ENROLLED HOUSE JOINT RESOLUTION 1014
ENACTED BY THE FIRST REGULAR SESSION OF THE
52ND LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 754
LEGISLATIVE REFERENDUM NUMBER 354

RECEIVED: May 21, 2009
A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 55A to Article V; prohibiting restrictions on certain powers of Legislature; providing expenditures not required based upon certain predetermined basis or by reference to expenditures of other government or other entities; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 52ND 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 the Constitution of the State of Oklahoma by adding a new Section 55A to Article V thereof, to read as follows:

Section 55A. Notwithstanding any other provision of the Oklahoma Constitution to the contrary, whether such provision is in effect prior to, simultaneously with or after the provisions of this section shall become adopted, the Legislature shall not be required to make expenditures for any function of government using a predetermined formula of any kind or by reference to the expenditure
levels of any other state government or any other entity. The provisions of this section shall not be construed to authorize the Legislature to make appropriations in excess of the limits allowed by Section 23 of Article X or any other provision of the Constitution.

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 would add a new Section 55A to Article 5. It relates to the state budget. It relates to the ability of the Legislature to spend money each year. It would allow the Legislature to make decisions about the state budget. The Legislature would be able to decide how much money to spend each year. The Legislature would not be required to spend a certain amount of money for any one government service or function. If this amendment is adopted, the Oklahoma Constitution could not require the Legislature to do this. If this amendment is adopted, the Oklahoma Constitution could not require the Legislature to make spending decisions based on how much money any other state spent.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES

AGAINST THE PROPOSAL — NO

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 15th day of May, 2009.

Presiding Officer of the House of Representatives

Passed the Senate the 20th day of May, 2009.

Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 21st day of May, 2009, at 2:34 o'clock P.M.

By: M. Luenenburger
May 21, 2009

The Honorable Drew Edmondson
Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

Dear Attorney General Edmondson:

You are hereby notified that Enrolled House Joint Resolution 1014 was received in the Office of the Secretary of State this 21th day of May, 2009. This resolution has been designated as State Question Number 754, Legislative Referendum Number 354.

Pursuant to 34 O.S., 2008 Supp., Section 9, this office is submitting the proposed ballot title to you for review.

If this office may be of further assistance, please advise.

Sincerely,

M. Susan Savage
Secretary of State

MSS/kj
May 26, 2009

The Honorable M. Susan Savage  
Oklahoma Secretary of State  
Room 101, State Capitol Building  
Oklahoma City, Oklahoma 73105

Re:  State Question Number 754  
Legislative Referendum Number 354

Dear Secretary Savage:

I am in receipt of your letter to Attorney General W.A. Drew Edmondson regarding the above. Attorney General Edmondson has requested that I respond back to you. I have referred this information to Neal Leader, Senior Assistant Attorney General, for his information and use.

If you have any questions, please feel free to contact Mr. Leader directly.

Sincerely,

TOM GRUBER  
FIRST ASSISTANT ATTORNEY GENERAL

cc:  W.A. Drew Edmondson  
Attorney General  
Neal Leader
Office of Attorney General
State of Oklahoma

June 1, 2009

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, Ok 73105

The Honorable Chris Benge
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: Ballot Title for State Question No. 754, Legislative Referendum 354

Dear Secretary Savage, Senator Coffee, and Speaker Benge:

In accordance with the provisions of 34 O.S.Supp.2008, § 9(C), we have reviewed the Ballot Title for the above referenced State Question and conclude that it does not comply with applicable laws for the following reasons:

- It is not written on the 8th grade reading comprehension level.
- It does not adequately explain the effect of the proposition.

Having found that the Ballot Title does not comply with applicable law, we will, in conformity with the provisions of 34 O.S.Supp.2008, § 9(C), within ten (10) business days, prepare a preliminary Ballot Title which complies with the law.

Respectfully submitted,

W. A. Drew Edmondson
ATTORNEY GENERAL

WAE/ab

315 N.E. 21st Street • Oklahoma City, OK 73105 • (405) 521-3921 • Fax: (405) 521-6246

recycled paper
June 15, 2009

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Benge
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: Preliminary Ballot Title for State Question No. 754, Legislative Referendum No. 354

Dear Secretary Savage, Senator Coffee, and Speaker Benge:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S.Supp.2008, §9(C), prepared the following Preliminary Ballot Title. As a Title 34 Ballot Title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Preliminary Ballot Title reads as follows:

PRELIMINARY BALLOT TITLE FOR STATE QUESTION NO. 754

This measure adds a new section to the Oklahoma Constitution. It adds Section 55A to Article 5. The Legislature designates amounts of money to
be used for certain functions. These designations are called appropriations. The measure deals with the appropriation process.

The measure limits how the Constitution could control that process. Under the measure the Constitution could not require the Legislature to fund state functions based on:

1. Predetermined constitutional formulas,
2. How much other states spend on a function,
3. How much any entity spends on a function.

Under the measure these limits on the Constitution’s power to control appropriations would apply even if:

1. A later constitutional amendment changed the Constitution, or
2. A constitutional amendment to the contrary was passed at the same time as this measure.

Thus, under the measure, once adopted, the measure could not be effectively amended. Nor could it be repealed.

**SHALL THE PROPOSAL BE APPROVED?**

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<thead>
<tr>
<th>FOR THE PROPOSAL - YES</th>
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<tr>
<td>AGAINST THE PROPOSAL - NO</td>
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Respectfully submitted,

W.A. Drew Edmondson
Attorney General

WAE/ab
M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Benge
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: Final Ballot Title for State Question No. 754, Legislative Referendum No. 354

Dear Secretary Savage, Senator Coffee, and Speaker Benge:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S.Supp.2008, §9(C), prepared the following Final Ballot Title. As a Title 34 Ballot Title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Final Ballot Title reads as follows:

**FINAL BALLOT TITLE FOR STATE QUESTION NO. 754**

This measure adds a new section to the Oklahoma Constitution. It adds Section 55A to Article 5. The Legislature designates amounts of money to be used for certain functions. These designations are called appropriations. The measure deals with the appropriation
process.

The measure limits how the Constitution could control that process. Under the measure the Constitution could not require the Legislature to fund state functions based on:

1. Predetermined constitutional formulas,
2. How much other states spend on a function,
3. How much any entity spends on a function.

Under the measure these limits on the Constitution’s power to control appropriations would apply even if:

1. A later constitutional amendment changed the Constitution, or
2. A constitutional amendment to the contrary was passed at the same time as this measure.

Thus, under the measure, once adopted, the measure could not be effectively amended. Nor could it be repealed.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

Respectfully submitted,

W.A. DREW EDMONDSON
ATTORNEY GENERAL

WAE/ab
I, Brad Henry, Governor of the State of Oklahoma, pursuant to the provisions of Section 3 of Article V and Section 1 of Article XXIV of the Oklahoma Constitution, and Section 12 of Title 34 of the Oklahoma Statutes, and the referral by the Secretary of State do hereby declare that Legislative Referendum Number 354, State Question 754, be submitted to qualified electors of the State of Oklahoma for their approval or rejection at the general election to be held statewide on November 2, 2010.

The substance of the measure is as follows:

This measure adds a new section to the Oklahoma Constitution. It adds Section 55A to Article 5. The Legislature designates amounts of money to be used for certain functions. These designations are called appropriations. The measure deals with the appropriation process.

The measure limits how the Constitution could control that process. Under the measure the Constitution could not require the Legislature to fund state functions based on:

1. Predetermined constitutional formulas,
2. How much other states spend on a function,
3. How much any entity spends on a function.

Under the measure these limits on the Constitution's power to control appropriations would apply even if:

1. A later constitutional amendment changed the Constitution, or
2. A constitutional amendment to the contrary was passed at the same time as this measure.

Thus, under the measure, once adopted, the measure could not be effectively amended. Nor could it be repealed.

Copies of this Executive Proclamation shall be delivered to the Secretary of State, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Secretary of the State Election Board.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 9th day of August, 2010.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

BRAD HENRY

ATTEST:

SECRETARY OF STATE
August 10, 2010

The Honorable Paul Ziriax
Secretary, State Election Board
State Capitol, Room 3
Oklahoma City, Oklahoma 73105

Dear Secretary Ziriax:

Enclosed are copies of the Governor's Proclamations calling for the election on:

- State Question Number 744, Initiative Petition Number 391
- State Question Number 746, Legislative Referendum Number 347
- State Question Number 747, Legislative Referendum Number 348
- State Question Number 748, Legislative Referendum Number 349
- State Question Number 750, Legislative Referendum Number 350
- State Question Number 751, Legislative Referendum Number 351
- State Question Number 752, Legislative Referendum Number 352
- State Question Number 754, Legislative Referendum Number 354
- State Question Number 755, Legislative Referendum Number 355
- State Question Number 756, Legislative Referendum Number 356
- State Question Number 757, Legislative Referendum Number 357

If there are any questions, or if our office may be of further assistance, please do not hesitate to let us know.

Sincerely,

M. Susan Savage
Secretary of State

MSS/kj
November 12, 2010

The Honorable M. Susan Savage  
Secretary of State  
Room 101, State Capitol  
Oklahoma City, Oklahoma 73105

Dear Ms. Savage:

Enclosed please find a copy of the official returns of the vote at the General Election on November 2, 2010, on the following measures, as certified to the Governor of the State of Oklahoma. The results of the vote on State Question 755, Legislative Referendum 355, have not been certified by the State Election Board and are not included.

State Question No. 744, Initiative Petition No. 391  
State Question No. 746, Legislative Referendum No. 347  
State Question No. 747, Legislative Referendum No. 348  
State Question No. 748, Legislative Referendum No. 349  
State Question No. 750, Legislative Referendum No. 350  
State Question No. 751, Legislative Referendum No. 351  
State Question No. 752, Legislative Referendum No. 352  
State Question No. 754, Legislative Referendum No. 354  
State Question No. 756, Legislative Referendum No. 356  
State Question No. 757, Legislative Referendum No. 357

Sincerely,

[Signature]
PAUL ZIRIAK, Secretary  
State Election Board

PZ/mf

Receipt of the above hereby is acknowledged on this ___ day of November, 2010.

By: [Signature]  
Time: 10:15 am.
November 12, 2010

The Honorable Brad Henry
Governor of the State of Oklahoma
Room 212, State Capitol
Oklahoma City, Oklahoma 73105

Dear Governor Henry:

Pursuant to the provisions of 26 O.S. 2001, §12-118, the State Election Board herewith certifies the results of the vote at the General Election on November 2, 2010, on the following measures. The results of the vote on State Question 755, Legislative Referendum 355, have not been certified by the State Election Board and are not included.

STATE QUESTION No. 744
INITIATIVE PETITION No. 391

YES: 189,164
NO: 828,589

STATE QUESTION No. 746
LEGISLATIVE REFERENDUM No. 347

YES: 746,053
NO: 257,523

STATE QUESTION No. 747
LEGISLATIVE REFERENDUM No. 348

YES: 695,592
NO: 299,789
STATE QUESTION NO. 748
LEGISLATIVE REFERENDUM NO. 349

YES: 567,288
NO: 403,733

STATE QUESTION NO. 750
LEGISLATIVE REFERENDUM NO. 350

YES: 485,703
NO: 478,042

STATE QUESTION NO. 751
LEGISLATIVE REFERENDUM NO. 351

YES: 740,918
NO: 239,904

STATE QUESTION NO. 752
LEGISLATIVE REFERENDUM NO. 352

YES: 606,805
NO: 358,925

STATE QUESTION NO. 754
LEGISLATIVE REFERENDUM NO. 354

YES: 361,907
NO: 614,219
STATE QUESTION No. 756
LEGISLATIVE REFERENDUM No. 356

YES: 638,530
NO: 347,956

STATE QUESTION No. 757
LEGISLATIVE REFERENDUM No. 357

YES: 499,287
NO: 479,353

Sincerely,

Paul Ziriax
Secretary
State Election Board

By:

Receipt of the above hereby is acknowledged on this 16th day of November, 2010.

By:

Time: 9:30 am
EXECUTIVE DEPARTMENT

EXECUTIVE PROCLAMATION

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by the provisions of Section 12-118 of Title 26 of the Oklahoma Statutes and the Certification by the State Election Board, do hereby proclaim State Question Number 754 to have failed. The results of the election held on November 2, 2010, on State Question 754, Legislative Referendum Number 354, are as follows:

Total Votes – 976,126

YES – 361,907
NO – 614,219

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 5th day of January, 2011.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

BRAD HENRY

SECRETARY OF STATE