

1 ENGROSSED SENATE
JOINT
2 RESOLUTION NO. 22

By: McCortney of the Senate

3 and

4 McCall of the House
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7 A Joint Resolution disapproving certain proposed
8 amendments to Rules of the Ethics Commission as
submitted to the Legislature on February 4, 2019.
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11 WHEREAS, pursuant to its authority under Article XXIX of the
12 Oklahoma Constitution, on February 4, 2019, the Ethics Commission
13 submitted proposed rule amendments to the Legislature; and

14 WHEREAS, pursuant to subsection C of Section 3 of Article XXIX
15 of the Oklahoma Constitution, the Legislature may, by joint
16 resolution, disapprove any rules promulgated by the Ethics
17 Commission during the legislative session in which these rules were
18 submitted; and

19 WHEREAS, at its public hearings as required in subsection B of
20 Section 3 of Article XXIX of the Oklahoma Constitution, the Ethics
21 Commission received numerous comments and testimony from persons
22 affected by the proposed rule amendments which expressed concerns
23 regarding the changes, including but not limited to concerns that
24 the Commission may have exceeded its authority under Article XXIX of

1 the Oklahoma Constitution which limits the Commission's authority to
2 the promulgation of "rules of ethical conduct for state officers and
3 employees" and "rules of ethical conduct for campaigns for elective
4 office"; and

5 WHEREAS, in 2018, the Ethics Commission submitted rule
6 amendments which were questioned by the Attorney General, as chief
7 legal officer of this state, as exceeding the Commission's authority
8 with respect to protected constitutional rights of certain state
9 employees. These provisions, without corrections to address the
10 concerns of the Attorney General, were again submitted in 2019; and

11 WHEREAS, other provisions submitted in 2019 could violate the
12 provisions of the United States Constitution by denying business,
13 professional and labor organizations the right to organize and
14 sponsor candidate forums; and

15 WHEREAS, the Ethics Commission has disregarded public opinion
16 and concerns as expressed by such comments and testimony, thereby
17 risking legal action if the proposed rule amendments are permitted
18 to take effect; and

19 WHEREAS, the Ethics Commission has cited no incidents of
20 unethical conduct on the part of state officers and employees which
21 would outweigh these concerns; and

22 WHEREAS, the Legislature recognizes that the 2019 proposed
23 amendments to the Ethics Rules are not consistent with the authority
24 granted by Article XXIX of the Oklahoma Constitution and the public

1 policy of this state, and are not in the best interests of the
2 citizens of Oklahoma.

3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF
4 REPRESENTATIVES OF THE 1ST SESSION OF THE 57TH OKLAHOMA LEGISLATURE:

5 SECTION 1. The proposed amendments to the following Rules of
6 the Ethics Commission, as submitted to the Legislature on February
7 4, 2019, are hereby disapproved: Rules 2.2, 2.33, 2.37, 2.41, 2.81,
8 4.18, 4.22, 5.3, 5.5 and 5.25.

9 Passed the Senate the 17th day of May, 2019.

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11 _____
12 Presiding Officer of the Senate

13 Passed the House of Representatives the ____ day of _____,
14 2019.

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17 Presiding Officer of the House
18 of Representatives
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