

A Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 71

BY: BAGGETT

Correctly Enrolled: *Richard L. Baggett* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

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

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 OR MINUS AN AMOUNT EQUAL TO THE PERCENTAGE RATE OF INCREASE OR DECREASE IN THE REVENUES WHICH ACCRUED TO EACH SUCH FUND DURING THE THREE LAST PRECEDING YEARS 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.

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28 PROVIDING BALLOT TITLE; AND ORDERING SPECIAL
29 ELECTION.

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BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
SECOND SESSION OF THE THIRTY-FIRST 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 of Section 23, Article X of the Constitu-
tion of the State of Oklahoma, to read as follows:

Section 23. Within twenty-one 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 the next ensuing
fiscal year 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 such fiscal year shall not-exceed be
the total revenue which accrued to each such fund for the last

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Richard P. Loman
Chairman, Committee on Engrossed and Enrolled Bills

preceding fiscal year, to which amount shall be added or subtracted an amount determined by taking the average percentage rate of increase or decrease in the revenues which accrued to each such fund for the three last preceding years, to which amount shall be added the cash surplus, if any, from such 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 the fiscal year estimated.

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 in part from state taxes or fees) shall, except as to principal and interest on the public debt, be allocated monthly to each department,

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Richard C. Raymond
 Chairman, Committee on Engrossed and Enrolled Bills

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2 institution, board, commission or special appropriation on a percentage
3 basis, in that ratio that the total appropriation for such department,
4 institution, board, commission or special appropriation from each fund
5 for that fiscal year bears to the total of all appropriations from
6 each fund for that fiscal year, and no warrant shall be issued in
7 excess of said allocation. Any department, institution or agency of
8 the State operating on revenues derived from any law or laws which
9 allocate the revenues thereof to such department, institution or agency,
10 shall not incur obligations in excess of the unencumbered balance of
11 surplus cash on hand. The Legislature shall provide a method whereby
12 appropriations shall be divided and set up on a monthly, quarterly or
13 semiannual basis within each fiscal year to prevent obligations being
14 incurred in excess of the revenue to be collected, and notwithstanding
15 other provisions of this Constitution, the Legislature shall provide
16 that all appropriations shall be reduced to bring them within revenues
17 actually collected, but all such reductions shall apply to each depart-
18 ment, institution, board, commission or special appropriation made by
19 the State Legislature in the ratio that its total appropriation for
20 that fiscal year bears to the total of all appropriations for that
21 fiscal year; provided, however, that the Governor may in his discretion
22 issue a deficiency certificate or certificates to the State Auditor for
23 the benefit of any department, institution, or agency of the State, if
24 the amount of such deficiency certificate or certificates be within
25 the limit of the current appropriation for that department, institution,
26 or agency, whereupon the State Auditor shall issue warrants to the
27 extent of such certificate or certificates for the payment of such
28 claims as may be authorized by the Governor, and such warrants shall
29 become a part of the public debt and shall be paid out of any money
30 appropriated by the Legislature and made lawfully available therefor;
31 provided further, that in no event shall said deficiency certificate
32 or certificates exceed in the aggregate the sum of Five Hundred Thousand
33 Dollars (\$500,000.00) in any fiscal year.

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35 The State shall never create or authorize the creation of any debt
36 or obligation, or fund or pay any deficit, against the State, or any
department, institution or agency thereof, regardless of its form or

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Richard P. Henry
Chairman, Committee on Engrossed and Enrolled Bills

2 the source of money from which it is to be paid, except as provided in
3 this amendment and in Sections Twenty-four (24) and Twenty-five (25)
4 of Article Ten (X) of the Constitution of the State of Oklahoma.

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 Oklahoma Constitution,
12 to provide that the State Board of Equalization shall make
13 an estimate of revenues to be received by the State for the
14 next ensuing fiscal year; providing that estimate be the
15 total revenue accrued to any fund for preceding fiscal year
16 plus or minus average percentage rate of increase or decrease
17 during last preceding three year period and plus any cash
18 surplus for preceding fiscal year; prohibiting Legislature
19 from making appropriations until estimate is made; making
20 null and void appropriations in excess of estimate; providing
21 for allocation of revenue to appropriations; providing
22 limitations upon deficiency certificates; providing limita-
23 tions against creation of indebtedness for payment of
24 deficiency

25 be approved by the people?

26 YES

27 SHALL THE PROPOSED AMENDMENT BE APPROVED?

28 NO

29 SECTION 3. The President Pro Tempore of the State Senate shall,
30 immediately after the effective date of this Resolution, prepare and
31 file one (1) copy thereof, including said Ballot Title, with the
32 Secretary of State and one (1) copy with the Attorney General.

33 SECTION 4. A special election is hereby ordered to be held through
34 out the State on the date of the next ensuing primary election, at which
35 the proposed amendment to the Constitution of the State of Oklahoma set
36 forth in SECTION 1 of this Resolution shall be submitted to the people

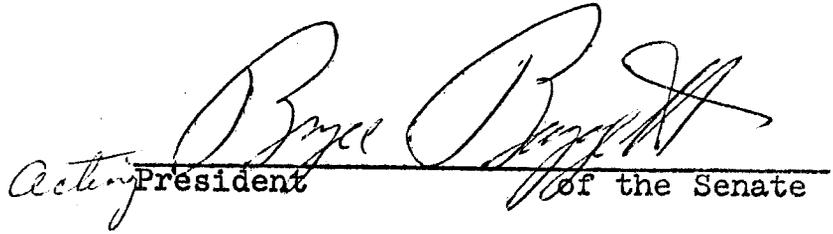
CORRECTLY ENROLLED

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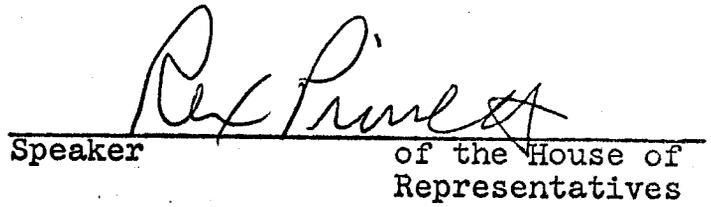
Richard L. Romberg
Chairman, Committee on Engrossed and Enrolled Bills

2 of Oklahoma for their approval or rejection as and in the manner pro-
3 vided by law.

4 Passed the Senate the 30th day of April, 1968.

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Acting President of the Senate

9 Passed the House of Representatives the 2nd day of May,
10 1968.

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13 Speaker of the House of
14 Representatives

CORRECTLY ENROLLED

CORRECTLY ENGROSSED

Richard E. Long
Chairman, Committee on Enrolled and Engrossed Bills

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

ENR. S. J. R. NO. 71

Passed the Senate the 30th day of April, 1968, and correctly enrolled the 2d day of May, 1968.

actly Tom Payne
President of the Senate

Passed the House of Representatives the 2d day of May, 1968.

Rep. Linn
Speaker of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 2nd

day of May, 1968,

at 4:50 o'clock P. M.

By: John Rogers

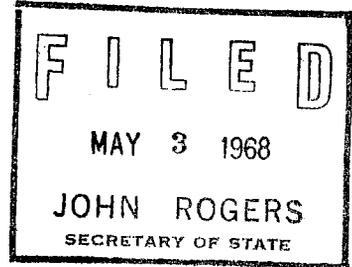
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THE ATTORNEY GENERAL
OF OKLAHOMA

Oklahoma City, Okla. 73105

May 3, 1968



G. T. BLANKENSHIP
ATTORNEY GENERAL

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 Senate Joint Resolution No. 71, of the 2nd Regular Session of the 31st Oklahoma Legislature, which, together with a copy of said Resolution, was delivered to him on May 2, 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

STATE QUESTION NO. 461 LEGISLATIVE REFERENDUM NO. 174

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

amending Section 23, Article X of the Oklahoma Constitution, to provide that the State Board of Equalization shall make an estimate of revenues to be received by the State for the next ensuing fiscal year; providing that estimate be the total revenue accrued to any fund for preceding fiscal year plus or minus average percentage rate of increase or decrease during last preceding three year period and plus any cash surplus for preceding fiscal year; prohibiting Legislature from making appropriations until estimate is made; and making null and void appropriations in excess of estimate;

Mr. Rogers

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May 3, 1968

be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES

NO

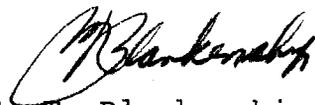
Inasmuch as 34 O.S. Supp. 1967, § 9, supra, expressly provides that

"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

GTB:ch