

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 HOUSE JOINT
5 RESOLUTION 1071

By: Cooksey of the House

and

Brown of the Senate

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9 AS INTRODUCED

10 A Joint Resolution directing the Secretary of State
11 to refer to the people for their approval or
12 rejection a proposed amendment to Section 23 of
13 Article V of the Constitution of the State of
14 Oklahoma; modifying provisions related to certain
15 activity authorized for legislators; prohibiting
16 compensation, remuneration or reimbursement from
17 state governmental entities for prescribed period;
18 providing exception for legislators returning to
19 certain employment; providing ballot title; and
20 directing filing.

21 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
22 2ND SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

23 SECTION 1. The Secretary of State shall refer to the people for
24 their approval or rejection, as and in the manner provided by law,

1 the following proposed amendment to Section 23 of Article V of the
2 Constitution of the State of Oklahoma to read as follows:

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

9 B. Except as otherwise provided by this section, no former
10 member of the Legislature shall be employed by or receive any form
11 of compensation, remuneration or expense reimbursement from any
12 state governmental entity for a period of two (2) years after the
13 end of the term to which the member was elected.

14 C. The provisions of subsection B of this section shall not be
15 applicable to retirement benefit payments or distributions from a
16 governmental tax-qualified retirement plan.

17 D. The provisions of subsection B of this section shall not
18 prohibit a former member of the Legislature or former statewide
19 elected official from returning to employment with a common school
20 district, a career technology district or an institution within The
21 Oklahoma State System of Higher Education within the two-year period
22 if the former member or former statewide elected official returns to
23 a teaching or instructional position with a former employer that is

1 a common school district, a career technology district or an
2 institution within The Oklahoma System of Higher Education.

3 E. No member shall receive any appointment from the Governor,
4 the Governor and Senate, or from the Legislature, during the term
5 for which ~~he~~ the member shall have been elected, ~~nor shall any.~~

6 F. No member shall, during the term for which ~~he~~ the member
7 shall have been elected, or within two (2) years thereafter, be
8 interested, directly or indirectly, in any contract with the State,
9 or, except with respect to the employment authorized pursuant to
10 subsection D or subsection G of this section, in any contract with
11 any county or other political subdivision ~~thereof~~, authorized by law
12 passed during the term for which ~~he~~ the member shall have been
13 elected.

14 G. The provisions of this section shall not prohibit a former
15 legislator from receiving the lawful compensation provided by law
16 upon election to another public office.

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

20 BALLOT TITLE
21 Legislative Referendum No. _____ State Question No. _____

22 THE GIST OF THE PROPOSITION IS AS FOLLOWS:
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24

1 This measure amends Section 23 of Article 5 of the Oklahoma
2 Constitution. Former lawmakers cannot have a job paid with
3 state funds for two (2) years. The two years is counted from
4 the time the term ends. Former lawmakers could receive
5 retirement money. Former lawmakers could return to a job as a
6 teacher or instructor if they held that job previously. Former
7 lawmakers could be paid if elected to another office.

8 SHALL THE PROPOSAL BE APPROVED?

9 FOR THE PROPOSAL - YES _____

10 AGAINST THE PROPOSAL - NO _____

11 SECTION 3. The Chief Clerk of the House of Representatives,
12 immediately after the passage of this resolution, shall prepare and
13 file one copy thereof, including the Ballot Title set forth in
14 SECTION 2 hereof, with the Secretary of State and one copy with the
15 Attorney General.

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17 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/09/2012 - DO PASS,
18 As Coauthored.
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