

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1167

By: Brecheen

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5  
6 AS INTRODUCED

7 An Act relating to Rules of the Ethics Commission;  
8 amending Rules 3.11 and 3.16 of the Rules of the  
9 Ethics Commission (74 O.S. Supp. 2015, Ch. 62, App.  
10 I), which relate to information required on Financial  
11 Disclosure Statement; modifying information required  
12 to be disclosed by legislators; providing conditions  
13 under which certain provisions become effective; and  
14 providing an effective date.

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

16 SECTION 1. AMENDATORY Rule 3.11 of the Rules of the  
17 Ethics Commission (74 O.S. Supp. 2015, Ch. 62, App. I), is amended  
18 to read as follows:

19 Rule 3.11. The following information shall appear on the  
20 Financial Disclosure Statement:

21 1. Name, mailing address, work place telephone number and  
22 electronic mail address of the filer;

23 2. If applicable, an indication that there has been no change  
24 in any of the information required from the Financial Disclosure  
Statement filed by the filer in the preceding calendar year;

1        3. Name of state office held or sought by filer or name of  
2 agency and position, whichever is applicable;

3        4. Expiration of term of office, if applicable;

4        5. Date of appointment, employment or election, as applicable;

5        6. Appointing authority, if applicable;

6        7. If applicable, the name, mailing address and category of  
7 business, profession or industry of the filer's private employer;  
8 or, if the filer is self-employed, the name, mailing address and  
9 category of business, profession or industry of the filer's self-  
10 employment; or, if the filer is retired, the name, mailing address  
11 and category of the filer's last employment, including self-  
12 employment. If the filer is a member of the Legislature and the  
13 source of any income otherwise reportable is related to politics,  
14 public relations, communications, consulting or any level or type of  
15 government, the filer shall further disclose the total amount of  
16 such income, the related number of hours worked and the general  
17 nature and subject matter of the work performed; provided, this  
18 provision shall not require the disclosure of information which is  
19 specifically required by law to be kept confidential, in which case  
20 the filer shall cite the specific legal provision, nor shall it  
21 require disclosure of information if the member is a licensed  
22 attorney and disclosure of the information is protected under  
23 principles of client confidentiality, in which case the member shall  
24 so note;

1           8. The name of any agency providing salary or similar  
2 compensation in the amount of Five Thousand Dollars (\$5,000.00) or  
3 more received during the preceding calendar year by the filer or the  
4 filer's spouse or dependents indicating whether the income was  
5 realized by the filer or another named family member;

6           9. A list, by category of business, profession or industry, of  
7 any other entity providing income of any kind which the filer or the  
8 filer's spouse or dependents received in the amount of Five Thousand  
9 Dollars (\$5,000.00) during the preceding calendar year;

10          10. A list, by category of business, profession or industry, of  
11 entities, including mutual funds or similar securities, in which the  
12 filer held securities valued at Five Thousand Dollars (\$5,000.00) or  
13 more at any time during the preceding calendar year;

14          11. Any business or professional relationships with registered  
15 lobbyists that resulted in income in any amount to the filer or the  
16 filer's spouse or dependents during the preceding calendar year,  
17 stating with specificity the nature of the relationship;

18          12. Every office, directorship, trusteeship or similar position  
19 held by the filer in an entity doing business with any agency during  
20 the preceding calendar year and the agency with which the entity was  
21 doing business;

22          13. Professional or occupational permits or licenses held by  
23 the filer;

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1 14. Contracts (other than a contract of employment) between an  
2 agency and the filer or the filer's spouse or dependents or any  
3 entity in which the filer or the filer's spouse or dependents has a  
4 material financial interest;

5 15. Whether the filer, the filer's spouse or dependents or an  
6 entity in which the filer or the filer's spouse or dependents has a  
7 material financial interest is regulated or licensed by the agency  
8 identified in subsection 3 of this Rule, or if the employer of the  
9 filer or filer's spouse or dependents is regulated or licensed by  
10 the agency and, if so, the name and mailing address of the  
11 individual or entity so regulated or licensed.

12 SECTION 2. AMENDATORY Rule 3.16 of the Rules of the  
13 Ethics Commission, is amended to read as follows:

14 Rule 3.16 A. All state officers who are elected or subject to  
15 retention to judicial office are required to file financial  
16 disclosure statements pursuant to this Rule.

17 B. Officers identified in subsection (A) of this Rule shall  
18 disclose the following information:

19 1. Name, mailing address, work place telephone number and  
20 electronic mail address of the filer;

21 2. Name of state office held by filer;

22 3. Beginning date of term of office;

23 4. Expiration date of term of office;

1           5. Acknowledgements of the jurisdiction of the Commission, the  
2 Ethics Rules, and educational opportunities provided by the  
3 Commission;

4           6. Acknowledgments of understanding of certain conflicts of  
5 interest Rules applicable to state officers;

6           7. Disclosure of all material financial interests as defined in  
7 subsection (C) of this Rule by disclosing the full name and address  
8 of the entity or entities; and

9           8. Any other information required by the Executive Director of  
10 the Commission that is consistent with the intent and purpose of  
11 these Rules.

12           C. For purposes of this Rule, a "material financial interest"  
13 shall mean:

14           1. an ownership interest in a private business, including but  
15 not limited to, a closely held corporation, limited liability  
16 company, Subchapter S corporation or partnership for which the  
17 filer, the filer's spouse or a dependent is a director, officer,  
18 owner, manager, employee, or agent or any private business, closely  
19 held corporation or limited liability company in which the filer,  
20 the filer's spouse or a dependent owns or has owned stock, another  
21 form of equity interest, stock options, debt instruments, or has  
22 received dividends or income worth Twenty Thousand Dollars  
23 (\$20,000.00) or more at any point during the preceding calendar  
24 year; or

1           2. an ownership interest of five percent (5%) or more in a  
2 publicly traded corporation or other business entity by a filer, the  
3 filer's spouse, or a dependent at any point during the preceding  
4 calendar year; or

5           3. an ownership interest in a publicly traded corporation or  
6 other business entity from which dividends or income, not to include  
7 salary, of Fifty Thousand Dollars (\$50,000.00) or more were derived  
8 during the preceding calendar year by the filer, the filer's spouse,  
9 or a dependent;

10          4. an interest that arises as a result of the filer's, the  
11 filer's spouse, or a dependent's service as a director or officer of  
12 a publicly traded corporation or other business 1 entity at any time  
13 during the preceding calendar year; or

14          5. any sources of income derived from employment, other than  
15 compensation pertaining to the office for which the state officer is  
16 subject to election or retention, in the amount of Twenty Thousand  
17 Dollars (\$20,000.00) or more by the filer, the filer's spouse or a  
18 dependent not otherwise disclosed herein. Provided, if the filer is  
19 a member of the Legislature and the source of any income in the  
20 amount of Five Thousand Dollars (\$5,000.00) or more by the filer is  
21 related to politics, public relations, communications, consulting or  
22 any level or type of government, the filer shall further disclose  
23 the total amount of such income, the related number of hours worked  
24 and the general nature and subject matter of the work performed;

1 provided, this provision shall not require the disclosure of  
2 information which is specifically required by law to be kept  
3 confidential, in which case the filer shall cite the specific legal  
4 provision, nor shall it require disclosure of information if the  
5 member is a licensed attorney and disclosure of the information is  
6 protected under principles of client confidentiality, in which case  
7 the member shall so note.

8 D. For purposes of this Rule a "material financial interest"  
9 shall not mean (1) an interest in a mutual fund or other community  
10 investment vehicle in which the filer, the filer's spouse or a  
11 dependent exercises no control over the acquisition or sale of  
12 particular holdings, or (2) an interest in a pension plan, 401k,  
13 individual retirement account or other retirement investment vehicle  
14 that makes diversified investments over which the filer, the filer's  
15 spouse or a dependent exercises no control over the acquisition or  
16 sale of particular holdings.

17 SECTION 3. Section 1 of this act shall only become effective if  
18 the rules presented by the Ethics Commission to each House of the  
19 Legislature and the Governor on the second day of the 2nd Session of  
20 the 55th Oklahoma Legislature are disapproved as provided in Section  
21 3 of Article XXIX of the Oklahoma Constitution. Section 2 of this  
22 act shall only become effective if the rules presented by the Ethics  
23 Commission to each House of the Legislature and the Governor on the  
24 second day of the 2nd Session of the 55th Oklahoma Legislature

1 become effective as provided in Section 3 of Article XXIX of the  
2 Oklahoma Constitution.

3 SECTION 4. This act shall become effective January 1, 2017.

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