

ENROLLED SENATE JOINT RESOLUTION NO. 39
ENACTED BY THE SECOND REGULAR SESSION OF
THE THIRTY-EIGHTH LEGISLATURE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE
LEGISLATIVE REFERENDUM NO. 236, STATE QUESTION NO. 559

RECEIVED: May 28, 1982

A Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 39

BY: YORK, COMBS, CUMMINS AND
TERRILL of the SENATE

and

DRAPER, HARBIN, McCALEB,
DENMAN and REIMER of the
HOUSE

also SB 653

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT TO THE OKLAHOMA CONSTITUTION WHICH WOULD ADD A NEW ARTICLE TO BE DESIGNATED AS ARTICLE XXVIII; CREATING THE OKLAHOMA PRESERVATION TRUST FUND; CREATING A BOARD OF TRUSTEES; LIMITING THE LIABILITY OF INDIVIDUAL MEMBERS OF THE BOARD; PROVIDING FOR LEGISLATIVE SUPERVISION; PROVIDING FOR THE FUNDING OF THE TRUST FUND; ALLOWING FOR THE INVESTMENT OF MONIES HELD IN THE TRUST FUND; PROVIDING FOR APPROPRIATION BY THE LEGISLATURE OF THE INCOME FROM THE TRUST FUND; PROVIDING BALLOT TITLE; DIRECTING FILING; AND ORDERING A SPECIAL ELECTION.

Correctly Enrolled: *John R. McCarver*, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

(Enrolled in accordance with Senate Bill No. 116 of the Twenty-seventh Legislature)

1 ENGROSSED SENATE
JOINT
2 RESOLUTION NO. 39

BY: YORK, COMBS, CUMMINS AND
TERRILL of the SENATE

3
4 and

5 DRAPER of the HOUSE
6
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9 A JOINT RESOLUTION DIRECTING THE SECRETARY OF
10 STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR
11 REJECTION A PROPOSED AMENDMENT TO THE OKLAHOMA
12 CONSTITUTION WHICH WOULD ADD A NEW ARTICLE TO BE
13 DESIGNATED AS ARTICLE XXVIII; CREATING THE
14 OKLAHOMA PRESERVATION TRUST FUND; CREATING A BOARD
15 OF TRUSTEES; LIMITING THE LIABILITY OF INDIVIDUAL
MEMBERS OF THE BOARD; PROVIDING FOR LEGISLATIVE
SUPERVISION; PROVIDING FOR THE FUNDING OF THE
TRUST FUND; ALLOWING FOR THE INVESTMENT OF MONIES
HELD IN THE TRUST FUND; PROVIDING FOR
APPROPRIATION BY THE LEGISLATURE OF THE INCOME
FROM THE TRUST FUND; PROVIDING BALLOT TITLE;
DIRECTING FILING; AND ORDERING A SPECIAL ELECTION.
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19 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
20 2ND SESSION OF THE 38TH OKLAHOMA LEGISLATURE:

21 SECTION 1. The Secretary of State shall refer to the people for
22 their approval or rejection, as and in the manner provided by law,
23 the following proposed amendment to the Oklahoma Constitution which
24 would add a new article to be designated as Article XXVIII:

25 Section 1. There is hereby created a trust fund to be known as
26 the "Oklahoma Preservation Trust Fund". The Trust Fund shall be
27 irrevocable for ten (10) years, and, thereafter, may be continued or
28 terminated at the discretion of the Legislature.

29 Section 2. A. The Trust Fund shall be managed and controlled by
30 a seven-member Board of Trustees. The members shall be the Governor,
31 the Lieutenant Governor, the State Treasurer, two trustees appointed
32 by the President Pro Tempore of the Senate and two trustees appointed
33 by the Speaker of the House of Representatives. The Governor shall
34 serve as chairman and presiding officer of the Board.

35 B. The appointed trustees shall serve for such terms and subject
36 to such conditions and qualifications as the Legislature may provide.

Chairman, Committee on Engrossed and Enrolled Bills
A. R. M. C. W.

Correctly Enrolled:

A. R. M. C. W.

Correctly Engrossed:

Correctly Engrossed: *John R. McLure*
Chairman, Committee on Engrossed and Enrolled Bills
Correctly Enrolled: *John R. McLure*
Correctly Engrossed: *John R. McLure*

1 An individual trustee shall not be personally liable for any
2 liability, loss or expense suffered by the Trust Fund unless the
3 liability, loss or expense is a result of the willful misconduct of
4 the trustee.

5 Section 3. The Legislature shall have the power and authority to
6 enact laws and to provide rules and regulations to effectuate the
7 purposes of this Article. All powers and duties of the Board of
8 Trustees shall be determined by the Legislature.

9 Section 4. A. The initial trust capital shall consist of such
10 monies as the Legislature may, in its discretion, appropriate and
11 transfer to the Trust Fund.

12 B. The trust capital shall also consist of (i) any monies the
13 Legislature may from time to time appropriate and transfer to the
14 Trust Fund, and (ii) any monies or assets contributed to the Trust
15 Fund from any source.

16 Section 5. The Board of Trustees shall invest the trust capital
17 in a reasonable and prudent manner which, consistent with any long-
18 term investment needs, will produce the greatest trust income over
19 the term of the investment while preserving the trust capital. Any
20 or all of the trust income shall be subject to appropriation by the
21 Legislature. Until such time as the Legislature makes an
22 appropriation, the trust income shall be held in the Trust Fund and
23 may be invested.

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

27 BALLOT TITLE

28 Legislative Referendum No. _____ State Question No. _____

29 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

30 Shall a Constitutional amendment
31 amending the Oklahoma Constitution by adding a new
32 article to be designated as Article XXVIII; creating
33 the "Oklahoma Preservation Trust Fund"; creating a
34 Board of Trustees; limiting trustee liability;
35 providing for legislative supervision; providing for

1 the funding of the Trust Fund; providing for the
2 investment of monies held in the Trust Fund; and
3 providing for appropriation by the Legislature of trust
4 income
5 be approved by the people?

6
7 SHALL THE PROPOSED AMENDMENT BE APPROVED?

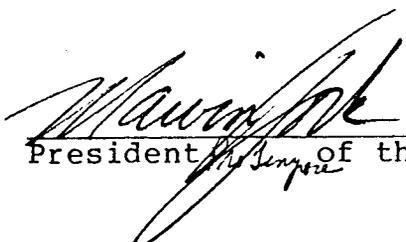
8 YES, FOR THE AMENDMENT

9 NO, AGAINST THE AMENDMENT

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11 SECTION 3. The President Pro Tempore of the Senate shall,
12 immediately after the effective date of this resolution, 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.

16 SECTION 4. A special election is hereby ordered to be held
17 throughout the State of Oklahoma on the date of the next statewide
18 primary election or special election, whichever occurs first, at
19 which time the proposed amendment to the Constitution of the State of
20 Oklahoma, as set forth in SECTION 1 of this resolution, shall be
21 submitted to the people of Oklahoma for their approval or rejection
22 as and in the manner provided by law.

23 Passed the Senate the 24th day of May, 1982.

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28 President Pro Tempore of the Senate

29 Passed the House of Representatives the 27th day of May,
30 1982.

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34 
35 Speaker of the House of
36 Representatives

Chairman, Committee on Engrossed and Enrolled Bills
Correctly Engrossed: John R. McCune
Correctly Enrolled: John R. McCune

Correctly Enrolled: John R. McCur, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS
(Enrolled in accordance with Senate Bill No. 116 of the Twenty-seventh Legislature)

Passed the Senate the 24th day of May, 1982, and correctly enrolled the 27th day of May, 1982.

ACTING William M. Schuler
President of the Senate

Passed the House of Representatives the 27th day of May, 1982.

Jim Brown
Speaker of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 28th
day of May, 1982,
at 1:15, o'clock P. M.

By: Esther M. Phillips

BEFORE THE SECRETARY OF STATE, STATE OF OKLAHOMA

IN THE MATTER OF PROPOSED BALLOT)
TITLE OF STATE QUESTION NUMBER 559,)
LEGISLATIVE REFERENDUM NUMBER 236)

FILED

JUN 2 1982

TO: THE HONORABLE JEANETTE EDMONDSON,
SECRETARY OF STATE, STATE OF OKLAHOMA
State Capitol Building
Oklahoma City, Oklahoma 73105

OKLAHOMA SECRETARY,
OF STATE

NOTICE OF NONCONFORMING BALLOT TITLE

You are hereby notified that pursuant to the provisions of 34 O.S. Supp. 1975, § 9, that the Attorney General has examined and considered the proposed ballot title to State Question Number 559, as proposed in Legislative Referendum Number 236. The ballot title as proposed therein, reads as follows:

BALLOT TITLE

Legislative Referendum No. 236 State Question No. 559

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional amendment

amending the Oklahoma Constitution by adding a new article to be designated as Article XXVIII; creating the "Oklahoma Preservation Trust Fund"; creating a Board of Trustees; limiting trustee liability; providing for legislative supervision; providing for the funding of the Trust Fund; providing for the investment of monies held in the Trust Fund; and providing for appropriation by the Legislature of trust income

be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES - FOR THE AMENDMENT

NO - AGAINST THE AMENDMENT

It is the opinion of the Attorney General that the Ballot Title to State Question Number 559, as proposed in Legislative Referendum Number 236, as above set forth, is defective and is not in harmony with the law of the State of Oklahoma; that the Ballot Title as proposed insufficiently sets forth the gist of the proposition in language that may be readily understood by persons not engaged in the practice of law.

Therefore, pursuant to 34 O.S. Supp. 1975, § 9(B), the Attorney General has prepared and hereby files the following

Ballot Title which conforms to and is in harmony with the law of this State, to-wit:

BALLOT TITLE

Legislative Referendum No. 236

State Question No. 559

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional amendment

adding new Article XXVIII to the Oklahoma Constitution, creating a trust fund to be administered by seven trustees, consisting of the Governor, the Lieutenant Governor, the State Treasurer, two appointees of the President Pro Tempore of the Senate and two appointees of the Speaker of the House of Representatives, which board of trustees shall administer and operate the fund in accordance with such rules and regulations as shall be imposed by the Legislature, which fund shall consist of such moneys as may be appropriated to the fund by the Legislature from time to time as well as contributions from other, unspecified sources, providing for trust capital to be invested and trust income to be spent according to appropriation by the Legislature, and protecting trustees from liability except when losses result from a trustee's willful misconduct

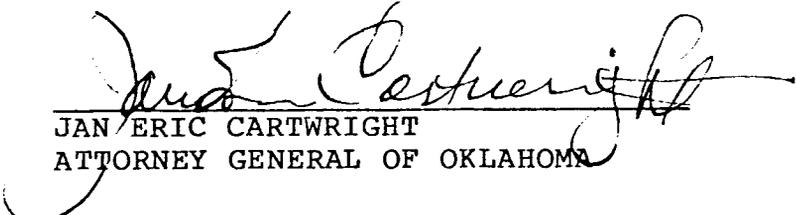
be adopted by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES - FOR THE AMENDMENT

NO - AGAINST THE AMENDMENT

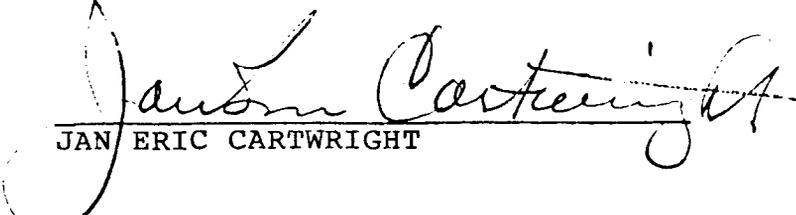
The Secretary of State is hereby directed to substitute the last above stated Ballot Title in lieu of the Ballot Title proposed by the party submitting State Question Number 559, as contained in Legislative Referendum Number 236.


JAN ERIC CARTWRIGHT
ATTORNEY GENERAL OF OKLAHOMA

CERTIFICATE OF MAILING

This is to certify that on this 2nd day of June, 1982, a true and correct copy of the above and foregoing Notice of Non-conforming Ballot Title was mailed to:

Lee Slater, Secretary
Oklahoma State Senate
State Capitol Building
Oklahoma City, OK 73105


JAN ERIC CARTWRIGHT