

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE JOINT
RESOLUTION HJR1042

By: Calvey

AS INTRODUCED

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 to Article X to be designated as Section 19A; prohibiting use of revenue derived from certain sources; prohibiting fees in excess of direct costs; requiring State Auditor and Inspector to prescribe method; requiring certain appropriation to the Waste Tire Recycling Indemnity Fund; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
2ND SESSION OF THE 47TH 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 19A to Article X thereof, to read as follows:

A. The revenue derived from imposition of a fee or a tax shall not be appropriated, transferred or otherwise expended by the Legislature from a revolving fund or other fund established by law if the revenue contained in the fund was derived from the payment of a fee, tax or other revenue source imposed pursuant to law and the fee, tax or other revenue source was dedicated for apportionment or deposit into such fund by the law imposing such fee, tax or other revenue source.

B. No fee imposed pursuant to law shall exceed the actual direct cost of the program for which the fee is imposed. The State

Auditor and Inspector shall prescribe a method for determination of actual direct costs for any program funded in whole or in part through the imposition of a fee. The provisions of this subsection shall be applicable to any fee imposed, charged or collected on or after July 1, 2001.

C. The Legislature shall make an appropriation, from the General Revenue Fund or the Special Cash Fund, in the amount of Four Million Six Hundred Thousand Dollars (\$4,600,000.00) to the Waste Tire Recycling Indemnity Fund for the fiscal year beginning July 1, 2001.

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 would amend the Oklahoma Constitution. It would add a new Section 19A to Article 10. It would stop the Legislature from using money obtained from fees or taxes if the money came from certain funds. The Legislature could not use this kind of money for any purpose other than the purpose originally stated in the law imposing the fee or tax. A fee could not be imposed if the money collected from the fee was more than the amount needed to run the government program for which the fee was collected. The Legislature would have to replace \$4,300,000.00 in funds collected from a waste tire recycling fee. These funds were transferred by a law effective July 1, 1999. The funds would be replaced on July 1, 2001.

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.

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