ENROLLED SENATE JOINT RESOLUTION NO. 44

ENACTED BY THE SECOND REGULAR SESSION OF THE

THIRTY-NINTH LEGISLATURE OF THE STATE OF OKLAHOMA

NUMBER BY THE SECRETARY OF STATE

LEGISLATIVE REFERENDUM NUMBER 239, STATE QUESTION NUMBER 571

RECEIVED: MARCH 21, 1984

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 44

BY: DAWSON of the SENATE
and
HOLDEN 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 7 OF ARTICLE XXIII OF THE OKLAHOMA CONSTITUTION; AUTHORIZING THE LEGISLATURE TO SET STATUTORY LIMITS ON THE AMOUNT OF RECOVERABLE DAMAGES FOR INJURIES RESULTING IN DEATH IN CLAIMS OR ACTIONS AGAINST THE STATE OR ITS POLITICAL SUBDIVISIONS; PROVIDING A BALLOT TITLE; AND DIRECTING FILING.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 39TH 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 7 of Article XXIII of the Constitution of the State of Oklahoma, to read as follows:

Section 7. The right of action to recover damages for injuries resulting in death shall never be abrogated, and, except in claims or actions against the state or any of its political subdivisions, the amount recoverable shall not be subject to any statutory limitation, provided however, that the Legislature may provide an amount of compensation under the ~~Workmen's~~ Worker's Compensation Law for death resulting from injuries suffered in employment covered by such law, in which case the compensation so provided shall be exclusive.

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:

Shall a Constitutional amendment

amending Section 7 of Article XXIII of the Oklahoma Constitution by authorizing the Legislature to set statutory limits on claims or actions against the state or any of its political subdivisions for the amount of recoverable damages for injuries resulting in death

be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

/_/ 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.

Correctly Enrolled John R. McCune

Passed the Senate the 21st day of February, 1984.

ACTING [signature]
President of the Senate

Passed the House of Representatives the 19th day of March, 1984.

[signature]
Speaker Pro Tempore of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 21st **day of** March, 1984,

at 8:30 **o'clock** P. **M.**

Jeannette B. Edmondson

By: _____

MICHAEL C. TURPEN
ATTORNEY GENERAL
STATE OF OKLAHOMA
STATE CAPITOL, OKLAHOMA CITY, OKLAHOMA 73105

September 6, 1984

The Honorable Jeannette B. Edmondson
Secretary of State
State Capitol Building
Oklahoma City, OK 73105

RE: Ballot Title for Legislative Referendum No.239
State Question Number 571

Dear Secretary Edmondson:

The Attorney General has received your letter dated September 5, 1984, requesting review of the subject Ballot Title as required by 34 O.S.Supp.1983, § 9.

The Ballot Title as proposed by you and approved by the Superintendent of Public Instruction, the Speaker of the House of Representatives and the President Pro Tempore of the Senate, reads as follows:

BALLOT TITLE

This mesure would amend the Oklahoma Constitution. It would amend section 7 of Article XXIII. This section relates to the right to sue for damages. The damages are for personal injuries resulting in death. The measure would allow the Legislature to set statutory limits. The limits would be for the amount of damages that can be recovered. The limits would be on claims or actions against the state or the political subdivisions of the state.

SHALL THE PROPOSED AMENDMENT BE APPROVED BY THE PEOPLE?

(1) Yes, for the amendment

(2) No, against the amendment

The Attorney General has reviewed your proposed official ballot title for Legislative Referendum No.239, State Question No.571 and certifies that the proposed ballot title is in legal form and harmony with the law.

Sincerely,

MICHAEL C. TURPEN
ATTORNEY GENERAL OF OKLAHOMA

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