

ENROLLED SENATE  
JOINT  
RESOLUTION NO. 5

By: Gumm and Lawler of the  
Senate

and

Worthen, Dorman, Pruett,  
Hilliard, Sherrer and  
Shumate 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; requiring members of the Legislature to return to the state their pay under certain circumstances; providing that members of the Legislature may not be paid during certain periods of incarceration; 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. If a member of the Legislature is incarcerated due to being charged with a criminal offense and subsequently is found guilty of the offense or pleads guilty or nolo contendere to the offense, the legislator shall return to the state any compensation the legislator received from the state while the legislator was incarcerated prior to the guilty verdict or plea or nolo contendere plea and shall not receive any compensation from the state during any incarceration following such verdict or plea. 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 must return to the state any pay they receive while incarcerated if they are found guilty of or plead guilty to a criminal offense. Also, a member shall not receive any pay while incarcerated after such verdict or plea.

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 11th day of May, 2005.

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Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2005.

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Presiding Officer of the House  
of Representatives