

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1744

By: Gann

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5  
6 AS INTRODUCED

7 An Act relating to the Ethics Commission; providing  
8 revolving fund for online filing, reports, and  
9 technology reports; providing for submission of  
10 budget; requiring annual appropriation be made  
11 separately; amending 74 O.S. 2011, Section 4258, as  
12 last amended by Section 1, Chapter 440, O.S.L. 2019  
13 (74 O.S. Supp. 2020, Section 4258), which relates to  
14 the Ethics Commission Fund; removing limit on fund;  
15 providing an effective date; and declaring an  
16 emergency.

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

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 4528.2 of Title 74, unless there  
20 is created a duplication in numbering, reads as follows:

21 There is hereby created in the State Treasury a revolving fund  
22 for the Ethics Commission to be designated the "Ethics Commission  
23 Online Filing Revolving Fund". The fund shall be a continuing fund,  
24 not subject to fiscal year limitations, and shall consist of all  
funds appropriated by the Legislature to the fund and all fees  
collected by the Commission for registration and administration fees  
for the purposes of using the Commission's online filing system and

1 the Commission's administration of the online filing system. All  
2 monies accruing to the credit of the fund are hereby appropriated  
3 and may be budgeted and expended by the Commission for any expense  
4 incurred by the Commission for the purpose of developing,  
5 maintaining, and administering the Commission's information  
6 technology and online filing system.

7 SECTION 2. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 4258.3 of Title 74, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. Section 2 of Article XXIX of the Oklahoma Constitution  
11 requires the Commission receive an annual appropriation sufficient  
12 to enable it to perform its duties, for the return of appropriated  
13 funds which remain unspent at the end of the fiscal year to the  
14 General Revenue Fund, and requires the Commission to present its  
15 proposed budget to the Governor and Legislature on the second day of  
16 each legislative session.

17 B. Accordingly, due to these specific constitutional  
18 requirements provided within the Constitution, the Ethics Commission  
19 shall present its budget to the Governor and Legislature on the  
20 second day of each legislative session as provided in the  
21 Constitution and not pursuant to the budget request procedures  
22 established in Section 34.42 of Title 62 of the Oklahoma Statutes.

23 C. The Commission shall provide as part of its budget provided  
24 to the Governor and Legislature:

1 1. Funding necessary to fulfill its Constitutional  
2 responsibilities;

3 2. Funding necessary to fulfill its responsibilities assigned  
4 pursuant to Section 4(B) of Article XXIX of the Oklahoma  
5 Constitution; and

6 3. Description of amounts collected in the prior year for each  
7 revolving fund and current balance.

8 D. Due to the specific requirements and limitations of the  
9 Ethics Commission funding in Article XXIX of the Constitution, the  
10 Ethics Commission's annual appropriation shall not be included in  
11 the General Appropriations bill, but shall be a separate  
12 appropriations bill specific to the Commission.

13 SECTION 3. AMENDATORY 74 O.S. 2011, Section 4258, as  
14 last amended by Section 1, Chapter 440, O.S.L. 2019 (74 O.S. Supp.  
15 2020, Section 4258), is amended to read as follows:

16 Section 4258. ~~A.~~ There is hereby created in the State Treasury  
17 a revolving fund for the Ethics Commission to be designated the  
18 "Ethics Commission Fund". The Ethics Commission Fund shall be a  
19 continuing fund, not subject to fiscal year limitations and shall  
20 consist of ~~the first One Hundred Fifty Thousand Dollars~~  
21 ~~(\$150,000.00) of fees, other than those collected and deposited into~~  
22 the Ethics Commission Online Filing Revolving Fund, received by the  
23 Commission each fiscal year. ~~Fees collected each fiscal year in~~  
24

1 ~~excess of One Hundred Fifty Thousand Dollars (\$150,000.00) shall be~~  
2 ~~placed to the credit of the General Revenue Fund.~~

3 ~~B.~~ All monies accruing to the credit of the Ethics Commission  
4 Fund are hereby appropriated and may be budgeted and expended by the  
5 Commission for any expenses incurred in the implementation of its  
6 duties as provided by law. Expenditures from the fund shall be made  
7 upon warrants issued by the State Treasurer against claims filed as  
8 prescribed by law ~~with the Director of the Office of Management and~~  
9 ~~Enterprise Services for approval and payment.~~

10 SECTION 4. This act shall become effective July 1, 2021.

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

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