

ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1008

By: Smith (Dale) of the House

and

Shurden of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed act relating to wildlife funding; amending 29 O.S. 1991, Section 3-302, as amended by Section 55, Chapter 382, O.S.L. 1994 (29 O.S. Supp. 2000, Section 3-302), which relates to the Wildlife Conservation Fund; providing for deposit of certain monies in the Fund; amending 68 O.S. 1991, Section 1353, as amended by Section 3, Chapter 269, O.S.L. 1996 (68 O.S. Supp. 2000, Section 1353), which relates to sales tax collections; providing for certain sales tax collections to be deposited into the Wildlife Conservation Fund; providing for the transfer of certain sales tax revenues to the Wildlife Conservation Fund; providing for maximum amount of transfer; providing list of equipment subject to collections; providing for estimate based on certain survey; providing for codification; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
1ST SESSION OF THE 48TH OKLAHOMA LEGISLATURE:

SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma Constitution, there is hereby ordered the following legislative referendum which shall be filed with the Secretary of State and addressed to the Governor of the state, who shall submit the same to the people for their approval or rejection at the General Election to be held on November 5, 2002.

SECTION 2. AMENDATORY 29 O.S. 1991, Section 3-302, as amended by Section 55, Chapter 382, O.S.L. 1994 (29 O.S. Supp. 2000, Section 3-302), is amended to read as follows:

Section 3-302. A. There is hereby created in the State Treasury a revolving fund to be known as the Wildlife Conservation

Fund, which shall consist of all monies heretofore or hereafter appropriated to, on deposit in, or credited to the State Game and Fish Fund created by Section 115, Title 29 of the Oklahoma Statutes, and, in addition thereto, all license fees, penalties, fines or forfeitures and bond forfeitures collected by the state, any subdivision thereof, any public official or any other person for the violation of the wildlife conservation laws of this state, all monies transferred as provided for in Section 4 of this act, and all donations for such purposes as well as all monies received by the Department and all interest accruing therefrom. All monies accruing to the fund shall be subject to the following budgetary limitations:

1. Full-time-equivalent employees;
2. Personal services expenditures;
3. Federal fund expenditures; and
4. Total expenditures.

B. The expenditures of the Wildlife Conservation Fund shall be under the control and supervision of the Commission, and all claims against said fund shall be paid on its itemized voucher form, prepared by said Commission and sworn to by the claimant, ~~and/or~~ vendor's invoices as authorized under Section 86.17 of Title 74 of the Oklahoma Statutes. All such claims when duly signed and sworn to shall be audited by the Commission ~~and/or~~ designated employees and, upon final approval, vouchers which are payable from said fund shall be forwarded to the Director of State Finance. Upon approval thereof, warrants shall issue according to law, and said warrants shall be paid by the State Treasurer from said fund. A reserve fund of not less than One Hundred Thousand Dollars (\$100,000.00) shall be maintained to be used in emergencies only, by and with the consent of the Governor, and an additional reserve fund of not less than Two Hundred Thousand Dollars (\$200,000.00) shall be maintained for the liquidation of unissued licenses purchased by authorized agents for

sale which have remained unsold when such unissued licenses are returned for refunds as provided for by law.

C. All fees, monies or funds arising from the operation and transactions of the Commission and from the application and administration of the laws and regulations pertaining to the wildlife resources of the state and from the sale of property used for said purposes shall be expended and used by said Commission for the control, management, restoration, conservation and regulation of the wildlife resources of the state, including the purchase or other acquisition of property for said purposes, and for the administration of the laws pertaining thereto and for no other purposes.

SECTION 3. AMENDATORY 68 O.S. 1991, Section 1353, as last amended by Section 8, Chapter 254, O.S.L. 1999 (68 O.S. Supp. 2000, Section 1353), is amended to read as follows:

Section 1353. Purpose of article - Apportionment of revenues.

It is hereby declared to be the purpose of the Oklahoma Sales Tax Code to provide funds for the financing of the program provided for by the Oklahoma Social Security Act and to provide revenues for the support of the functions of the state government of Oklahoma, and for this purpose it is hereby expressly provided that, for the fiscal year beginning July 1, 1999, and for each fiscal year thereafter, revenues derived pursuant to the provisions of the Oklahoma Sales Tax Code shall be apportioned as follows:

1. Eighty-six and four one-hundredths percent (86.04%) shall be paid to the State Treasurer to be placed to the credit of the General Revenue Fund to be paid out pursuant to direct appropriation by the Legislature, except as provided for in Section 4 of this act;

2. Ten and forty-two one-hundredths percent (10.42%) shall be paid to the State Treasurer to be placed to the credit of the Education Reform Revolving Fund of the State Department of Education; and

3. Three and fifty-four one-hundredths percent (3.54%) shall be paid to the State Treasurer to be placed to the credit of the Teachers' Retirement System Dedicated Revenue Revolving Fund; provided, when the total deposits to such Fund from all sources exceed One Hundred Thirty-six Million Dollars (\$136,000,000.00) for the fiscal year beginning July 1, 1999, any funds received in the fiscal year beginning July 1, 1999, in excess of such amount shall be paid to the State Treasurer to be placed to the credit of the General Revenue Fund.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1353.1 of Title 68, unless there is created a duplication in numbering, reads as follows:

Beginning July 1, 2001, the Oklahoma Tax Commission shall transfer, on a quarterly basis, to the Wildlife Conservation Fund created in Section 3-302 of Title 29 of the Oklahoma Statutes, twenty-five percent (25%) of the total amount of annual receipts of Oklahoma sales tax, levied pursuant to Section 1354 of Title 68 of the Oklahoma Statutes, from collections on hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife watching equipment and auxiliary wildlife watching equipment as estimated by the most recent United States Department of the Interior, United States Fish and Wildlife Service, and United States Department of Commerce Bureau of the Census "National Survey of Fishing, Hunting, and Wildlife Associated Recreation".

SECTION 5. The Ballot Title for the proposed act 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 change how a certain portion of the state sales tax is used. It would require a certain amount of sales

tax be transferred to the Wildlife Conservation Fund. The sales tax now goes into the General Revenue Fund. 25% of the sales tax on hunting, fishing, wildlife watching, and auxiliary equipment would be transferred. The amount would be based on a national report prepared by certain federal agencies.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 6. 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 5 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the House of Representatives the 12th day of March, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2001.

Presiding Officer of the Senate