

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE JOINT
4 RESOLUTION NO. 22

By: Treat of the Senate
and
McCall of the House

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9 AS INTRODUCED

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

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

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

22 WHEREAS, at its public hearings as required in subsection B of
23 Section 3 of Article XXIX of the Oklahoma Constitution, the Ethics
24 Commission received numerous comments and testimony from persons

1 affected by the proposed rule amendments which expressed concerns
2 regarding the changes, including but not limited to concerns that
3 the Commission may have exceeded its authority under Article XXIX of
4 the Oklahoma Constitution which limits the Commission's authority to
5 the promulgation of "rules of ethical conduct for state officers and
6 employees" and "rules of ethical conduct for campaigns for elective
7 office"; and

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

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

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

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

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

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

8 SECTION 1. The proposed amendments to the following Rules of
9 the Ethics Commission, as submitted to the Legislature on February
10 4, 2019, are hereby disapproved: Rules 2.2, 2.33, 2.37, 2.41, 2.81,
11 4.18, 4.22, 5.3, 5.5 and 5.25.

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