S. 2. 298 Leg. Ref. No. 80

ENROLLED.

HOUSE JOINT RESOLUTION NO. 10. BY: HILL (PITTSBURG), AND LATTING.

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION, AMENDING SECTION TWENTY-THREE (23) OF ARTICLE TEN (10) OF THE CONSTITUTION OF THE STATE OF OKLAHOMA; AMENDING SAID SECTION SO AS TO PROVIDE FOR ESTIMATES OF REVENUE FOR THE LEGISLATURE; VOIDING AND NULLIFYING APPROPRIATIONS IN EXCESS OF REVENUES; PROVIDING FOR MANNER OF ISSUING WARRANTS; PROVIDING FOR ALLOCATION OF REVENUE TO APPROPRIATIONS; PROVIDING FOR DEFICIENCY CERTIFICATES AND LIMITING SAME; PROVIDING FOR CASH OPERATION OF STATE GOVERNMENT; EMPOWERING THE LEGISLATURE TO ENACT LAWS TO REDUCE APPROPRIATIONS TO REVENUE ON HAND; PROHIBITING THE CREATION OR FUNDING OF ANY FUTURE DEBT EXCEPTING THE PRESENT STATE DEBT OR DEFICIT; PROVIDING FOR THE SUBMISSION OF THIS AMENDMENT TO A VOTE OF THE PEOPLE, AND CALL A SPECIAL ELECTION THEREON.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE EIGHTEENTH LEGISLATURE OF THE STATE OF OKLAHOMA:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection at any general or special election, as the case may be, as in the manner provided by law, the following proposed amendment to Section Twenty-three (23), Article Ten (10) of the Constitution of the State of Oklahoma. Said proposed amendment to be in lieu of Section Twenty-three (23), Article Ten (10) of the Constitution of the State of Oklahoma and to make Section Twenty-three (23), Article Ten (10) of the Constitution of the State of Oklahoma read and be in the following words, to-wit:

"Section 23. Within twenty days after the adoption of this amendment and thereafter prior to the convening of each regular session of the Legislature, the State Board of Equalization shall make an itemized estimate of the revenues to be received by the State under the laws in effect at the time such estimate is made for each year of the next biennium showing separately the revenues to accrue to the credit of the General Revenue Fund and each special fund of the State, and the total amount of such estimate for each fiscal year shall not exceed the average total revenue which accrued to each such fund for the three (3) last preceding fiscal years, to which amount shall be added the cash surplus, if any, from the preceding fiscal year in the hands of the State Treasurer to the credit of any such fund and not previously appropriated by the State Legislature at the time such estimate is made. Such estimate shall be filed with the Governor, the President of the Senate and the Speaker of the House of

Representatives. The Legislature shall not pass or enact any bill, act or measure making an appropriation of money for any purpose until such estimate is made and filed, unless the State Board of Equalization has failed to file said estimate at the time of convening of said Legislature, then, in such event, it shall be the duty of the Legislature to make such estimate pursuant to the provisions of this amendment, and all appropriations made in excess of such estimate shall be null and void; Provided, However, that the Legislature may at any regular session or special session called for that purpose, enact laws to provide for additional revenues, other than ad valorem taxes, or transferring the existing revenues or surpluses from one fund to another, whereupon it shall be the duty of the State Board of Equalization to make an estimate of the revenues that will accrue under such laws and to file the same with the Governor and with the President of the Senate and the Speaker of the House of Representatives, and the amount of any increase or decrease, resulting, for any reason, from such laws shall be added to or deducted from each respective fund, as the case may be. The amount of such adjusted estimate shall be the maximum amount which can be appropriated for all purposes from any fund for each year.

After June 30, 1941, that portion of every appropriation at the end of each fiscal year, in excess of actual revenues collected and allocated thereto as hereinafter provided, shall be null and void. Revenues deposited in the State Treasury to the credit of the General Revenue Fund or of any special fund, (which derives its revenue in whole or part from State taxes or fees) shall, except as to principal and interest on the public debt, be allocated monthly to each department, institution, board, commission or special appropriation on a percentage basis, in that ratio that the total appropriation for such department, institution, board, commission or special appropriation from each fund for that fiscal year bears to the total of all appropriations from each fund for that fiscal year, and no warrant shall be issued in excess of said allocation. Any department, institution or agency of the State operating on revenues derived from any law or laws which allocate the revenues thereof to such department, institution or agency, shall not incur obligations in excess of the unen-

cumbered balance of surplus cash on hand. The Legislature shall provide a method whereby appropriations shall be divided and set up on a monthly, quarterly or semi-annual basis within each fiscal year to prevent obligations being incurred in excess of the revenue to be collected, and notwithstanding other provisions of this Constitution, the Legislature shall provide that all appropriations shall be reduced to bring them within revenues actually collected, but all such reductions shall apply to each department, institution, board, commission or special appropriation made by the State Legislature in the ratio that its total appropriation for that fiscal year bears to the total of all appropriations for that fiscal year; Provided However, that the Governor may in his discretion issue a deficiency certificate or certificates to the State Auditor for the benefit of any department, institution, or agency of the State, if the amount of such deficiency certificate or certificates be within the limit of the current appropriation for that department, institution, or agency, whereupon the State Auditor shall issue warrants to the extent of such certificate or certificates for the payment of such claims as may be authorized by the Governor, and such warrants shall become a part of the public debt and shall be paid out of any money appropriated by the Legislature and made lawfully available therefor; Provided Further, that in no event shall said deficiency certificate or certificates exceed in the aggregate the sum of Five Hundred Thousand ($500,000.00) Dollars in any fiscal year.

The State shall never create or authorize the creation of any debt or obligation, or fund or pay any deficit, against the State, or any department, institution or agency thereof, regardless of its form or the source of money from which it is to be paid, except as provided in this amendment and in Sections Twenty-four (24) and Twenty-five (25) of Article Ten (X) of the Constitution of the State of Oklahoma. Provided, that the Legislature may fund or refund the State debt arising prior to July 1, 1941."

SECTION 2. The ballot title for said proposed amendment shall be in the following form:

"BALLOT TITLE

"LEGISLATIVE REFERENDUM NO. ___ STATE QUESTION NO. ___

The gist of the proposition is as follows:

Shall a Constitutional Amendment amending Section 23, Article 10, Oklahoma Constitution, prohibiting Legislature appropriating in excess of estimate of revenues by State Board of Equalization, or State Legislature, providing parts of appropriations in excess of revenues collected are void, prohibiting expenditures in excess of pro rata allocation of revenues, requiring Legislature to provide for reduction of all appropriations to come within revenues collected, authorizing issuance of deficiency certificates not to exceed $500,000. each year, prohibiting any debt or deficit except as provided in this amendment and Section 24 and 25, Article 10, of the Constitution of the State of Oklahoma, provided Legislature may fund debt arising prior to July 1, 1941,

be approved by the people?

Shall the Proposed Amendment be Approved?

.... Yes

.... No

"(If an elector desires to vote in favor of the adoption of the amendment he shall stamp an "X" in the square before the word "Yes"; and if he desires to vote against the adoption of the amendment he shall place an "X" in the square before the word "No")."

SECTION 3. The Speaker of the House shall, immediately after the effective date of this Resolution, prepare and file one copy thereof, including said ballot title, with the Secretary of State and one copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held throughout the State on the Eleventh day of March, 1941, at which the

proposed amendment to the Constitution of the State of Oklahoma, set forth in Section 1 of this Resolution, shall be submitted to the people of Oklahoma for their approval or rejection, as and in the manner provided by law.

Passed the House of Representatives the 6th day of February, 1941.

Passed the Senate the 4th day of February, 1941.

E. BLUMHAGEN

Speaker of the House of Representatives.

H. M. CURNUTT,

President Pro Tempore of the Senate.

CORRECTLY ENROLLED.

HOLLY L. ANDERSON

CHAIRMAN OF THE COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

Received of the Speaker of the House
of Representatives
2-12-41 at 11:45 A. M.
C. C. Childers, Secretary of State
By B. R.

MAC Q. WILLIAMSON
ATTORNEY GENERAL

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA CITY

February 13, 1941

Honorable C. C. Childers
Secretary of State
B u i l d i n g

Dear Sir:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by Section 1, Article 1, Chapter 30, Oklahoma Session Laws 1939, he has examined the proposed Ballot Title of House Joint Resolution No. 10 of the Eighteenth Legislature of the State of Oklahoma, same being State Question No. 298, Legislative Referendum No. 80, which, together with a copy of said Resolution, was delivered to him on February 12, 1941, by the Honorable E. Blumhagen, Speaker of the House of Representatives of said Legislature, and from said examination finds that said Ballot Title is not in legal form and in harmony with the law.

Therefore, pursuant to the provisions of the above section, the Attorney General has prepared and is submitting herewith, same to be filed in your office, a Ballot Title for said measure, which, in his opinion, does conform to the law. Said Ballot Title is as follows:

"Ballot Title

State Question No. 298 Legislative Referendum No. 80

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

Amending Section 23, Article 10, Oklahoma Constitution, prohibiting Legislature appropriating in excess of legal estimate of revenues, making parts of appropriations in excess of revenues collected void, prohibiting expenditures exceeding pro rata allocation of revenues, requiring legislation for reduction of all appropriations to come within revenues collected, authorizing issuance of deficiency certificates

not exceeding $500,000.00 annually, prohibiting any debt or deficit except as provided in this amendment and Sections 24 and 25, Article 10, Oklahoma Constitution, and providing Legislature may fund debt arising prior to July 1, 1941,

be approved by the people?

☐ YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

☐ NO."

Yours very truly,

FOR THE ATTORNEY GENERAL

Fred Hansen

Fred Hansen
Assistant Attorney General

FH:MM