

1 **CORRECTED**

2
3 ENGROSSED SENATE
4 JOINT
5 RESOLUTION NO. 22

By: McCortney of the Senate

and

6 Tadlock of the House

7
8
9 A Joint Resolution disapproving certain proposed
10 amendments to Rules of the Ethics Commission as
submitted to the Legislature on February 4, 2019.

11
12
13 WHEREAS, pursuant to its authority under Article XXIX of the
14 Oklahoma Constitution, on February 4, 2019, the Ethics Commission
15 submitted proposed rule amendments to the Legislature; and

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

21 WHEREAS, at its public hearings as required in subsection B of
22 Section 3 of Article XXIX of the Oklahoma Constitution, the Ethics
23 Commission received numerous comments and testimony from persons
24 affected by the proposed rule amendments which expressed concerns

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

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

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

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

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

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.

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

13
14 _____
15 Presiding Officer of the Senate

16 Passed the House of Representatives the ____ day of _____,
17 2019.

18
19 _____
20 Presiding Officer of the House
21 of Representatives
22
23
24