

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE FOR
5 ENGROSSED HOUSE JOINT
6 RESOLUTION NO. 1029

By: Jordan of the House

and

Dahm of the Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

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

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15 WHEREAS, pursuant to its authority under Article XXIX of the
16 Oklahoma Constitution, on February 6, 2018, the Ethics Commission
17 submitted proposed rule amendments to the Legislature; and

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

23 WHEREAS, at its public hearings as required in subsection B of
24 Section 3 of Article XXIX of the Oklahoma Constitution, the Ethics

1 Commission received numerous comments and testimony from persons
2 affected by the proposed rule amendments which expressed concern
3 that the changes would discourage qualified persons from serving as
4 state officers and employees; and

5 WHEREAS, such comments and testimony further questioned the
6 legal authority of the Ethics Commission to regulate the conduct of
7 private citizens and business entities. Such comments and testimony
8 further, on the part of the Attorney General of the State of
9 Oklahoma as chief legal officer of this state, specifically
10 questioned the legal authority of the Ethics Commission to
11 promulgate rule amendments with respect to constitutional rights of
12 certain state employees; and

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

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

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

4 WHEREAS, the Legislature recognizes that certain of the 2018
5 proposed amendments to the Ethics Rules are not consistent with the
6 authority granted by Article XXIX of the Oklahoma Constitution and
7 the public policy of this state, and are not in the best interests
8 of the citizens of Oklahoma.

9 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
10 AND THE SENATE OF THE 2ND SESSION OF THE 56TH OKLAHOMA LEGISLATURE:

11 SECTION 1. The proposed amendments to the following Rules of
12 the Ethics Commission, as submitted to the Legislature on February
13 6, 2018, are hereby disapproved: Rules 2.48, 4.18, 4.22, 5.3, 5.5,
14 5.25 and 6.19.

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