

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 876

By: Standridge

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5
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; specifying duties of Office of Management
12 and Enterprise Services; prohibiting net gain in
13 certain employment; providing for certain division of
14 salary expenses; providing for employment status of
15 certain employees; providing for division and payment
16 of bonus salary; requiring approval of certain
17 subcommittee chair for such payment; requiring
18 approval of subcommittee members under certain
19 circumstances; specifying additional duties of chairs
20 and subcommittees; specifying duties of transferred
21 employees; providing for withholding of certain
22 revenues to political subdivisions under certain
23 circumstances; allowing member of Legislature to
24 report certain conduct to Ethics Commission and
Office of Management and Enterprise Services;
providing that provisions not apply in certain
circumstances; prohibiting use of state funds to
contract with or otherwise compensate a lobbyist;
providing for codification; and declaring an
emergency.

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 42 of Title 62, unless there is
created a duplication in numbering, reads as follows:

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

3 B. On the effective date of this act, an analysis shall be done
4 to determine the total cost to the state for the preceding fiscal
5 year with respect to:

6 1. Any person employed by a state agency, or political
7 subdivision, including salary and benefits, and who is registered
8 with the Ethics Commission as a legislative liaison pursuant to the
9 provisions of the Rules of the Ethics Commission; and

10 2. Any registered executive or legislative lobbyists that are
11 under contract with or otherwise compensated by any state agency or
12 political subdivision.

13 Provided, the director or other person who serves as the chief
14 officer of an agency shall be excluded from the provisions of this
15 act.

16 C. The following amounts are hereby transferred to the
17 Legislative Service Bureau:

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

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

22 The Office of Management and Enterprise Services shall work with
23 all impacted agencies or political subdivisions to determine how
24 many full-time equivalent employees can be created at the

1 Legislative Service Bureau and how many full-time equivalent
2 employees will be eliminated at the impacted state agencies and
3 political subdivisions. The new employees at the Legislative
4 Service Bureau as a result of this act shall be known as In-Agency
5 Auditors. In this process of moving employees within state
6 government there shall not be any net gain in full-time equivalent
7 employees. Any employees who are transferred to the Legislative
8 Service Bureau shall retain leave time earned and any retirement and
9 longevity benefits which have accrued during their tenure with the
10 agency from which transferred. The salaries of employees who are
11 transferred, as well as any new employees, shall be divided between
12 base salary, which shall be seventy percent (70%) of their salary,
13 based on previous salary in the case of transferred employees, and
14 bonus salary, which shall be thirty percent (30%) of their salary,
15 based on their previous salary in the case of transferred employees.
16 All employees who are transferred shall become at-will employees who
17 work at the pleasure of the appropriations subcommittee chairs of
18 the relevant subcommittees.

19 D. Bonus salary for each In-Agency Auditor created through this
20 act shall be divided equally among the twelve (12) months of the
21 year. By the tenth of each month, the relevant subcommittee chair
22 must approve the payment of the previous month's bonus salary. The
23 subcommittee chair can, with the majority approval of the
24 subcommittee members, approve only a partial amount of the

1 employee's bonus salary. Because the employee is an at-will
2 employee of the subcommittee chair, the chair can, with the majority
3 approval of the subcommittee, have the employee replaced at any time
4 with or without cause.

5 E. Each employee so transferred shall have the principal duty
6 of reporting to the chairs of subcommittees thereof designated by
7 the cochairs of the budget committees of the Legislature or, if not
8 designated, in the case of a transferred employee the subcommittees
9 assigned to the agency from which the employee came, on budget
10 savings which may be realized by the agency or agencies to which
11 they are assigned by the subcommittee chair, including but not
12 limited to, savings relating to areas of improved efficiencies in
13 service delivery, waste, fraud, abuse or duplication of efforts by
14 other state agencies or levels of government. Such employees may
15 have further duties prescribed by the chairs of the relevant
16 subcommittee.

17 F. For the thirty percent (30%) of the cost determined in
18 subsection A of this section, these funds will remain in the
19 agencies as determined by the Office of Management and Enterprise
20 Services to provide job duties that liaisons performed in addition
21 to their liaison work with the Legislature, and to pay any salaries
22 and benefits of employees that remain with the agency such as an
23 Executive Director.

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1 G. If any employee of a political subdivision of this state
2 engages in legislative lobbying, as such term is defined in the
3 Rules of the Ethics Commission, an amount equal to the amount of the
4 salary and benefits of the employee shall be withheld from monies to
5 be transferred from the State Treasury to the political subdivision
6 pursuant to the provisions of Section 1104 of Title 47 of the
7 Oklahoma Statutes or pursuant to the provisions of Section 1004 of
8 Title 68 of the Oklahoma Statutes. Any member of the Legislature
9 who believes that an employee of a political subdivision of this
10 state has engaged in legislative lobbying shall report such conduct
11 to the Ethics Commission and to the Office of Management and
12 Enterprise Services. The Office of Management and Enterprise
13 Services shall withhold an amount equal to the salary and benefits
14 of the employee until such time as the Ethics Commission makes a
15 determination as to whether the person has engaged in legislative
16 lobbying.

17 H. The provisions of this section shall not apply to a public
18 employee who engages in legislative lobbying solely in response to a
19 direct request by a member of the Legislature.

20 I. On and after the effective date of this act, no state funds,
21 whether appropriated by the Legislature or from any other source,
22 shall be used by a governmental entity to contract with or otherwise
23 compensate an executive or legislative lobbyist.

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

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