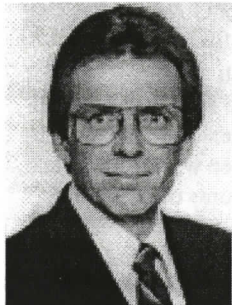


AG ISSUES LOBBYING RULING; REP. WEBB REACTS, TRIES TO SAVE BILL

By Shawn Ashley
Staff Writer

■(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

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 Dan Webb, R-Oklahoma City, attempted to garner enough support from fellow lawmakers to have **HB3022** withdrawn from committee.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 pro-

hibit 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.

"If we are not going to use the rules," Webb said, referring to the House rules governing the reassignment of bills from one committee to another, "let's get rid of them."

There are times when things happen that we need to address. That's why these rules are here."

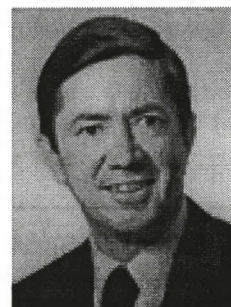
Webb said rather than wait until the next legislative session to attempt to address the issue, lawmakers should act now, while there is still three weeks remaining in this legislative session.

Asked by Rep. Dwayne Steidley, D-Claremore, whether there were other bills which could be used to address the issue, Webb responded, "Not necessarily. That's why we have this rule."

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



Drew Edmondson
Attorney General

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 presen-

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ture in absence of such a showing."

In a special concurring opinion, Justice Robert D. Simms wrote, "(T)he parties seek an advisory opinion on an abstract question, and it has long been the rule that this court does not give advisory opinions or answer 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.

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with the 75 mph provision," he said. "The argument for 75 mph is that everybody does it anyway."

Leftwich said 83 percent of the driving public drives less than 70 mph.

"We are giving guidance to ODOT (Oklahoma Department of Transportation)," he added. "ODOT can change this, but if they don't do anything, the statute would prevail."

Leftwich cited a previous "long-standing" section of law which allows the department to set the limits.

"If we don't do anything, I suppose the executive order would still be in effect," he said. "We did not feel it was wise to leave the executive order in place."

The motion to send the bill back to conference came from Senate Transportation Committee Chairman Gene Stipe, D-McAlester. Leftwich moved to table the motion, but was defeated with a vote of 18 to 23.

Capitol Network News attempted to contact Transportation Secretary Neal McCaleb. He was unable to be reached for comment.

"Revolutions never go backward."

Wendell Phillips

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