

# STATE NEWS WEEKLY SUMMARY CONTINUED



hypothetical questions.”

Additionally, Justice Simms wrote, the litigants’ request for a declaratory judgment fails to meet the necessary standards resulting from cases decided by district courts “in cases of actual conflict ...”

In one of three dissenting opinions, Justice Yvonne Kauger, joined in part by justices Joseph Watts and Hardy Summers, called the dispute a “lively controversy that meets the judicial requirements” for consideration. Original jurisdiction, the justice wrote, “extends to matters of general, public interest and this controversy is clearly of public concern.”

Kauger also noted that it appeared obvious that the Supreme Court would ultimately be asked to hear the case once the litigants had worked their way through the court system and would have to make a decision regarding it.

—SHAWN ASHLEY  
05/14/96

## AG ISSUES LOBBYING RULING; REP. WEBB REACTS, TRIES TO SAVE BILL

■(GIT) In reaction to an attorney general’s opinion issued on Monday, state lawmakers on Tuesday attempted to resurrect a bill that would restrict the ability of groups which receive state funds to lobby the legislature.

Rep. Dan Webb, R-Oklahoma City, attempted to garner enough support from fellow lawmakers to have **HB3022** withdrawn from committee. The bill, which has been dormant in the House’s Rules Committee since March, would prohibit all agencies, boards, commissions, departments or other state government entities to use funds under its control to make payment to any state officer or state employee to support or oppose a political candidate or political office holders or for direct lobbying at the state or national level.

Webb’s request followed the release of an attorney general’s opinion on Monday that clears the way for the use of state provided money for lobbying efforts, but prohibits their use in efforts to support or oppose an initiative or referendum question.

Webb said rather than wait until the next legislative session to attempt to address the issue, lawmakers should act now, while there is still three weeks remaining in this legislative session.

A two-thirds vote of the House, 68 votes, was needed to remove the bill from com-

mittee. Webb could muster only 41, while 58 cast votes against the motion. That means the bill will remain dormant in the Rules Committee.

The attorney general’s opinion, which was requested by Webb, resulted from concerns expressed earlier this year that the Oklahoma State School Boards Association planned to raise and use funds from its member school boards to oppose State Question 669, the controversial ad valorem tax reform proposal that voters rejected in March.

Referring to the statutorily expressed duties of school boards, Attorney General Drew Edmondson wrote, “To execute these powers it is apparent that school boards must be able to lobby the Legislature concerning the multitude of bills it considers and passes every session with respect to Oklahoma’s ‘system of free public schools.’

“Concluding otherwise,” the attorney general added, “would result in prohibiting those who are in a position, and have indeed been elected, to know the facts concerning problems and needs of our public schools from providing useful and sometimes critical information to the Legislature ...

“From the express powers granted school boards, it may be implied that they have the implied power to communicate information and facts to the Legislature concerning education and school board issues. The presentation of such facts and information is included under our broad definition of ‘lobbying.’ Accordingly, we find that school boards have the implied power to lobby the Legislature.”

The opinion notes that certain statutes also impact the position, particularly that law which requires certain individuals to register to be a lobbyist in Oklahoma and exempts public officials “acting in [their] official capacity” and public employees “acting on behalf of the governmental entity by which [they are] employed.”

Referring back to Webb’s original question — whether a private association representing school board members can lobby the legislature regarding school board or other education issues and in doing so expend

funds partially derived from membership dues paid with state funds — the opinion states, “...a school board may lawfully pay membership dues to a private association that then uses such funds to engage in lobbying.”

The same is not true, however, for efforts to support or oppose an initiative or referendum question if the dues were paid and received with this intent. Additionally, the attorney general notes in the opinion, a public officer and an individual who conspire for such a purpose may both be subject to criminal prosecution for conspiracy.

That’s because, the attorney general explains in the opinion, school boards and other public officials are prohibited by statute from directing or authorizing the use of public funds to be used in support of or in opposition to “any measure which is being referred to a vote of the people by means of the initiative or referendum ...”

—SHAWN ASHLEY  
05/14/96

## LAWMAKER SAYS TAX-EXEMPT FINANCING NOT FOR POLITICIANS

■(OKLAHOMA CITY) The state House of Representatives will consider a bill Wednesday that would prevent elected officials from using tax-exempt bond financing to line their own pockets.

State Rep. Ed Crocker, D-Norman, said he wrote **House Bill 1238** because of concerns expressed to him by many Oklahomans about possible abuse of the program by a public official.

As written, the measure would force disclosure of participation by any federal, state or local official in a project that benefits from tax-exempt financing. Almost any interest by an elected official in a legal entity seeking tax-exempt funds would disqualify the entity seeking the financing.

Crocker said the proposed law would not prevent elected officials from participating in business deals in which there is no conflict of interest.

The lawmaker acknowledged his bill would place a higher standard on elected officials.

“This does make it tougher on those of us elected to office,” he said. “Our constituents didn’t elect us to office to get rich. We were elected to conduct the people’s business in an honest, aboveboard manner. Any failure to do that, as the allegations suggest,

*Continued on next page*

*“Moral principle is a looser bond than pecuniary interest.”*

*Abraham Lincoln*