ENGROSSED SENATE
JOINT
RESOLUTION NO. 5

By: Gumm and Lawler of the Senate

and

Worthen of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 21 of Article V of the Constitution of the State of Oklahoma; providing that members of the Legislature may not be paid or participate in state-funded programs during periods of incarceration; providing for payment of withheld compensation upon acquittal or dismissal of charges; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 50TH 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 21 of Article V of the Constitution of the State of Oklahoma to read as follows:

Section 21. A. The Legislature shall enact laws to prohibit members of the Legislature from engaging in activities or having interests which conflict with the proper discharge of their duties and responsibilities.

B. The Board on Legislative Compensation is hereby created. Said Board shall be composed of five members appointed by the Governor, two members appointed by the President Pro Tempore of the Senate, and two members appointed by the Speaker of the House of Representatives. The members appointed by the Governor shall be from religious organizations, communications media, nonstate-supported educational institutions, labor organizations, and retail business; the members appointed by the President Pro

Tempore of the Senate shall be from agricultural and civic organizations; and the members appointed by the Speaker of the House of Representatives shall be from manufacturing and from professional fields not otherwise specified. No member of the Legislature may be appointed to or serve on the Board. In addition to the members above provided for, the Chairman of the Oklahoma Tax Commission and the Director of State Finance shall serve as ex officio nonvoting members of said Board. The Chairman of said Board shall be designated by the Governor. Members of the Legislature shall receive such compensation as shall be fixed by the Board on Legislative Compensation; provided, any member of the Legislature who is incarcerated for any period of time during his or her term of office shall not receive any compensation from the state or be eligible to participate in any compensation programs funded in whole or in part with state revenues during the period of such incarceration. In the event a member of the Legislature is incarcerated due to being charged with a criminal offense and is subsequently acquitted or the charges are dismissed, any compensation withheld from such member shall be paid to such member. Said Board shall each two years review the compensation paid to the members of the Legislature and shall be empowered to change such compensation; such change to become effective on the fifteenth day following the succeeding general election. The members of the Board shall serve without compensation, but shall be entitled to receive necessary travel and subsistence expense as provided by law for other state officers.

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 Section 21 of Article 5 of the State Constitution. Under current law, members of the state Senate and House are paid at a rate fixed by the Board on Legislative Compensation. This measure states that members may not be paid while they are incarcerated. They are also not eligible to participate in state-funded programs. If a member is incarcerated but is later acquitted, withheld pay would be paid to the member.

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.

Passed the Senate the 1st day of March, 2005.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2005.

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Presiding Officer of the House
of Representatives