STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE JOINT
RESOLUTION NO. 15 By: Fair of the Senate

and

Vaughn of the House

COMMITTEE SUBSTITUTE

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 23 of Article V of the Oklahoma Constitution; making exceptions to certain restrictions on election and appointment of legislators to state offices and commissions during their terms of office; providing for appointment or election to certain offices and commissions under certain conditions; modifying gender references; providing ballot title; directing filing; and ordering a special election.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 47TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 23 of Article V of the Constitution of the State of Oklahoma to read as follows:

Section 23. A. No member of the Legislature shall, during the term for which ~~he~~ the member was elected, be appointed or elected to any office or commission in the State, which shall have been created~~, or the emoluments of which shall have been increased,~~ during ~~his~~ the member's term of office~~, nor shall any~~.

B. No member may receive any appointment from the Governor, the Governor and Senate, or from the Legislature, during the term for

which ~~he~~ the member shall have been elected, ~~nor shall any~~ except that the Governor, or the Governor and the Senate where Senate confirmation is required, may, during a member's term of office, appoint the member to a vacant cabinet position or to a vacant elected position.

C. Except as provided in subsections A and B of this section, a member of the Legislature may, during the term for which the member was elected, be appointed or elected to an office or commission in the state, provided:

1. Upon appointment or election to the office or commission, the member shall immediately vacate the legislative office; and

2. If appointed or elected to an office or commission for which the emoluments were increased during the member's legislative term of office, the member may not receive the increase until after the term for the vacated legislative office expires.

D. No member, during the term for which ~~he~~ the member shall have been elected, or within two years thereafter, shall be interested, directly or indirectly, in any contract with the State, or any county or other subdivision thereof, authorized by law passed during the term for which ~~he~~ the member shall have been elected.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. ____ State Question No. ____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It amends Section 23 of Article 5. Section 23 does not allow a legislator to be appointed or elected to certain state positions during his or her term of office. Some of these positions are ones for which the pay has been raised. The pay raise has occurred

during the term of office of the legislator. This measure changes this law. It allows a legislator to be elected or appointed to these positions. However, the pay raise cannot be received until after the term for the vacated legislative office expires. It also allows the Governor to appoint a legislator to certain vacant positions. These positions are vacant cabinet positions or vacant elected positions. If a legislator is appointed or elected to any of these positions, he or she must vacate the legislative office.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

☐ YES, FOR THE AMENDMENT

☐ NO, AGAINST THE AMENDMENT

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on March 14, 2000, at which time the proposed amendment to the Constitution of the State of Oklahoma, as set forth in SECTION 1 of this resolution, shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

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