

# Resolution

ENROLLED SENATE  
JOINT  
RESOLUTION NO. 6

BY: HOWARD, HAMILTON, BERRONG, RANDLE,  
DAHL, FUNSTON, CAPPS, GRAVES, LAMB,  
LUTON, McCUNE, WADLEY and WOLFE of  
the SENATE

and

WILLIS, TOWNSEND, DENMAN, ROGERS,  
VAUGHN, CAMPBELL, BRUNTON, GREEN,  
WICKERSHAM and EDMONDSON of the  
HOUSE

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 X, 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 A PROCEDURE FOR COMPUTING  
ESTIMATE; PROHIBITING LEGISLATURE FROM MAKING  
APPROPRIATION 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: John R. McCune, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS  
Correctly Enrolled: J. R. McCune

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 35TH 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 Constitution of the State of Oklahoma, to read as follows:

— Section 23. Not more than forty-five (45) days or less than thirty-five (35) days 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. The estimate shall not exceed an amount which shall be determined by the following procedure:

— (1) Certify the total amount of revenue which accrued to the General Revenue Fund and each special fund during the last preceding fiscal year;

— (2) Next, compute the percentage by which, in each one of the last five (5) preceding fiscal years, the amount of revenue exceeded, or was below, the corresponding amount of revenue for the next preceding fiscal year, the average percentage of increase or decrease for this five-year period shall then be computed. Revenue of a nonrecurring nature shall be excluded from the revenue of the preceding fiscal years in computing the percentage of increase or decrease for those years.

— (3) If there is a decline in the percentage of increase during the last preceding fiscal year as compared to the five-year average computed above, the Board shall compute such percentage for that period.

— (4) The Board of Equalization, having computed the percentage based on (2) and on (3) above, shall then certify which is the lesser of the two methods.

*John R. McCune*

Correctly Enrolled:

(5) The Board shall then add to or subtract from the total amount of the revenue for the last preceding fiscal year, a sum equal to twice the lesser of the two methods.

Such estimate shall be filed with the Governor, the President and President Pro Tempore 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 or a reduction in revenues, other than ad valorem taxes, or transferring the existing revenues or unappropriated cash on hand 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, with the President and President Pro Tempore 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.

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

Correctly Enrolled: *John R. McCune*

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 unencumbered balance of cash on hand. The Legislature shall provide a method whereby appropriations shall be divided and set up on a monthly, quarterly or semiannual 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

Correctly Enrolled: *John R. McCune*, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

or certificates exceed in the aggregate the sum of Five Hundred Thousand Dollars (\$500,000.00) 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 24 and 25 of Article X of the Constitution of the State of Oklahoma.

SECTION 2. The Ballot Title for the proposed Constitutional 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 X, Oklahoma Constitution, providing that the State Board of Equalization shall make an estimate of revenues to be received by the state for the next fiscal year; providing for manner of computing the amount of the estimate; prohibiting Legislature from making appropriations until estimate is made; nullifying appropriations in excess of estimate; limiting deficiency certificates; limiting creation of indebtedness for payment of deficiency

be approved by the people?

YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

NO

SECTION 3. The President Pro Tempore of the Senate 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 of Oklahoma on July 22, 1975, at which time the

Correctly Enrolled: John R. McCross; Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

proposed amendment to the Constitution of the State of Oklahoma, as 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 Senate the 1st day of May, 1975.

H. S. Hirschel  
President of the Senate

Passed the House of Representatives the 28th day of April, 1975.

Wm. P. Willis  
Speaker of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

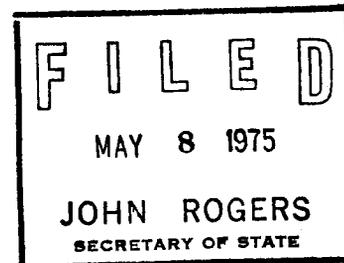
Received by the Secretary of State this 5th

day of May, 1975,

at 4:15 o'clock P.M.

By: John Rogers

STATE  
OF  
OKLAHOMA  
**THE ATTORNEY GENERAL**  
**LARRY DERRYBERRY**  
STATE CAPITOL, OKLAHOMA CITY, OKLAHOMA 73105, TELEPHONE 405/521-3921



May 8, 1975

The Honorable John Rogers  
Secretary of State  
State Capitol Building  
Oklahoma City, Oklahoma 73105

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. 1971, §9, he has examined the proposed ballot title to Enrolled Senate Joint Resolution No. 6 of the First Regular Session of the Thirty-fifth Oklahoma Legislature, and from said examination finds that said ballot title is not in legal form and harmony with the law and does not accurately reflect the gist of said proposal. 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. 206 State Question No. 506

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

amending Section 23, Article X, Oklahoma Constitution, providing new time limit State Board of Equalization shall make estimate of next fiscal year revenue; providing that estimate be determined by computing average percentage of increase or decrease of revenue of last five preceding fiscal years, computing any decline in percentage increase of revenue last preceding fiscal

The Honorable John Rogers  
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year compared to five year average, subtracting or adding to revenue of last fiscal year sum equal to twice the lesser of the two methods; authorizing Legislature to reduce revenue and transfer unappropriated cash on hand,

be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED

YES

NO

Yours very truly,



MIKE D. MARTIN  
ASSISTANT ATTORNEY GENERAL

MDM/jr