ENROLLED HOUSE JOINT RESOLUTION NO. 1073

ENACTED BY THE SECOND REGULAR SESSION OF THE

46TH LEGISLATURE OF THE STATE OF OKLAHOMA

NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 680

LEGISLATIVE REFERENDUM NUMBER 310

And

STATE QUESTION NUMBER 681

LEGISLATIVE REFERENDUM NUMBER 311

Received: May 12, 1998

Resolution

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1073

By: Bonny, Benson, Deutschendorf, Boyd (Laura), Hager, Sadler, Wells, Braddock, McCarter, Perry, Ingmire, Sullivan (Leonard) and Askins of the House

and

Robinson and Morgan of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Sections 14 and 15 of Article X of the Constitution of the State of Oklahoma; providing exception regarding use of certain public facilities; authorizing use of public facilities by institutions within The Oklahoma State System of Higher Education; describing authorized use of facilities; modifying restrictions related to investment of public funds; providing for ownership of technology and of equity interests in private business enterprises by institutions and employees within The Oklahoma State System of Higher Education; prescribing limitations; providing ballot titles; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 46TH 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 14 of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 14. ~~Taxes~~ A. Except as otherwise provided by this section, taxes shall be levied and collected by general laws, and for public purposes only, except that taxes may be levied when necessary to carry into effect Section thirty-one of the Bill of Rights. Except as required by the Enabling Act, the State shall not assume the debt of any county, municipal corporation, or political subdivision of the State, unless such debt shall have been contracted to defend itself in time of war, to repel invasion, or to suppress insurrection.

B. Subject to requirements imposed by law, use of public facilities of institutions within The Oklahoma State System of Higher Education shall be authorized by this section if the use is made in connection with a project involving the research or development of a technology, whether or not the technology is protected pursuant to federal or state law governing intellectual property, the results of which have potential economic value for a business enterprise or private business entity involved in the project with the institution.

SECTION 2. 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 15 of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 15. A. Except as provided by this section, the credit of the State shall not be given, pledged, or loaned to any individual, company, corporation, or association, municipality, or political subdivision of the State, nor shall the State become an owner or stockholder in, nor make donation by gift, subscription to stock, by tax, or otherwise, to any company, association, or corporation.

B. Pursuant to authority of and subject to requirements of law and according to professional norms established nationally in similar activities, the Oklahoma Center for the Advancement of Science and Technology or its successor may be authorized to use public funds not exceeding one percent (1%) of total state appropriations for the current fiscal year to promote economic development through grants or loans to individuals, companies, corporations or associations. Pursuant to authority of and subject to requirements of law and according to professional norms established nationally in similar activities, the Oklahoma Center for the Advancement of Science and Technology or its successor may be authorized to use public funds in order to promote economic development by purchase or ownership of stock or to make other investments in private enterprises and to receive income from such investments which are involved with research or patents from projects involving Oklahoma colleges or universities. The Oklahoma Center for the Advancement of Science and Technology or its successor may only use public funds for the purposes authorized in this subsection if a statute specifically authorizing such use is approved by an affirmative vote of at least two-thirds (2/3) of the members elected to the Senate and to the House of Representatives upon final passage of such measure in each of the respective houses and with the approval of the Governor.

C. The Legislature shall only authorize use of public funds by the Oklahoma Center for the Advancement of Science and Technology or its successor as permitted by this section for promotion of economic development by creation of new employment, enhancement of existing employment or by the addition of economic value to goods, services or resources within the State authorized by subsection B herein.

D. The Legislature shall establish procedures to review and evaluate the extent to which the purposes of any statute authorizing use of public funds by the Oklahoma Center for the Advancement of Science and Technology are achieved.

E. Bonds issued by the board of education of any school district or public institutions of higher education may be guaranteed by the corpus of the permanent school fund, provided:

1. As to bonds issued by the board of education such bonds must be approved by election of the school district upon the question of issuing such bonds;

2. As to bonds issued by an institution within The Oklahoma State System of Higher Education such bonds are issued in accordance with all applicable provisions of law; and

3. Provisions shall be made by the Legislature to guarantee prompt reimbursement to the corpus of the permanent school fund for any payment from the fund on behalf of a school district or on behalf of an institution within The Oklahoma State System of Higher Education. The reimbursement shall include a reasonable rate of interest. The provisions of this paragraph regarding use of the permanent school fund for guarantee of bonds issued by an institution within The Oklahoma State System of Higher Education shall not be self-executing and the Legislature shall provide by law the procedure pursuant to which such obligations may be guaranteed and the

procedures for repayments, if any, required to be made to the permanent school fund.

F. Subject to requirements imposed by law, the governing boards of institutions within The Oklahoma State System of Higher Education and employees of those institutions may have an ownership interest in a technology, whether or not the technology is protected pursuant to federal or state law governing intellectual property, and may have an ownership interest in a business enterprise or private business entity, if the ownership interest is acquired as a result of research or development of a technology involving the authorized use of facilities, equipment, or services of such institutions.

SECTION 3. 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 would amend the State Constitution. It would amend Section 14 of Article 10. Under current law, taxes can only be used for public purposes. This measure makes an exception for use of public property for certain projects. These projects would involve research and development of a technology. The technology could be a product or process or idea. A college or university would be able to let a business use its property to work on these kinds of projects. A business could receive some form of economic benefit from the project.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

☐ YES, FOR THE AMENDMENT

☐ NO, AGAINST THE AMENDMENT

SECTION 4. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 2 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 would amend the Oklahoma Constitution. It would amend Section 15 of Article 10. Laws would let a state college or university own technology. Technology could be a product or process or an idea. Higher education employees could also own technology. Laws would also let colleges or universities own an interest in a private business. Laws would let higher education employees own an interest in a private business also. The private business would have to make a product or invent a process or other idea. The product or process or idea would come from help the business received. The help could be from being able to do the research at a college or university. The help could be from using services at a college or university. Laws could be passed to control how a college or university owned a business interest. Laws could be passed to control how the employees could own a business interest.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

☐ YES, FOR THE AMENDMENT

☐ NO, AGAINST THE AMENDMENT

SECTION 5. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Titles set forth in SECTION 3 and SECTION 4 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the House of Representatives the 7th day of May, 1998.

ACTING Speaker of the House of Representatives

Passed the Senate the 11th day of May, 1998.

ACTING President of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 12th day of May, 1998, at 11:20, o'clock A M.

By: Sam Cle

OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED
MAY 29 1998
OKLAHOMA SECRETARY OF STATE

May 29, 1998

Mr. Tom Cole, Secretary of State
Office of the Secretary of State
101 State Capitol Building
Oklahoma City, Oklahoma 73105

Re: Ballot Title for State Question No. 680, Legislative Referendum No. 310

Dear Secretary Cole:

Having found that the suggested Ballot Title for the above-referenced State Question was not in harmony with the law, we have, in accordance with the provisions of 34 O.S. Supp.1997, § 9(C)(1), prepared the following substitute Ballot Title for filing in your office. As a Title 34 Ballot Title review, the following does not constitute an Attorney General's Opinion on the merits or constitutionality of the underlying proposed change in the law. The substitute Ballot Title reads as follows:

BALLOT TITLE

This measure would amend the State Constitution. It would amend Section 14 of Article 10. Under current law, public property can only be used for public purposes. This measure makes an exception for use of public property for certain projects. These projects would involve research and development of a technology. The technology could be a product, process or idea. A college or university would be able to let a business use its property to develop these kinds of projects.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES _____

AGAINST THE PROPOSAL—NO _____

Respectfully submitted,

W.A. Edmondson

W.A. DREW EDMONDSON
ATTORNEY GENERAL

2300 N. LINCOLN BLVD., SUITE 112, OKLAHOMA CITY, OK 73105-4894 (405) 521-3921 • FAX: (405) 521-6246

OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED
MAY 29 1998
OKLAHOMA SECRETARY OF STATE

May 29, 1998

Mr. Tom Cole, Secretary of State
Office of the Secretary of State
101 State Capitol Building
Oklahoma City, Oklahoma 73105

Re: Ballot Title for State Question No. 681, Legislative Referendum No. 311

Dear Secretary Cole:

Having found that the suggested Ballot Title for the above-referenced State Question was not in harmony with the law, we have, in accordance with the provisions of 34 O.S. Supp.1997, § 9(C)(1), prepared the following substitute Ballot Title for filing in your office. As a Title 34 Ballot Title review, the following does not constitute an Attorney General's Opinion on the merits or constitutionality of the underlying proposed change in the law. The substitute Ballot Title reads as follows:

BALLOT TITLE

This measure would amend the Oklahoma Constitution. It would amend Section 15 of Article 10. This measure would allow a state college or university to own technology. Technology could be a product, process or an idea. Higher education employees could also own technology. This measure would allow colleges or universities to own an interest in a private business. It would also let higher education employees own an interest in a private business. The private business would have to make a product or invent a process or other idea. The product or process or idea would come from help the business received. The help could be from being able to do the research at a college or university. Laws could be passed to control how a college or university owned a business interest. Laws could be passed to control how the employees could own a business interest.

2300 N. LINCOLN BLVD., SUITE 112, OKLAHOMA CITY, OK 73105-4894 (405) 521-3921 • FAX: (405) 521-6246

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES _____

AGAINST THE PROPOSAL—NO _____

Respectfully submitted,

W.A. DREW EDMONDSON
ATTORNEY GENERAL

doug/681.ltr/rs

Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

November 9, 1998

The Honorable Tom Cole
Secretary of State
Room 101, State Capitol
Oklahoma City, Oklahoma 73105

FILED
NOV 9 1998
OKLAHOMA SECRETARY OF STATE

Dear Mr. Cole:

Enclosed please find a copy of the official returns of the vote at the General Election on November 3, 1998, on the following measures, as certified to the Governor of the State of Oklahoma:

State Question No. 678, Legislative Referendum No. 308

State Question No. 679, Legislative Referendum No. 309

State Question No. 680, Legislative Referendum No. 310

State Question No. 681, Legislative Referendum No. 311

State Question No. 682, Legislative Referendum No. 312

State Question No. 683, Legislative Referendum No. 313

Sincerely,

LANCE WARD, Secretary
State Election Board

LW/mf

Receipt of the above hereby is acknowledged on this 9th day of November, 1998.

By: Kathy Jekel

Time: 9:44 AM

Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

November 9, 1998

The Honorable Frank Keating
Governor of the State of Oklahoma
Room 212, State Capitol
Oklahoma City, Oklahoma 73105

Dear Governor Keating:

Pursuant to the provisions of 26 O.S. 1991, §12-118, the State Election Board herewith certifies the results of the vote at the General Election on November 3, 1998, on the following measures:

STATE QUESTION NO. 678
LEGISLATIVE REFERENDUM NO. 308

YES: 471,696
NO: 315,386

STATE QUESTION NO. 679
LEGISLATIVE REFERENDUM NO. 309

YES: 346,102
NO: 446,883

STATE QUESTION NO. 680
LEGISLATIVE REFERENDUM NO. 310

YES: 509,001
NO: 288,585

STATE QUESTION NO. 681
LEGISLATIVE REFERENDUM NO. 311

YES: 490,596
NO: 306,734

STATE QUESTION NO. 682
LEGISLATIVE REFERENDUM NO. 312

YES: 422,512
NO: 367,862

STATE QUESTION NO. 683
LEGISLATIVE REFERENDUM NO. 313

YES: 381,095
NO: 407,033

Sincerely,

LANCE WARD, Secretary
State Election Board

LW/mf

Receipt of the above hereby is acknowledged on this _____ day of November, 1998.

By: _____

Time: _____