STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE JOINT
RESOLUTION 1016 By: Winchester

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Article XXIII of the Constitution of the State of Oklahoma by adding a new Section 13, which relates to the use of the proceeds of certain fees and assessments; limiting and specifying uses of proceeds and assessments; requiring subaccounts; authorizing transfers; providing exceptions; prohibiting certain uses; providing ballot title; and directing filing.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 50TH 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 Article XXIII of the Constitution of the State of Oklahoma by adding a new Section 13 to read as follows:

Section 13. A. The proceeds of any fee established or authorized by state statute for regulatory services or other actions by a state agency shall be used only within the agency specified in the authorizing statute and only for the purposes generally or specifically set out in the authorizing statute. Individual subaccounts shall be established by the state agencies as necessary to maintain the tracking of monies collected and to support the purposes generally or specifically set out in the authorizing statute. Each subaccount shall consist of all monies collected for the purpose for which such subaccount has been established. All monies collected shall be expended only and solely in furtherance of

the statutory objectives of such purposes generally or specifically set out in the authorizing statute. The state agency may transfer monies between subaccounts to meet cash flow needs of the agency so long as the monies are transferred back to the appropriate subaccount to be expended as required by the authorizing statute.

B. The proceeds of any assessment levied and collected for a specified purpose pursuant to a state statute shall be used and devoted to only those purposes specifically set out in the authorizing statute.

C. The proceeds specified by this section shall be subject to the legislative appropriation process only for the purposes specified in the authorizing statute. The purposes for which the proceeds are established or levied and the use of such proceeds shall not be amended or changed except pursuant to a substantive nonappropriation bill.

D. The proceeds specified in this section shall not be used to support general agency functions ordinarily supported by the general revenues of the state unless specifically authorized by a substantive nonappropriation bill.

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 State Constitution. It would add a new Section 13 to Article 23. The new section relates to the use of fees paid to regulatory agencies by businesses and individuals. The new section relates to the use of assessments levied for a specified purpose. This amendment would limit use of the money from the fees or assessments. The money could be used only for the purposes that are expressed in a state law.

Subaccounts must be established. Transfer of funds between subaccounts is authorized. To use the money for purposes not specified in the authorizing law, the Legislature would need to amend the authorizing statute in a nonappropriation bill.

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.

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