

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 53rd Legislature (2012)

4 HOUSE  
5 RESOLUTION 1052

                                  By: Banz, Shumate, Brumbaugh,  
                                  Casey, Coody, Morgan,  
                                  Pruett, Rousselot and Russ

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8                                   AS INTRODUCED

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12           WHEREAS, it is recognized that the power of a legislative body  
13 to oversee the conduct of its members is "fundamental" as the  
14 "legislature has an important interest in upholding its reputation  
15 and integrity" *...Monserate v. New York State Senate*, 599 F.3d 148,  
16 155 (C.A.2(N.Y.), 2010) citing the U.S. Supreme Court in *In Re*  
17 *Chapman*, 166 U.S. 661 (1897); and

18           WHEREAS, the framers of the Oklahoma Constitution in Article V,  
19 Section 30 recognized that in addition to the right of voters to  
20 elect a member of their choosing to the House, each House of the  
21 Legislature should determine whether its members have engaged in  
22 "disorderly behavior"; and

1       WHEREAS, it is fundamental in Oklahoma and the United States of  
2 America that all persons should be: informed as to expectations of  
3 conduct; provided notice of the allegations against them; afforded  
4 the opportunity to respond to those allegations; and allowed an  
5 adjudication of those allegations according to established  
6 principles and a fair process; and

7       WHEREAS, in each Oklahoma Legislature, the members of the House  
8 of Representatives adopt rules to govern the House and its  
9 activities and processes; and

10       WHEREAS, the 53rd Legislature Special Investigative Committee  
11 recommended that a standing bipartisan Ethics Committee be  
12 established and create a set of rules under which the Ethics  
13 Committee would operate in order to promote confidence that the  
14 House would handle ethics complaints in an "expeditious, fair, and  
15 consistent manner"; and

16       WHEREAS, in the rare instance that the House of Representatives  
17 must act in response to the behavior of one of its members, such a  
18 process would best occur under a duly considered Code of Conduct and  
19 established House Ethics Rules.

20       NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES  
21 OF THE 2ND SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

22       THAT the following Code of Conduct and House Ethics Rules shall  
23 govern the Oklahoma House of Representatives:

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 CODE OF CONDUCT

2 Members of the Oklahoma House of Representatives are public  
3 servants entrusted with maintaining the integrity of the House, and  
4 as such have a duty to prevent the erosion of public confidence in  
5 its authority by setting forth appropriate discipline for actions  
6 which may tend to impugn the honor, dignity, and integrity of the  
7 House. Pursuant to Article V, Sections 30 and 42, of the Oklahoma  
8 Constitution, the Oklahoma House of Representatives is granted the  
9 authority to "punish its members for disorderly behavior, and, with  
10 the concurrence of two-thirds, expel a member"; and in any  
11 legislative investigation, the "power to punish as for contempt,  
12 disobedience of process, or contumacious or disorderly conduct".

13 In recognition of its responsibility to the citizens of this  
14 state and in response to the authority granted by the Oklahoma  
15 Constitution, the Oklahoma House of Representatives adopts the  
16 following code of conduct:

- 17 1. Representatives shall respect and comply with the law and  
18 shall conduct themselves in a manner that promotes public  
19 confidence in the integrity and independence of the Oklahoma  
20 House of Representatives and of the Oklahoma Legislature,  
21 refraining from disorderly behavior. Disorderly behavior  
22 includes:

- 1 a. any conduct constituting a legal, moral, or ethical  
2 wrong that substantially impairs the member's ability  
3 to perform the duties of his or her office or  
4 substantially diminishes public confidence in the  
5 House of Representatives, including but not limited to  
6 House Rule 4.4, paragraphs (d), (f) and (g),  
7 b. any conduct constituting a conflict of interest under  
8 state law, or  
9 c. the intentional filing of a false complaint or the  
10 filing of a complaint in reckless disregard of the  
11 truth;

12 2. Representatives shall not engage in self-dealing and shall  
13 conduct themselves in a manner consistent with the duties  
14 and obligations of a Representative under Article V,  
15 Sections 18 and 23, of the Oklahoma Constitution;

16 3. Representatives shall exercise the duties and powers  
17 inherent to their position for the benefit of their  
18 constituents and without securing privileges for themselves  
19 or others;

20 4. Pursuant to Article V, Section 24, of the Oklahoma  
21 Constitution and House Rule 4.2, Representatives shall  
22 disclose any personal or private interest the member may  
23 have in any measure or bill, proposed or pending, before the  
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1 Legislature to the extent the measure or bill does not  
2 affect the Oklahoma citizenry as a whole, and shall refrain  
3 from voting thereon;

4 5. Representatives shall not publish or distribute material  
5 with reckless disregard for the truth or with actual  
6 knowledge that a statement included in such material is  
7 false;

8 6. Representatives shall conduct themselves in a manner that  
9 promotes a professional environment in the House, which  
10 shall be free from unlawful discrimination and harassment,  
11 including sexual harassment of other members and House  
12 staff, as required by law; and

13 7. A member convicted of a felony shall be subject to immediate  
14 expulsion from the House of Representatives upon a two-  
15 thirds (2/3) majority vote of the House pursuant to Article  
16 V, Section 30, of the Oklahoma Constitution.

17 The Code of Conduct shall become effective upon its adoption by  
18 the House of Representatives, without retroactive application, and  
19 shall remain in effect for the duration of the Fifty-third Oklahoma  
20 Legislature.

## 21 HOUSE ETHICS RULES

### 22 GENERAL PURPOSE AND AUTHORITY

1 The purpose of the House Ethics Committee is to provide a process by  
2 which the Oklahoma House of Representatives may exercise its  
3 constitutional authority under Article V, Sections 30 and 42, of the  
4 Oklahoma Constitution. The House Ethics Committee shall:

5 1. Recommend amendments, as necessary, to the Code of Conduct  
6 and House Ethics Rules adopted by the Oklahoma House of  
7 Representatives;

8 2. Establish a procedure for receiving complaints and  
9 investigating violations of the Code of Conduct and House  
10 Ethics Rules for members of the Oklahoma House of  
11 Representatives;

12 3. Recommend appropriate disciplinary action; and

13 4. Provide ethics training to the members of the Oklahoma House  
14 of Representatives as to the expectations of proper conduct  
15 while serving as a member of the House.

16 **RULE 1: DEFINITIONS**

17 A. "Committee", as used in these Rules, means the Oklahoma House  
18 Ethics Committee.

19 B. "House", as used in these Rules, means the Oklahoma House of  
20 Representatives.

21 C. "House staff", as used in these Rules, means any employee of the  
22 Oklahoma House of Representatives, including part-time, full-  
23 time, temporary and permanent employees whether employed by the  
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1 House or an outside employment agency, and shall also include  
2 House pages, interns and other volunteers engaged in providing  
3 services to the House.

4 D. "Majority vote", as used in these Rules, means a majority vote  
5 of the members comprising the House Ethics Committee.

6 E. "Member", as used in these Rules, means a member of the Oklahoma  
7 House of Representatives.

8 F. "Quorum", as used in these Rules, means a majority of the  
9 members appointed to the House Ethics Committee.

10 **RULE 2: HOUSE ETHICS COMMITTEE MEMBERSHIP**

11 A. The House Ethics Committee shall consist of eight (8) members of  
12 the House, appointed by the Speaker. Notwithstanding any other  
13 rule adopted by the House, four (4) members of the House Ethics  
14 Committee shall be from the political party having the greatest  
15 number of members in the House and four (4) members shall be  
16 from the political party having the second greatest number of  
17 members. The Chair and Vice Chair of the House Ethics Committee  
18 shall not be from the same political party. Additionally, at  
19 the time the House Ethics Committee members are appointed, a  
20 list shall be provided by the Speaker and Minority Leader of  
21 five (5) names from their respective parties, to the Chair and  
22 Vice Chair of the House Ethics Committee from which replacement  
23 members can be chosen if needed.

1 B. In the event replacement members are necessary, or that at any  
2 time membership does not reflect equal representation between  
3 the two political parties having the greatest number of members  
4 in the House, such replacement members shall be selected by a  
5 majority vote of the House Ethics Committee from a list of  
6 members supplied by the Speaker of the House and the Minority  
7 Leader as provided for in paragraph A of this Rule, provided the  
8 composition of the Committee maintains equal representation  
9 between the two political parties having the greatest number of  
10 members in the House.

11 C. A member of the House Ethics Committee shall be disqualified to  
12 participate as a member of the House Ethics Committee in any  
13 proceeding or investigation relating to that member's official  
14 conduct. A replacement member shall be chosen according to  
15 procedures provided in paragraph B of this Rule.

16 D. A member of the House Ethics Committee may seek to be  
17 disqualified from participating in an investigation of the  
18 conduct of a member upon the submission of an Affidavit of  
19 Disqualification, signed under oath, asserting that the member  
20 cannot render an impartial and unbiased decision. The House  
21 Ethics Committee shall vote on the Affidavit of  
22 Disqualification, and if approved by a majority vote, the member  
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1 shall be deemed ineligible to participate and a replacement  
2 member shall be seated as provided in paragraph B of this Rule.

3 E. The Speaker and the Speaker Pro Tempore of the House shall not  
4 serve as *ex officio* voting members of the House Ethics  
5 Committee.

6 **RULE 3: CONFIDENTIALITY OF PROCEEDINGS**

7 A. Notwithstanding any other rules adopted by the Oklahoma House of  
8 Representatives, all information received or discussed by the  
9 House Ethics Committee including, but not limited to, all  
10 documents, testimony, discussion, meetings, proceedings,  
11 deliberations and votes shall occur in closed sessions and shall  
12 remain confidential except as otherwise provided in these Rules.

13 B. Before a House Ethics Committee member, replacement member of  
14 the Committee, or any authorized House staff may have access to  
15 information required to remain confidential under this  
16 provision, the person shall be required to affirm under oath the  
17 following, in writing:

18 "I do solemnly swear (or affirm) that I will not  
19 disclose, to any person or entity outside the House  
20 Ethics Committee, any information received in the course  
21 of my service with the Committee, except as authorized  
22 by the Committee, in accordance with its Rules."

1 C. Upon a majority vote, the House Ethics Committee may designate  
2 certain documents and information to be available to members  
3 outside of the House Ethics Committee; provided, any such member  
4 shall be required to affirm under oath, in writing, the oath set  
5 forth in paragraph B of this Rule.

6 D. Any final report recommending disciplinary action by the House  
7 of Representatives shall be subject to the confidentiality  
8 provisions of this Rule until such time as the House Ethics  
9 Committee votes to release all or part of a Final Report.

10 **RULE 4: JURISDICTION**

11 The House Ethics Committee shall have the authority to review any  
12 alleged violation of the Code of Conduct, or these House Ethics  
13 Rules, provided:

- 14 1. The complaint is filed within one (1) year of the date of the  
15 alleged violation; and
- 16 2. The person against whom the complaint is filed was a member  
17 of the Oklahoma House of Representatives at the time of the  
18 violation.

19 **RULE 5: COMPLAINT PROCEDURE**

20 A. Any Representative or House staff may initiate a complaint  
21 against a member or former member of the House for violations of  
22 the Code of Conduct or these House Ethics Rules. A complaint  
23 shall:

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- 1 1. Be in written form and submitted by a member of the Oklahoma  
2 House of Representatives or House staff;
- 3 2. Clearly identify the accused member or former member;
- 4 3. Identify the provision(s) of the Code of Conduct or these  
5 House Ethics Rules which are alleged to have been violated  
6 and the circumstances surrounding any alleged violation;
- 7 4. When possible, include documentation tending to support the  
8 alleged complaint; and
- 9 5. Be signed, dated, and submitted under penalty of perjury.

10 The person filing a complaint thereafter shall be designated the  
11 complainant.

12 B. A complaint shall be filed with the Chief Clerk of the Oklahoma  
13 House of Representatives.

14 C. Within forty-eight (48) hours of receipt of a complaint in the  
15 form identified in paragraph A of this Rule, the Chief Clerk  
16 shall:

- 17 1. Assign an identifying number to the complaint; and
- 18 2. Cause the complaint to be delivered in person or by certified  
19 mail to the Chair and Vice Chair of the House Ethics  
20 Committee.

21 D. The Chair and Vice Chair of the House Ethics Committee shall  
22 review a complaint within forty-eight (48) hours of receipt to  
23 determine that the complaint:

- 1 1. Is in the form as set forth in paragraph A of this Rule;
- 2 2. Is filed within one (1) year of the alleged violation; and
- 3 3. Alleges facts which, if true, would give rise to a violation
- 4 of the Code of Conduct or these House Ethics Rules.

5 E. Upon determining that a complaint has been properly submitted,  
6 the Chair shall convene a meeting of the House Ethics Committee  
7 no later than one (1) week from the date the complaint was filed  
8 with the Chief Clerk.

9 F. Upon a determination that a complaint has not been properly  
10 submitted, the Chair and Vice Chair shall dismiss the complaint  
11 on jurisdictional grounds.

12 G. In the event a complaint is dismissed, the Chair and Vice Chair  
13 shall notify the Chief Clerk who shall notify the complainant.

14 H. Any such dismissal in paragraph F of this Rule shall not prevent  
15 the complainant from refileing a complaint which remedies the  
16 jurisdictional infirmities.

17 I. Confidentiality of Complaint. The complaint, and the fact the  
18 complaint was filed, are confidential. This will not preclude  
19 the complainant from retaining legal counsel. Disclosure by the  
20 complainant, or by any person to whom the complainant disclosed,  
21 of the complaint or the fact that such complaint was filed will  
22 result in:

- 1 1. The automatic dismissal of the complaint with prejudice  
2 preventing the re-filing of the complaint by the complainant;  
3 and/or  
4 2. A possible recommendation of discipline by the House Ethics  
5 Committee.

6 **RULE 6: HOUSE ETHICS COMMITTEE PROCEDURES**

- 7 A. The House Ethics Committee may adopt internal Committee  
8 procedures as necessary to effectuate these Rules of the House  
9 Ethics Committee. Such procedures shall be published and made  
10 publicly available upon adoption by the Committee.  
11 B. The Chair shall establish the agenda for meetings of the House  
12 Ethics Committee. During session, at least forty-eight (48)  
13 hours' notice of a meeting shall be required. During the  
14 interim, at least ten (10) calendar days' notice of a meeting  
15 shall be required. Notice of the meeting shall be published  
16 through an appropriate public medium such as the House website  
17 or electronic mail. Agenda items pertaining to complaints shall  
18 be designated by the identifying number assigned by the Chief  
19 Clerk.  
20 C. The House Ethics Committee shall direct appointment or retention  
21 of staff who shall perform assigned duties in a nonpartisan,  
22 nonpolitical manner.  
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1 D. The House Ethics Committee shall hold all meetings or hearings  
2 of the Committee in executive session until such time as the  
3 House Ethics Committee determines whether an alleged violation  
4 of the Code of Conduct or these House Ethics Rules has occurred.

5 E. Unless otherwise determined by a majority vote of the House  
6 Ethics Committee, only the Chair and Vice Chair shall make  
7 public statements regarding matters before the Committee.

8 **RULE 7: COMPLAINT VERIFICATION**

9 At any meeting called by the Chair to review a newly filed  
10 complaint, the House Ethics Committee shall review the complaint and  
11 any supporting documentation submitted with the complaint. The  
12 House Ethics Committee shall determine whether any of the facts  
13 contained within a complaint are capable of independent verification  
14 through public records or through a preliminary investigatory  
15 process and shall cause such facts that are capable of independent,  
16 informal verification to be so verified.

17 1. Upon the completion of any preliminary review of a complaint  
18 the House Ethics Committee shall again meet and shall by  
19 majority vote determine whether the complaint has been  
20 preliminarily verified.

21 2. Upon completion of the preliminary review, if a complaint  
22 cannot be verified, the House Ethics Committee shall by a  
23 majority vote dismiss said complaint.

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1 3. Upon preliminary review of a complaint, the House Ethics  
2 Committee may, by majority vote, refer the complaint to the  
3 appropriate authorities.

4 **RULE 8: NOTICE TO MEMBER**

- 5 A. Once a complaint has been initially verified, the House Ethics  
6 Committee shall notify the member alleged to have committed the  
7 violation, who shall thereafter be designated as the respondent.
- 8 B. Upon initial verification of a complaint as provided in these  
9 Rules, the House Ethics Committee shall prepare a written notice  
10 for the respondent setting forth the alleged violations of the  
11 Code of Conduct, or these House Ethics Rules, related facts, and  
12 supporting evidence gathered by the Committee.
- 13 C. The notice shall be signed by the Chair of the House Ethics  
14 Committee and served on the respondent within three (3) business  
15 days of the Committee vote regarding initial verification of the  
16 complaint.
- 17 D. The Chief Clerk shall effectuate service of the notice in  
18 accordance with the requirements of a civil summons under  
19 Oklahoma law.
- 20 E. The respondent shall have ten (10) business days to submit the  
21 following to the House Ethics Committee:
- 22 1. A written response submitted under oath, signed and dated by  
23 the respondent;

1 2. Any supporting documentation that tends to support the  
2 respondent's statement provided that any testimony of a  
3 witness shall:

- 4 a. be submitted in the form of a sworn affidavit, and
- 5 b. include the name, address, and contact information of  
6 the witness; and

7 3. Any requests for the House Ethics Committee to issue  
8 subpoenas *ad testificandum* and/or subpoenas *duces tecum*. The  
9 Chair shall determine whether the witnesses or documents to  
10 be subpoenaed are likely to provide competent, relevant, and  
11 material evidence, and if so, shall issue subpoenas as  
12 requested by the respondent.

13 F. The respondent may retain an attorney at his or her own expense.  
14 Neither the House General Counsel nor any other employee of the  
15 House shall represent the respondent.

16 G. The respondent, and/or his or her attorney, shall have the right  
17 to be present at any House Ethics Committee meeting wherein  
18 testimony is presented related to a complaint filed against him  
19 or her. Such right can be waived and shall be deemed waived for  
20 the failure to appear at any meeting wherein testimony is  
21 presented.

22 **RULE 9: INVESTIGATION**

1 A. The House Ethics Committee, through the authority of the Chair,  
2 shall have the power to:

3 1. Compel the attendance of witnesses;  
4 2. Compel the testimony of witnesses under oath;  
5 3. Compel the production of documents, records, and other types  
6 of evidence;

7 4. Take other steps and exercise other such powers as are  
8 necessary to ensure the efficient operation of the House  
9 Ethics Committee, including, but not limited to, presiding  
10 over the Committee; establishing the agenda for the  
11 Committee; recognition of members, presenters, or witnesses;  
12 deciding on all questions of order in the Committee; and  
13 determining the order in which matters are considered in  
14 Committee; and

15 5. Exercise all authority necessary to maintain order and  
16 decorum, including the authority to require all persons  
17 present to silence or disable all electronic devices and  
18 request the Sergeant at Arms to clear the committee room of a  
19 person or persons causing disruption.

20 B. The Chair, Vice Chair, or a member of the House Ethics Committee  
21 designated by the Chair shall administer all oaths and  
22 affirmations to witnesses appearing before the Committee.  
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UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 C. The Chair, in issuing subpoenas, shall adhere to the following  
2 procedures:

3 1. Subpoenas shall be issued in the form of an Oklahoma Civil  
4 Subpoena and shall be served with return of service made to  
5 the Chair of the House Ethics Committee in the manner  
6 prescribed by Oklahoma law; and

7 2. Within such time as is indicated on the subpoena, a person  
8 commanded to appear as a witness or to produce documents may  
9 serve a written objection on the Chair. If the subpoena was  
10 issued at the request of the respondent, a copy of the  
11 objection shall also be provided to the respondent and  
12 respondent's counsel, if any. If objection is made, the  
13 Chair of the House Ethics Committee shall determine the  
14 merits of the objection.

15 D. Upon verification of a complaint and a vote to initiate an  
16 investigation, the House Ethics Committee shall, by majority  
17 vote, determine the scope of any investigation. The scope may  
18 be redefined, as an investigation progresses, upon a majority  
19 vote of the House Ethics Committee.

20 E. At any meeting of the House Ethics Committee at which a witness  
21 is presented, each House Ethics Committee member shall have the  
22 opportunity to question the witness and examine the evidence.

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- 1 F. No testimony given by a witness shall be used outside the House  
2 Ethics Committee or the Oklahoma House of Representatives,  
3 except in prosecution for perjury committed while providing  
4 testimony before the Committee. An official paper or record  
5 produced by a witness is not within the privilege established in  
6 this paragraph.
- 7 G. All witnesses who are interviewed, examined under oath, or who  
8 appear before the House Ethics Committee, shall have the right  
9 to have legal counsel present at all times.
- 10 H. All testimonial proceedings during a House Ethics Committee  
11 meeting may be electronically recorded, transcribed, or both, at  
12 the direction of the Chair or upon a majority vote of the  
13 Committee.
- 14 I. The House Ethics Committee shall adhere to the following  
15 guidelines for objections and rulings upon evidence:
- 16 1. Strict adherence to the rules of evidence, 12 O.S. §§ 2101 *et*  
17 *seq.*, shall not be required. The House Ethics Committee  
18 shall permit the introduction of evidence that is competent,  
19 relevant, and material to an investigation. The House Ethics  
20 Committee may exclude incompetent, irrelevant, immaterial,  
21 and unduly repetitious evidence. Counsel for a witness shall  
22 be allowed to be present during questioning of the witness  
23 and shall be allowed to advise the witness but shall make no

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1 objections or arguments or otherwise address the House Ethics  
2 Committee. Violation of this subparagraph shall be  
3 punishable as contempt;

4 2. The House Ethics Committee may, at the discretion of the  
5 Chair, receive evidence in written form, including  
6 affidavits, transcripts, and other writings submitted under  
7 oath, without bringing the witnesses before the Committee.  
8 Documentary evidence may be received in the form of copies or  
9 excerpts. Upon request, the House Ethics Committee members  
10 or the respondent shall be given an opportunity to compare  
11 the copy with the original. The decisions of the Chair made  
12 pursuant to this subparagraph shall be subject to appeal if  
13 lodged immediately by a member of the House Ethics Committee.  
14 Such an appeal must be seconded by another member of the  
15 Committee to receive further consideration and upon  
16 consideration, shall be decided by a majority vote of the  
17 membership of the Committee; and

18 3. The Chair, in his or her sole discretion, shall rule upon all  
19 objections and upon the admissibility of evidence arising in  
20 the course of deposing witnesses or presenting testimony or  
21 documents to the House Ethics Committee. The decisions of  
22 the Chair made pursuant to this subparagraph shall be subject  
23 to appeal if lodged immediately by a member of the House  
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1 Ethics Committee. Such an appeal must be seconded by another  
2 member of the Committee to receive further consideration and  
3 upon consideration, shall be decided by a majority vote of  
4 the membership of the Committee.

5 J. The House Ethics Committee may take notice of all judicially  
6 cognizable facts.

7 K. The House Ethics Committee's investigation shall be concluded at  
8 such time as all evidence is gathered pursuant to the scope  
9 defined by the House Ethics Committee.

10 **RULE 10: CONCLUSION OF THE INVESTIGATIVE PROCESS**

11 A. Upon completion of an investigation, the House Ethics Committee  
12 shall vote to determine whether a violation of the Code of  
13 Conduct, or House Ethics Rules, occurred.

14 B. The House Ethics Committee is not bound to the Code of Conduct  
15 or House Ethics Rules violation(s) asserted within the initial  
16 complaint but may recommend disciplinary action for any  
17 violation(s) of the Code of Conduct or House Ethics Rules  
18 discovered during the investigation.

19 C. The House Ethics Committee shall bear the burden of proof to  
20 establish that the respondent violated the Code of Conduct or  
21 House Ethics Rules.

22 D. The House Ethics Committee shall decide whether by a  
23 preponderance of the evidence a violation of the Code of Conduct  
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1 or House Ethics Rules occurred. In any proceedings where the  
2 disciplinary action to be recommended is expulsion, the  
3 violation of the Code of Conduct or House Ethics Rules shall be  
4 established by clear and convincing evidence.

5 E. Upon a majority vote establishing a violation of the Code of  
6 Conduct or House Ethics Rules, the House Ethics Committee shall  
7 then consider the appropriate disciplinary action to be  
8 recommended to the House of Representatives.

9 F. The House Ethics Committee shall draft a Final Report detailing  
10 the investigation, any factual findings of the Committee with  
11 supporting documentation as appropriate, any votes cast by the  
12 Committee, and the resulting recommendations of the Committee.

13 G. A recommendation by the Committee for disciplinary action shall  
14 be submitted to the House of Representatives in the form of a  
15 House Resolution.

16 **RULE 11: FINAL REPORT**

17 A. A Final Report shall remain confidential except as otherwise  
18 provided in this Rule.

19 B. A Final Report by the House Ethics Committee shall be made  
20 available for review to a member of the Oklahoma House of  
21 Representatives. Such access shall not be permitted unless the  
22 requesting member affirms under oath, in writing, the following:  
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1 "I do solemnly swear (or affirm) that I will not  
2 disclose, to any person or entity outside the membership  
3 of the Oklahoma House of Representatives, any  
4 information contained within the House Ethics  
5 Committee's Final Report, except as authorized by the  
6 Committee or in accordance with its rules."

7 C. The House Ethics Committee may, by a majority vote, release all  
8 or part of a Final Report, provided the Committee has  
9 recommended that the House of Representatives consider  
10 disciplinary action.

11 D. Final Reports issued by the House Ethics Committee shall be  
12 retained in a secure manner by the Chief Clerk.

13 **RULE 12: DISCIPLINARY ACTION**

14 A. Disciplinary actions to be recommended by the House Ethics  
15 Committee may include, but are not limited to:

- 16 1. Referral to the Speaker and/or Minority Leader for  
17 appropriate discussion with the respondent and such vote  
18 shall be by a majority vote;
  - 19 2. Referral to the House for issuance of a reprimand;
  - 20 3. Referral to the House for censure;
  - 21 4. Referral to the House for restitution; or
- 22  
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1 5. Referral to the House for expulsion, upon a two-thirds (2/3)  
2 majority vote of the House of Representatives (Article V,  
3 Section 30, of the Oklahoma Constitution).

4 B. With the exception of House Ethics Rule 2(E), nothing within  
5 these Rules shall be construed to infringe upon the rights and  
6 duties provided to the Speaker of the House under the Oklahoma  
7 Constitution, Oklahoma Statutes, or the House Rules adopted by  
8 the Oklahoma House of Representatives.

9 **RULE 13: ACTION BY THE HOUSE OF REPRESENTATIVES**

10 A. When the House Ethics Committee recommends disciplinary action  
11 to the House of Representatives, the Committee shall draft a  
12 House Resolution with sufficient detail to inform the body of  
13 the nature of the violations of the Code of Conduct or these  
14 House Ethics Rules with a recommendation for appropriate  
15 disciplinary action.

16 B. No disciplinary action shall be recommended by the House Ethics  
17 Committee to the House except upon a three-fourths (3/4) vote of  
18 the Committee.

19 **RULE 14: FELONY CONVICTION**

20 A member convicted of a felony shall be subject to immediate  
21 expulsion from the House of Representatives upon a two-thirds (2/3)  
22 majority vote of the House pursuant to Article V, Section 30, of the  
23 Oklahoma Constitution. In the case of a felony conviction, a motion  
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1 to expel shall be in order without initiation or completion of the  
2 complaint and investigatory process set forth in these Rules.

3 **RULE 15: SUSPENSION OR AMENDMENT OF HOUSE ETHICS RULES**

- 4 A. The House Ethics Rules may be amended by a two-thirds (2/3) vote  
5 of those elected to and constituting the House; provided, any  
6 amendment to the House Ethics Rules recommended by the House  
7 Ethics Committee shall be effective if approved by a majority of  
8 the members elected to and constituting the House.
- 9 B. If the House Ethics Committee shall recommend revisions or  
10 amendments to the House Ethics Rules, the House shall be given  
11 prior notice of at least twenty-four (24) hours or one (1)  
12 legislative day, whichever shall be longer, before consideration  
13 of the recommended changes may commence.
- 14 C. Two-thirds (2/3) of the members elected to and constituting the  
15 House may suspend the House Ethics Rules, or a portion thereof,  
16 but a motion for that purpose shall be decided without debate.
- 17 D. The House Ethics Rules contained herein shall become effective  
18 upon adoption by the House of Representatives, without  
19 retroactive application, and shall remain in effect for the  
20 duration of the Fifty-third Oklahoma Legislature.

21  
22 DIRECT TO CALENDAR.  
23  
24