

A Resolution

ENROLLED HOUSE JOINT
RESOLUTION NO. 551

BY: CONNOR and HOLADAY of
the House

and

GARRISON and McGRAW of
the Senate

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED CONSTITUTIONAL AMENDMENT TO SECTION 23 OF ARTICLE 10, OF THE OKLAHOMA CONSTITUTION; REQUIRING STATE BOARD OF EQUALIZATION TO MAKE ITEMIZED ESTIMATE OF REVENUES TO BE RECEIVED BY THE STATE DURING NEXT ENSUING FISCAL YEAR; PROVIDING THAT ESTIMATE NOT EXCEED TOTAL REVENUE ACCRUED TO ANY FUND FOR PRECEDING FISCAL YEAR PLUS ANY CASH SURPLUS FOR PRECEDING FISCAL YEAR; PROHIBITING LEGISLATURE FROM MAKING APPROPRIATIONS UNTIL ESTIMATE IS MADE; MAKING NULL AND VOID APPROPRIATIONS IN EXCESS OF ESTIMATE; PROVIDING FOR ALLOCATION OF REVENUE TO APPROPRIATIONS; PROVIDING LIMITATIONS UPON DEFICIENCY CERTIFICATES; PROVIDING LIMITATIONS AGAINST CREATION OF INDEBTEDNESS FOR PAYMENT OF DEFICIENCY; PROVIDING BALLOT TITLE; AND ORDERING SPECIAL ELECTION.

Correctly Enrolled: *C. N. Garrison* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

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

1 ENGROSSED HOUSE JOINT
2 RESOLUTION NO. 551

BY: CONNOR and HOLADAY
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8 A JOINT RESOLUTION DIRECTING THE SECRETARY OF
9 STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL
10 OR REJECTION A PROPOSED CONSTITUTIONAL AMENDMENT
11 TO SECTION 23 OF ARTICLE 10, OF THE OKLAHOMA
12 CONSTITUTION; REQUIRING STATE BOARD OF EQUALIZATION
13 TO MAKE ITEMIZED ESTIMATE OF REVENUES TO BE RECEIVED
14 BY THE STATE DURING NEXT ENSUING FISCAL YEAR; PRO-
15 VIDING THAT ESTIMATE NOT EXCEED TOTAL REVENUE
16 ACCRUED TO ANY FUND FOR PRECEDING FISCAL YEAR
17 PLUS ANY CASH SURPLUS FOR PRECEDING FISCAL YEAR;
18 PROHIBITING LEGISLATURE FROM MAKING APPROPRIATIONS
19 UNTIL ESTIMATE IS MADE; MAKING NULL AND VOID
20 APPROPRIATIONS IN EXCESS OF ESTIMATE; PROVIDING
21 FOR ALLOCATION OF REVENUE TO APPROPRIATIONS;
22 PROVIDING LIMITATIONS UPON DEFICIENCY CERTIFICATES;
23 PROVIDING LIMITATIONS AGAINST CREATION OF INDEBTED-
24 NESS FOR PAYMENT OF DEFICIENCY; PROVIDING BALLOT
25 TITLE; AND ORDERING SPECIAL ELECTION.

21 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF
22 THE SECOND SESSION OF THE THIRTY-FIRST 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, the
25 following proposed amendment of Section 23, Article X of the Consti-
26 tution of the State of Oklahoma, to read as follows:

27 Section 23. Within ~~twenty~~ twenty-one days after the adoption of
28 this amendment and thereafter prior to the convening of each regular
29 session of the Legislature, the State Board of Equalization shall make
30 an itemized estimate of the revenues to be received by the State under
31 the laws in effect at the time such estimate is made, for each-year-of
32 ~~the-next-biennium~~ the next ensuing fiscal year showing separately the
33 revenues to accrue to the credit of the General Revenue Fund and each
34 special fund of the State, and the total amount of such estimate for
35 each such fiscal year shall not exceed the average total revenue which
36 accrued to each such fund for the ~~three-(3)~~ last preceding fiscal

CORRECTLY ENROLLED

CORRECTLY ENGROSSED

C.H. ...
Chairman, Committee on Engrossed and Enrolled Bills

R. ...
Chairman, Committee on Engrossed and Enrolled Bills

W.C.

2 years, to which amount shall be added the cash surplus, if any, from
 3 the such preceding fiscal year in the hands of the State Treasurer to
 4 the credit of any such fund and not previously appropriated by the
 5 State Legislature at the time such estimate is made. Such estimate
 6 shall be filed with the Governor, the President of the Senate and the
 7 Speaker of the House of Representatives. The Legislature shall not
 8 pass or enact any bill, act or measure making an appropriation of money
 9 for any purpose until such estimate is made and filed, unless the State
 10 Board of Equalization has failed to file said estimate at the time of
 11 convening of said Legislature, then, in such event, it shall be the
 12 duty of the Legislature to make such estimate pursuant to the pro-
 13 visions of this amendment, and all appropriations made in excess of
 14 such estimate shall be null and void; provided, however, that the
 15 Legislature may at any regular session or special session called for
 16 that purpose, enact laws to provide for additional revenues, other
 17 than ad valorem taxes, or transferring the existing revenues or
 18 surpluses from one fund to another, whereupon it shall be the duty of
 19 the State Board of Equalization to make an estimate of the revenues
 20 that will accrue under such laws and to file the same with the Governor
 21 and with the President of the Senate and the Speaker of the House of
 22 Representatives, and the amount of any increase or decrease, resulting,
 23 for any reason, from such laws shall be added to or deducted from each
 24 respective fund, as the case may be. The amount of such adjusted
 25 estimate shall be the maximum amount which can be appropriated for all
 26 purposes from any fund for each-year the fiscal year estimated.

27 After June 30, 1941, that portion of every appropriation at the
 28 end of each fiscal year, in excess of actual revenues collected and
 29 allocated thereto as hereinafter provided, shall be null and void.
 30 Revenues deposited in the State Treasury to the credit of the General
 31 Revenue Fund or of any special fund (which derives its revenue in
 32 whole or in part from state taxes or fees) shall, except as to princi-
 33 pal and interest on the public debt, be allocated monthly to each
 34 department, institution, board, commission or special appropriation on
 35 a percentage basis, in that ratio that the total appropriation for
 36 such department, institution, board, commission or special appropriation

CORRECTLY ENROLLED

CORRECTLY ENGROSSED

[Signature]
 Chairman, Committee on Engrossed and Enrolled Bills

[Signature]
 Vice Chairman, Committee on Engrossed and Enrolled Bills

2 from each fund for that fiscal year bears to the total of all appropri-

3 ations from each fund for that fiscal year, and no warrant shall be

4 issued in excess of said allocation. Any department, institution or

5 agency of the State operating on revenues derived from any law or laws

6 which allocate the revenues thereof to such department, institution or

7 agency, shall not incur obligations in excess of the unencumbered

8 balance of surplus cash on hand. The Legislature shall provide a

9 method whereby appropriations shall be divided and set up on a monthly,

10 quarterly or semiannual basis within each fiscal year to prevent

11 obligations being incurred in excess of the revenue to be collected,

12 and notwithstanding other provisions of this Constitution, the

13 Legislature shall provide that all appropriations shall be reduced to

14 bring them within revenues actually collected, but all such reductions

15 shall apply to each department, institution, board, commission or

16 special appropriation made by the State Legislature in the ratio that

17 its total appropriation for that fiscal year bears to the total of all

18 appropriations for that fiscal year; provided, however, that the

19 Governor may in his discretion issue a deficiency certificate or

20 certificates to the State Auditor for the benefit of any department,

21 institution, or agency of the State, if the amount of such deficiency

22 certificate or certificates be within the limit of the current appro-

23 priation for that department, institution, or agency, whereupon the

24 State Auditor shall issue warrants to the extent of such certificate or

25 certificates for the payment of such claims as may be authorized by the

26 Governor, and such warrants shall become a part of the public debt and

27 shall be paid out of any money appropriated by the Legislature and

28 made lawfully available therefor; provided further, that in no event

29 shall said deficiency certificate or certificates exceed in the

30 aggregate the sum of Five Hundred Thousand Dollars (\$500,000.00) in

31 any fiscal year.

32 The State shall never create or authorize the creation of any debt

33 or obligation, or fund or pay any deficit, against the State, or any

34 department, institution or agency thereof, regardless of its form or

35 the source of money from which it is to be paid, except as provided

36 in this amendment and in Sections Twenty-four (24) and Twenty-five (25)

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CORRECTLY ENGROSSED

[Signature]
 Chairman, Committee on Engrossed and Enrolled Bills

[Signature]
 Chairman, Committee on Engrossed and Enrolled Bills

2 of Article Ten (X) of the Constitution of the State of Oklahoma.
3 ~~Provided, that the Legislature may fund or refund the State debt~~
4 ~~arising prior to July 1, 1941.~~

5 SECTION 2. The Ballot Title for the proposed amendment shall be
6 in the following form:

7 BALLOT TITLE

8 Legislative Referendum No. _____ State Question No. _____

9 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

10 Shall a Constitutional Amendment

11 amending Section 23, Article X of the Constitution
12 of the State of Oklahoma, to provide that the State
13 Board of Equalization shall make an estimate of
14 revenues to be received by the State for the next
15 ensuing fiscal year; providing that estimate not
16 exceed total revenue accrued to any fund for
17 preceding fiscal year plus any cash surplus for
18 preceding fiscal year; prohibiting Legislature
19 from making appropriations until estimate is
20 made; making null and void appropriations in
21 excess of estimate; providing for allocation of
22 revenue to appropriations; providing limitations
23 upon deficiency certificates; providing limitations
24 against creation of indebtedness for payment of
25 deficiency

26 be approved by the people:

27 YES

28 SHALL THE PROPOSED AMENDMENT BE APPROVED?

29 NO _____

30 SECTION 3. The Speaker of the House of Representatives shall,
31 immediately after the effective date of this Resolution, prepare and
32 file one (1) copy thereof, including said Ballot Title, with the
33 Secretary of State and one (1) copy with the Attorney General.

34 SECTION 4. A special election is hereby ordered to be held
35 throughout this State on April 16, 1968, at which the proposed amend-
36 ment to the Constitution of the State of Oklahoma, as set forth in _____

CORRECTLY ENROLLED

CORRECTLY ENGROSSED

[Signature]
Chairman, Committee on Engrossed and Enrolled Bills

[Signature]
Vice Chairman, Committee on Engrossed and Enrolled Bills

2 Section 1 of this Resolution shall be submitted to the people of
3 Oklahoma for their approval or rejection as and in the manner provided
4 by law.

5 Passed the House of Representatives the 6th day of March, 1968.

8 *Reel Pruitt*

9 Speaker of the House of
10 Representatives.

11
12 Passed the Senate the 13 day of March, 1968.

14
15
16 *acting J. H. Hefner*

17 President of the Senate.

CORRECTLY ENROLLED

CORRECTLY ENGROSSED

16 Chairman, Committee on Engrossed and Enrolled Bills

26 Chairman, Committee on Engrossed and Enrolled Bills

Correctly Enrolled: *[Signature]* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

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

Passed the House of Representatives the 6th day of March, 1968.

[Signature: Ray Prineas]
Speaker of the House of Representatives.

Passed the Senate the 13th day of March, 1968.

[Signature: Angus Spigell]
President of the Senate.

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 14
day of March, 1968,
at 12:10, o'clock P. M.
By: *[Signature: John Rogers]*

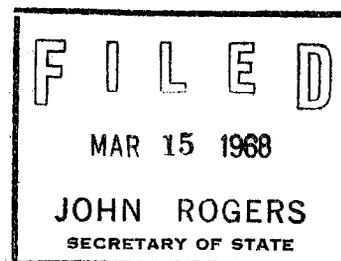


THE ATTORNEY GENERAL
OF OKLAHOMA

Oklahoma City, Okla. 73105

G. T. BLANKENSHIP
ATTORNEY GENERAL

March 15, 1968



Honorable John Rogers
Secretary of State
State Capitol Building
Oklahoma City, Oklahoma

Dear Mr. Rogers:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by 34 O.S. Supp. 1967, § 9, he has examined the proposed ballot title to Enrolled House Joint Resolution No. 551 of the 2nd regular session of the 31st Oklahoma Legislature, which, together with a copy of said resolution, was delivered to him on March 14, 1968, and from said examination finds that said ballot title is not in legal form, nor in harmony with the law. Therefore, the Attorney General submits the following ballot title which, in his opinion, is in legal form and in harmony with the law.

BALLOT TITLE

Legislative Referendum No. 166 State Question No. 453

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

amending Section 23, Article X, Oklahoma Constitution, to provide that the State Board of Equalization shall make annual estimates of revenues to be received by the State for the next ensuing fiscal year; changing time of making such estimate; providing that estimate not exceed total revenue which accrued to any fund

plus any cash surplus for preceding fiscal year; changing basis for estimate from average total revenue accruing three last preceding fiscal years to total revenue accruing last preceding fiscal year

be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

<input type="checkbox"/>
<input type="checkbox"/>

YES
NO

Inasmuch as 34 O.S. Supp. 1967, § 9, supra, expressly provides that

"no appeal shall be allowed as to ballot titles of constitutional or legislative enactments proposed by the Legislature which ballot titles have been approved or revised by the Attorney General,"

it is your duty, under the provisions of said section, to immediately

"transmit to the Secretary of the State Election Board an attested copy of the pending proposition, including such approved title."

Yours very truly,



G. T. Blankenship
Attorney General