

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 161

By: Standridge

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6 AS INTRODUCED

7 An Act relating to public finance; creating the Right  
8 Side Up Government Act of 2018; providing short  
9 title; requiring analysis of total cost of certain  
10 persons; providing for transfers of certain costs and  
11 personnel; providing for certain alternative funding  
12 method; specifying duties of Office of Management and  
13 Enterprise Services; prohibiting net gain in certain  
14 employment; providing for certain division of salary  
15 expenses; providing for employment status of certain  
16 employees; specifying duties of transferred  
17 employees; providing that provisions not apply in  
18 certain circumstances; prohibiting use of state funds  
19 to contract with or otherwise compensate a lobbyist;  
20 imposing duties upon the Legislative Office of Fiscal  
21 Transparency (LOFT); requiring compliance by  
22 agencies, boards and commissions; providing for  
23 codification; declaring an emergency; and providing  
24 an conditional effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 8016 of Title 62, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. This act shall be known and may be cited as the "Right Side  
23 Up Government Act of 2019".

1 B. Within ninety (90) days of the effective date of this act,  
2 an analysis shall be done to determine the total cost to the state  
3 for the preceding fiscal year with respect to:

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

8 2. Any registered executive or legislative lobbyists that are  
9 under contract with or otherwise compensated by any appropriated  
10 state agency.

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

14 C. The following amounts are hereby transferred to the  
15 Legislative Service Bureau:

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

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

20 Provided, the amount transferred pursuant to the provisions of  
21 this subsection shall not exceed one hundred twenty percent (120%)  
22 of the cost of operating the Legislative Office of Fiscal  
23 Transparency (LOFT) created in Enrolled Senate Bill No. 1 of the 1st  
24 Session of the 57th Oklahoma Legislature.

1 In lieu of such transfer, the Legislature may, by law, provide  
2 an alternative funding option and may designate employees other than  
3 those specified in subsection B of this section to be transferred as  
4 provided herein.

5 The Office of Management and Enterprise Services shall work with  
6 all impacted agencies to determine how many full-time equivalent  
7 employees can be created at the Legislative Service Bureau and how  
8 many full-time equivalent employees will be eliminated at the  
9 impacted state agencies, as well as which employees will be  
10 transferred to the Legislative Service Bureau in the most effective  
11 and efficient manner. The LOFT may, but shall not be required to,  
12 retain any such transferred employees. The new employees at the  
13 Legislative Service Bureau as a result of this act shall be known as  
14 In-Agency Auditors. In this process of moving employees within  
15 state government there shall not be any net gain in full-time  
16 equivalent employees. Any employees who are transferred to the  
17 Legislative Service Bureau shall retain leave time earned and any  
18 retirement and longevity benefits which have accrued during their  
19 tenure with the agency from which transferred. All employees who  
20 are transferred shall become employees of the LOFT and, at the  
21 option of the LOFT, may be at-will employees.

22 D. Each employee so transferred shall have the principal duty  
23 of reporting on budget savings which may be realized by the agency  
24 or agencies to which they are assigned by the LOFT including, but  
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1 not limited to, savings relating to areas of improved efficiencies  
2 in service delivery, waste, fraud, abuse or duplication of efforts  
3 by other state agencies or levels of government. Such employees may  
4 have further duties prescribed by the LOFT.

5 E. For the thirty percent (30%) of the cost determined in  
6 subsection A of this section, these funds will remain in the  
7 agencies as determined by the Office of Management and Enterprise  
8 Services to provide job duties that liaisons performed in addition  
9 to their liaison work with the Legislature, and to pay any salaries  
10 and benefits of employees that remain with the agency such as an  
11 Executive Director.

12 F. The provisions of this section shall not apply to a public  
13 employee who engages in legislative lobbying solely in response to a  
14 direct request by a member of the Legislature.

15 G. On and after the effective date of this act, no state funds,  
16 whether appropriated by the Legislature or from any other source,  
17 shall be used by a governmental entity to contract with or otherwise  
18 compensate an executive or legislative lobbyist.

19 H. The LOFT shall:

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

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

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

5 4. Compare the agency budget information to the comparable  
6 information contained in that agency's budget requests from prior  
7 fiscal years;

8 5. Conduct such investigations regarding the operations of the  
9 agency as required in order to fulfill the duties imposed upon the  
10 LOFT by law;

11 6. Make such reports to the Speaker of the Oklahoma House of  
12 Representatives, the President Pro Tempore of the Oklahoma State  
13 Senate, the chairs of the standing committees of both chambers to  
14 which appropriation measures are ordinarily assigned or to the  
15 chairs of any joint committee on appropriations and budget  
16 established pursuant to joint rules adopted by both chambers as may  
17 be required;

18 7. Perform such other duties related to the evaluation of the  
19 annual budget process and the adherence of executive branch agencies  
20 to the requirements imposed by the Oklahoma Constitution, Oklahoma  
21 Statutes and applicable provisions of legislative measures enacted  
22 as part of the annual budget writing process; and

23 8. Perform such other duties as may be mutually assigned by  
24 agreement of both the Speaker of the Oklahoma House of  
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1 Representatives and the President Pro Tempore of the Oklahoma State  
2 Senate.

3 I. Agencies, boards and commissions shall comply with all  
4 requests from the LOFT.

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

9 SECTION 3. The provisions of this act shall not become  
10 effective as law unless Enrolled Senate Bill No. 1 of the 1st  
11 Session of the 57th Oklahoma Legislature becomes effective as law.

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