

ENROLLED SENATE
BILL NO. 94

By :Johnson (Mike) of the Senate

and

Trebilcock and Dorman of the House

An Act relating to Rules of the Ethics Commission; amending Rule 20-1-4 of the Rules of the Ethics Commission (74 O.S. 2001, Ch. 62, App.), which relates to misuse of office; modifying exceptions to prohibited activity; and declaring an emergency.

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

SECTION 1. AMENDATORY Rule 20-1-4 of the Rules of the Ethics Commission (74 O.S. 2001, Ch. 62, App.), is amended to read as follows:

(a) No state officer or state employee shall use his or her official position to solicit or secure special privileges, exemptions or compensation for himself, herself or others, except in the performance of his or her duties or as may be allowed by law. Such prohibited activity, except as provided by statute, shall not include:

(1) writing letters or orally communicating recommendations for hiring, reclassifying, terminating or promoting a state employee; recommendations for acceptance of an applicant into an institution of higher education, a special program or organization; recommendations of an individual for special recognition or honors; or if no state funds or property are used, writing letters or orally communicating

any recommendations for hiring, reclassifying, terminating or promoting any person; or

(2) an employee of an institution within The Oklahoma System of Higher Education receiving income from ownership interest in a technology or other intellectual property or in a business enterprise commercializing the technology or other intellectual property, or receiving income as a consultant, adviser, or employee of such business enterprise, when such technology or other intellectual property is the result of research conducted by the employee in the performance of his or her duties on behalf of the institution or involving the authorized use of the facilities, equipment, or services of the institution; or

(3) promoting or soliciting funds for civic, community or charitable organizations or civic, community or charitable fund-raising events for which the state officer or state employee receives no thing of value, or promoting businesses or industries for which the state officer or state employee receives no thing of value. For purposes of this subsection, "thing of value" shall not include any costs of a state officer or state employee's participation in a fund-raising event or promotion paid for from funds of a charitable organization.

(b) No state officer or state employee, except in the performance of his or her duties, shall disclose or offer to disclose confidential information acquired by reason of his or her official position to any person, group or others not entitled to receive such confidential information, nor shall he or she use such information for his or her personal gain or benefit.

(c) No state officer or state employee shall:

(1) receive or solicit any compensation that would impair his or her independence of judgment for his or her services as an officer or employee of any state agency, from any source other than the state, unless otherwise provided by law; or

(2) accept or solicit other employment which would impair his or her independence of judgment in the performance of his or her public duties.

Provided, the activities prohibited by this subsection shall not include an employee of an institution within The Oklahoma State System of Higher Education receiving income from ownership interest in a technology or other intellectual property or in a business enterprise commercializing the technology or other intellectual property, or receiving income as a consultant, adviser, or employee of such business enterprise, when such technology or other intellectual property is the result of research conducted by the employee in the performance of his or her duties on behalf of the institution or the authorized use of the facilities or services of the institution.

(d) No legislator or statewide elective officer shall be employed by or receive any commission, fee, or other compensation from the state, except:

(1) the compensation and allowance for expenses provided by law to such legislator or statewide elective officer;

(2) compensation from serving in the Oklahoma National Guard or the Oklahoma State Guard; or

(3) income from government pension or retirement plans.

SECTION 2. 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 Senate the 21st day of May, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2009.

Presiding Officer of the House
of Representatives

