

ENROLLED HOUSE JOINT RESOLUTION 1051
ENACTED BY THE SECOND REGULAR SESSION OF THE
48TH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE
STATE QUESTION NUMBER 703
LEGISLATIVE REFERENDUM NUMBER 328

RECEIVED: May 24, 2002

Resolution

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1051

By: Perry of the House

and

Coffee of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 53 of Article V of the Constitution of the State of Oklahoma; allowing certain state contracts to limit the liability of vendors; authorizing the Legislature to enact certain laws; providing ballot title; and directing filing _____

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 48TH 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 to Section 53 of Article V of the Constitution of the State of Oklahoma to read as follows:

Section 53. A. Except as to tax and assessment charges against real property remaining delinquent and unpaid for a period of time as long or longer than that provided by law to authorize the taking title to real property by prescription, the Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liabilities, or obligations of any corporation or individual, to this State, or any county or other municipal corporation thereof.

B. The Legislature may enact laws to permit state entities to limit the contractual liability of persons contracting to provide information technology goods or services to the state, but in no event shall liability be limited to less than the amount of the contract.

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:

This measure amends the Oklahoma Constitution. It amends Section 53 of Article 5. This measure would allow the Legislature to pass certain laws. The laws would affect persons contracting with the state. The laws could limit the liability those persons have to the state. The liability limit would apply only to certain contracts. It would apply to contracts for information technology. Liability could not be limited to less than the amount of the contract.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall 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.

Passed the House of Representatives the 17th day of May, 2002.



Presiding Officer of the House of
Representatives

Passed the Senate the 23rd day of May, 2002.



Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 24th

day of May 20 02,

at 1:55, o'clock P. M.

By: Mike Bontew



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 29, 2002

Mr. Mike Hunter, Secretary of State
Office of the Secretary of State
101 State Capitol Building
Oklahoma City, Oklahoma 73105

The Honorable Stratton Taylor
President Pro Tempore
422 State Capitol Building
Oklahoma City, OK 73105

The Honorable Larry E. Adair
Speaker of the House of Representatives
401 State Capitol Building
Oklahoma City, OK 73105

FILED

MAY 29 2002

OKLAHOMA SECRETARY
OF STATE

Re: Ballot Title for State Question No. 703, Legislative Referendum No. 328

Gentlemen:

We have, in accordance with provisions of 34 O.S.2001, § 9(C), reviewed the Ballot Title for the above-referenced State Question and conclude that it is in harmony with the law. We point out, however, that the bold language following the actual language of the Ballot Title does not fully comply with the requirements of 26 O.S.2001, § 6-113, which requires the following language to follow the substantive language of the Ballot Title:

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES

AGAINST THE PROPOSAL—NO



As a Title 34 Ballot Title review, this letter does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law.

Respectfully submitted,



W.A. DREW EDMONDSON
ATTORNEY GENERAL

WAE:rjs