

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 22

By: McCortney of the Senate

and

Tadlock of the House

A Joint Resolution disapproving certain proposed amendments to Rules of the Ethics Commission as submitted to the Legislature on February 4, 2019.

SUBJECT: Proposed Ethics Commission rules

WHEREAS, pursuant to its authority under Article XXIX of the Oklahoma Constitution, on February 4, 2019, the Ethics Commission submitted proposed rule amendments to the Legislature; and

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

WHEREAS, at its public hearings as required in subsection B of Section 3 of Article XXIX of the Oklahoma Constitution, the Ethics Commission received numerous comments and testimony from persons affected by the proposed rule amendments which expressed concerns regarding the changes, including but not limited to concerns that the Commission may have exceeded its authority under Article XXIX of the Oklahoma Constitution which limits the Commission's authority to the promulgation of "rules of ethical conduct for state officers and employees" and "rules of ethical conduct for campaigns for elective office"; and

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

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

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

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

WHEREAS, the Legislature recognizes that the 2019 proposed amendments to the Ethics Rules are not consistent with the authority granted by Article XXIX of the Oklahoma Constitution and the public policy of this state, and are not in the best interests of the citizens of Oklahoma.

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

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

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

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____