STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

SENATE JOINT
RESOLUTION 43 By: Brogdon

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 33 of Article V of the Oklahoma Constitution; extending certain requirements to specified bills; defining terms; prohibiting specified bills to be passed during certain time period; providing conditions under which certain bills become effective; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 49TH 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 33 of Article V of the Constitution of the State of Oklahoma to read as follows:

Section 33. A. All bills for raising revenue or legislative measures establishing or increasing taxes, user fees or assessments where proceeds accrue to the General Revenue Fund of the State Treasury or for some purpose unrelated to the basis for imposition of the tax, user fee or assessment shall originate in the House of Representatives. The Senate may propose amendments to such revenue and fee bills. For the purposes of this section:

1. "Bill for raising revenue" means a bill which imposes a tax, fee or assessment for the support of general government; and

2. "Fee" means a charge fixed by a government entity for a specific service or privilege. If such service or privilege is related to the purpose for which the fee is expended, the restrictions of this section shall not apply.

B. No revenue bill or other bill as provided in subsection A of this section shall be passed during the five last days of the session.

C. Any revenue bill or other bill as provided in subsection A of this section originating in the House of Representatives shall not become effective until it has been referred to the people of the state at the next general election held throughout the state and shall become effective and be in force when it has been approved by a majority of the votes cast on the measure at such election and not otherwise, except as otherwise provided in subsection D of this section.

D. Any revenue bill or other bill as provided in subsection A of this section originating in the House of Representatives may become law without being submitted to a vote of the people of the state if such bill receives the approval of three-fourths (3/4) of the membership of the House of Representatives and three-fourths (3/4) of the membership of the Senate and is submitted to the Governor for appropriate action. Any such revenue bill or other bill as provided in subsection A of this section shall not be subject to the emergency measure provision authorized in Section 58 of this Article and shall not become effective and be in force until ninety days after it has been approved by the Legislature, and acted on by the Governor.

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 33 of Article 5. It changes the way some legislative bills are considered. It would affect bills which create or

increase certain fees and send funds to certain sources. One source is the state's General Revenue Fund. This kind of fee bill would have to begin in the House of Representatives. It could not be voted on during the five last days of the legislative session. These bills would only be enacted under certain situations. They could be voted on by the people of the state. They would be enacted only if approved by a majority of those voting. They could also be enacted by another method. The Legislature would have to approve them by a certain majority. It would require the approval of three-fourths of all Legislators. It would only become effective 90 days after the Legislature approves it and the Governor acts on it.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

☐ 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.

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