

ENROLLED SENATE JOINT RESOLUTION 5
ENACTED BY THE FIRST REGULAR SESSION OF THE
50TH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 724

LEGISLATIVE REFERENDUM NUMBER 339

RECEIVED: May 12, 2005

Resolution

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:

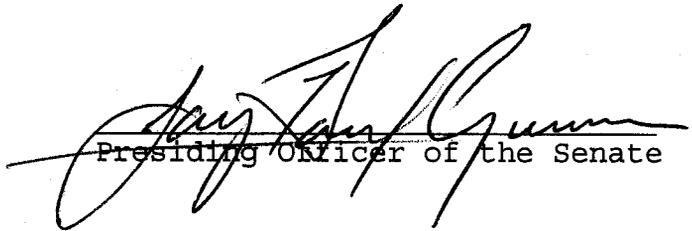
This measure amends Section 21 of Article 5 of the State Constitution. Under current law, members of the state Senate and House are paid at a rate fixed by the Board on Legislative Compensation. This measure states that members must return to the state any pay they receive while incarcerated if they 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?

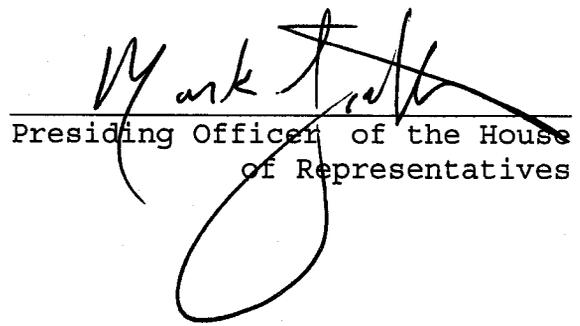
- YES, FOR THE AMENDMENT
- NO, AGAINST THE AMENDMENT

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.


Presiding Officer of the Senate

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

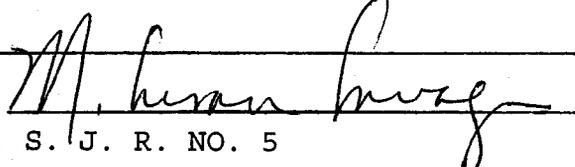

Presiding Officer of the House
of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____

12th day of May, 20 05,

at 10:52 o'clock A.M.

By: 
ENR. S. J. R. NO. 5



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 19, 2005

M. Susan Savage, Secretary of State
Office of the Secretary of State
101 State Capitol Building
Oklahoma City, Oklahoma 73105

The Honorable Mike Morgan
President Pro Tempore
422 State Capitol Building
Oklahoma City, OK 73105

The Honorable Todd Hiatt
Speaker of the House of Representatives
401 State Capitol Building
Oklahoma City, OK 73105

FILED

MAY 19 2005

**OKLAHOMA SECRETARY
OF STATE**

Re: Ballot Title for State Question No. 724, Legislative Referendum No. 339

Dear Speaker Hiatt, President Pro Tempore Morgan, and Secretary Savage:

We have, in accordance with the provisions of 34 O.S.2001, § 9(C), reviewed the Ballot Title for the above-referenced State Question and conclude that it is not in harmony with the law for the following reasons:

1. It is not written on the eight-grade reading comprehension level, and
2. It does not explain that a member of the Legislature who pleads nolo contendere to a criminal offense cannot be paid while incarcerated and must return to the State any compensation received for time the member is incarcerated.

May 19, 2005

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Having found that the Ballot Title is not in harmony with the law, we will, in conformity with the provisions of 34 O.S.2001, § 9(C)(1), within ten (10) business days, prepare and file a Ballot Title which is in harmony with the law.

Respectfully submitted,



W.A. DREW EDMONDSON
ATTORNEY GENERAL

WAE:rjs



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

June 1, 2005

M. Susan Savage, Secretary of State
Office of the Secretary of State
101 State Capitol Building
Oklahoma City, Oklahoma 73105

FILED

JUN 1 2005

**OKLAHOMA SECRETARY
OF STATE**

The Honorable Mike Morgan
President Pro Tempore
422 State Capitol Building
Oklahoma City, OK 73105

The Honorable Todd Hiatt
Speaker of the House of Representatives
401 State Capitol Building
Oklahoma City, OK 73105

Re: Ballot Title for State Question No. 724, Legislative Referendum No. 339

Dear Speaker Hiatt, President Pro Tempore Morgan, and Secretary Savage:

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.2001, § 9(C), prepared the following Substitute Ballot Title for filing. 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 amends Article V, Section 21 of the State Constitution. That Section deals with State pay to legislators. The amendment restricts State pay to some legislators. The pay restriction would apply to some legislators while in jail or prison. The pay restriction would apply to legislators found guilty of a

crime. It would also apply to legislators who plead either guilty or no contest. Affected legislators must return any State pay received for time while in jail or prison.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES _____

AGAINST THE PROPOSAL—NO _____

Respectfully submitted,



W.A. DREW EDMONDSON
ATTORNEY GENERAL



FILED

SEP 01 2006

OKLAHOMA SECRETARY
OF STATE

Brad Henry
Governor

EXECUTIVE DEPARTMENT

EXECUTIVE PROCLAMATION

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by Section 3 of Article V and Section 1 of Article XXIV of the Oklahoma Constitution and Section 12 of Title 34 of the Oklahoma Statutes, do hereby order that State Question Number 724, Legislative Referendum Number 339, be submitted to qualified electors of the State of Oklahoma for their approval or rejection at the general election to be held statewide on November 7, 2006.

The substance of the measure, as reflected in the Substitute Ballot Title prepared by the Attorney General is as follows:

This measure amends Article V, Section 21 of the State Constitution. That Section deals with State pay to legislators. The amendment restricts State pay to some legislators. The pay restriction would apply to some legislators while in jail or prison. The pay restriction would apply to legislators found guilty of a crime. It would also apply to legislators who plead either guilty or no contest. Affected legislators must return any State pay received for time while in jail or prison.

Copies of this Executive Proclamation shall be distributed to the Secretary of State, the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Secretary of the State Election Board. The Secretary of the State Election Board and the secretaries of the appropriate county election boards are hereby directed to take all actions necessary to conduct the aforesaid election.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 1st day of September, 2006.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Brad Henry

BRAD HENRY

M. Lynn Harvey

M. LYNN HARVEY





Oklahoma State Election Board

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

November 16, 2006

The Honorable Brad Henry
Governor of the State of Oklahoma
Room 212, State Capitol
Oklahoma City, Oklahoma 73105

Dear Governor Henry:

Pursuant to the provisions of 26 O.S. 2001, §12-118, the State Election Board herewith certifies the results of the vote at the General Election on November 7, 2006, on the following measures:

STATE QUESTION No. 724
LEGISLATIVE REFERENDUM No. 339

YES: 771,054
NO: 107,294

STATE QUESTION No. 725
LEGISLATIVE REFERENDUM No. 340

YES: 464,664
NO: 402,577

STATE QUESTION No. 733
LEGISLATIVE REFERENDUM No. 341

YES: 461,615
NO: 417,377

Governor Henry
November 16, 2006
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STATE QUESTION NO. 734
LEGISLATIVE REFERENDUM NO. 342

YES: 540,816
NO: 316,188

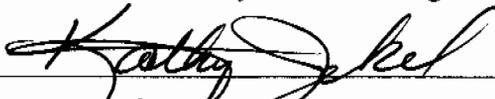
Sincerely,



MICHAEL CLINGMAN, Secretary
State Election Board

MC/mf

Receipt of the above hereby is acknowledged on this 16th day of November, 2006.

By: 
Time: 4:10 pm



Brad Henry
Governor

FILED

NOV 29 2006

OKLAHOMA SECRETARY
OF STATE

EXECUTIVE DEPARTMENT

EXECUTIVE PROCLAMATION

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by the provisions of Section 12-118 of Title 26 of the Oklahoma Statutes and the Certification by the State Election Board, hereby proclaim State Question 724 to have passed. The results of the election held on November 7, 2006, on State Question 724, Legislative Referendum No. 339 are as follows:

Total Votes – 878,348

YES – 771,054

NO – 107,294

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 29 day of November 2006.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Brad Henry

Attest:

M. Sherman
Secretary of State