

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE

4 RESOLUTION 1051

By: Reynolds

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6 AS INTRODUCED

7 A Resolution relating to a study and investigation of
8 Jeff McMahan, State Auditor and Inspector; creating a
9 Special Investigating Committee; stating purpose;
10 providing for appointment of committee members;
11 authorizing certain contracts; specifying authority
and duties of the committee; providing for service of
process and witness fees; and requiring report of
findings and recommendations.

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14 WHEREAS, Section 1 of Article VIII of the Oklahoma Constitution
15 states that the grounds for impeachment are willful neglect of duty,
16 corruption in office, habitual drunkenness, incompetency, or any
17 offense involving moral turpitude committed while in office; and

18 WHEREAS, the State Auditor and Inspector, as provided in Section
19 19 of Article VI of the Oklahoma Constitution, has the
20 responsibility of examining "the state and all county treasurers'
21 books, accounts and cash on hand or in bank"; and

22 WHEREAS, a federal indictment has been issued charging Jeff
23 McMahan, State Auditor and Inspector, with one count of conspiracy,
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1 six counts of mail fraud and two counts of violating the federal
2 Travel Act to promote bribery; and

3 WHEREAS, such charges have brought to the attention of the
4 members of the House of Representatives that Jeff McMahan, State
5 Auditor and Inspector, may have committed impeachable offenses; and

6 WHEREAS, honest and faithful conduct of the Executive branch of
7 state government and the confidence of the citizens in the office of
8 the State Auditor and Inspector are of paramount importance to all
9 citizens of this state; and

10 WHEREAS, the Legislature has the duty to ensure the people of
11 the State of Oklahoma that their public officials are performing
12 their constitutional and statutory duties and obligations; and

13 WHEREAS, it is a proper constitutional function of the
14 Legislature to conduct studies and investigations on the conduct and
15 administration of state officials in the discharge of their duties
16 and on the merits of these acts in regard to public policies of the
17 state, and to prepare and submit suggested remedies, including
18 impeachment.

19 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
20 OF THE 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

21 THAT there is hereby created a Special Investigating Committee
22 of the House of Representatives. The purpose of the Special
23 Investigating Committee shall be to conduct a comprehensive and
24 detailed study and investigation of the activities of Jeff McMahan,

1 State Auditor and Inspector, to determine whether Articles of
2 Impeachment should be preferred against the State Auditor and
3 Inspector. The Speaker of the House of Representatives shall
4 appoint the members of the Special Investigating Committee.

5 THAT the Special Investigating Committee, with the approval of
6 the Speaker of the House of Representatives, may contract with
7 attorneys, investigators, court reporters, and such other personnel
8 as may be necessary to carry out the responsibilities of the Special
9 Investigating Committee.

10 THAT the Special Investigating Committee shall be empowered to
11 issue all process known to courts of record, including the power to
12 subpoena witnesses, documents, and records; administer oaths; take
13 and record testimony; and to request punishment for contempt for any
14 disobedience of process and any contumacious or disorderly conduct
15 as provided in Section 42 of Article V of the Constitution of the
16 State of Oklahoma.

17 THAT for the purpose of serving all process directed by the
18 Special Investigating Committee, the Sergeant at Arms and the
19 Assistant Sergeants at Arms of the House of Representatives are
20 designated as service officers to serve without additional
21 compensation, except for necessary travel expense that may be
22 incurred in the performance of their duties as service officers.

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1 THAT witness fees, as required by the laws of this state, shall
2 be paid from funds appropriated for the operation of the House of
3 Representatives.

4 THAT the Special Investigating Committee may make such interim
5 reports to the House of Representatives in open session from time to
6 time as the Chair of the Committee shall deem advisable prior to the
7 submission of the report of the Committee.

8 THAT the Special Investigating Committee, at the conclusion of
9 its investigation, shall submit a written report to the House of
10 Representatives, which shall include its findings and its
11 recommendations for any action deemed necessary.

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