

Resolution

ENROLLED HOUSE

JOINT

RESOLUTION NO. 1029

By: Jordan of the House

and

Dahm of the Senate

A Joint Resolution disapproving certain proposed amendments to Rules of the Ethics Commission as submitted to the Legislature on February 6, 2018.

WHEREAS, pursuant to its authority under Article XXIX of the Oklahoma Constitution, on February 6, 2018, 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 concern that the changes would discourage qualified persons from serving as state officers and employees; and

WHEREAS, such comments and testimony further questioned the legal authority of the Ethics Commission to regulate the conduct of private citizens and business entities. Such comments and testimony further, on the part of the Attorney General of the State of Oklahoma as chief legal officer of this state, specifically questioned the legal authority of the Ethics Commission to

promulgate rule amendments with respect to constitutional rights of certain state employees; and

WHEREAS, questions have also arisen as to whether the Ethics Commission exceeded its legal authority by usurping the powers of the legislative and judicial branches of state government with the inclusion of proposed rule amendments to require the payment of monies to a specific state agency and to set forth that its compliance orders would constitute a judgment by operation of law and be entitled to full faith and credit as a judgment; and

WHEREAS, the Ethics Commission has disregarded public opinion and legal advice 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 certain of the 2018 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 HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 56TH OKLAHOMA LEGISLATURE:

SECTION 1. The proposed amendments to the following Rules of the Ethics Commission, as submitted to the Legislature on February 6, 2018, are hereby disapproved: Rules 2.48, 4.18, 4.22, 5.3, 5.5, 5.25 and 6.19.

Passed the House of Representatives the 2nd day of May, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 2nd day of May, 2018.

Presiding Officer of the Senate

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: _____