Committee, have the employee replaced at any time with or
14 without cause.

15 E. Each employee so transferred shall have the principal duty
16 of reporting to the Joint Committee, on budget savings which may be
17 realized by the agency or agencies to which they are assigned by the
18 Joint Committee including, but not limited to, savings relating to
19 areas of improved efficiencies in service delivery, waste, fraud,
20 abuse or duplication of efforts by other state agencies or levels of
21 government. Such employees may have further duties prescribed by
22 the co-chairs of the Joint Committee.

23 F. For the thirty percent (30%) of the cost determined in
24 subsection A of this section, these funds will remain in the

1 agencies as determined by the Office of Management and Enterprise
2 Services to provide job duties that liaisons performed in addition
3 to their liaison work with the Legislature, and to pay any salaries
4 and benefits of employees that remain with the agency such as an
5 Executive Director.

6 G. The provisions of this section shall not apply to a public
7 employee who engages in legislative lobbying solely in response to a
8 direct request by a member of the Legislature.

9 H. On and after the effective date of this act, no state funds,
10 whether appropriated by the Legislature or from any other source,
11 shall be used by a governmental entity to contract with or otherwise
12 compensate an executive or legislative lobbyist.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 42.2 of Title 62, unless there
15 is created a duplication in numbering, reads as follows:

16 A. If the Joint Committee on Accountability in Government makes
17 a determination to organize its staff according to the method set
18 forth in this section, the Office of Accountability shall consist of
19 fifteen (15) persons each of whom shall be employed by the Joint
20 Committee. The positions for the Office of Accountability shall be
21 initially filled not later than ninety (90) days after the
22 determination by the Joint Committee to organize its staff according
23 to the method set forth in this section.

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1 B. The Joint Committee shall select one of the persons
2 described by subsection A of this section to serve as the Director
3 of the Office of Accountability.

4 C. The Office of Accountability shall:

5 1. Gather information regarding the proposed budgets of
6 executive branch agencies each fiscal year;

7 2. Analyze the information and evaluate the extent to which the
8 agency budget does or does not fulfill the agency's primary duties
9 and responsibilities under applicable provisions of federal, state
10 or other law;

11 3. Analyze and forecast all revenues available to the agency
12 from appropriations, fees, dedicated revenue or any other source;

13 4. Compare the agency budget information to the comparable
14 information contained in that agency's budget requests from prior
15 fiscal years;

16 5. Conduct such investigations regarding the operations of the
17 agency as required in order to fulfill the duties imposed upon the
18 Office of Accountability by law;

19 6. Make such reports to the Speaker of the Oklahoma House of
20 Representatives, the President Pro Tempore of the Oklahoma State
21 Senate, the chairs of the standing committees of both chambers to
22 which appropriation measures are ordinarily assigned or to the
23 chairs of any joint committee on appropriations and budget
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1 established pursuant to joint rules adopted by both chambers as may
2 be required;

3 7. Perform such other duties related to the evaluation of the
4 annual budget process and the adherence of executive branch agencies
5 to the requirements imposed by the Oklahoma Constitution, Oklahoma
6 Statutes and applicable provisions of legislative measures enacted
7 as part of the annual budget writing process; and

8 8. Perform such other duties as may be mutually assigned by
9 agreement of both the Speaker of the Oklahoma House of
10 Representatives and the President Pro Tempore of the Oklahoma State
11 Senate.

12 D. Compensation for all persons selected to serve within the
13 Office of Accountability shall be determined pursuant to joint
14 agreement by the Speaker of the Oklahoma House of Representatives
15 and the President Pro Tempore of the Oklahoma State Senate.

16 E. The persons selected to serve within the Office of
17 Accountability shall serve at the pleasure of the Joint Committee
18 and may be dismissed pursuant to action of the Joint Committee.

19 H. Agencies, boards and commissions shall comply with all
20 requests from the Office of Accountability.

21 SECTION 4. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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