

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE JOINT
4 RESOLUTION 1038

By: Downing

7 AS INTRODUCED

8 A Joint Resolution directing the Secretary of State
9 to refer to the people for their approval or
10 rejection a proposed amendment to Section 33 of
11 Article V of the Constitution of the State of
12 Oklahoma; modifying provisions related to revenue-
13 raising measures; requiring revenue-raising measures
14 to be submitted to popular vote; providing exception
15 for measures with certain effects on revenues;
16 defining term; providing for presentment of revenue-
17 raising measures to the Governor based upon revenue
18 failure; requiring two-thirds vote of the Oklahoma
19 House of Representatives and the Oklahoma State
20 Senate; authorizing emergency clause; providing
21 ballot title; and directing filing.

22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
23 2ND SESSION OF THE 56TH OKLAHOMA LEGISLATURE:

24 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:

1 Section 33. A. ~~All bills for raising revenue shall originate~~
2 ~~in the House of Representatives. The Senate may propose amendments~~
3 ~~to revenue bills.~~

4 B. ~~No revenue bill shall be passed during the five last days of~~
5 ~~the session.~~

6 C. ~~Any~~ Except as otherwise provided by this section, a revenue
7 bill ~~originating in the House of Representatives~~ that creates a new
8 tax or increases an existing tax shall not become effective until it
9 has been referred to the people of the state ~~at the next general in~~
10 an election held throughout the state and shall become effective and
11 be in force when it has been approved by a majority of the votes
12 cast on the measure at such election and not otherwise, ~~except as~~
13 ~~otherwise provided in subsection D of this section.~~

14 D. ~~Any revenue bill originating in the House of Representatives~~
15 ~~may become law without being submitted to a vote of the people of~~
16 ~~the state if such bill receives the approval of three-fourths (3/4)~~
17 ~~of the membership of the House of Representatives and three-fourths~~
18 ~~(3/4) of the membership of the Senate and is submitted to the~~
19 ~~Governor for appropriate action. Any such revenue bill shall not be~~
20 ~~subject to the emergency measure provision authorized in Section 58~~
21 ~~of this Article and shall not become effective and be in force until~~
22 ~~ninety days after it has been approved by the Legislature, and acted~~
23 ~~on by the Governor.~~

1 B. The provisions of this section shall not apply to the
2 removal of tax exemptions, the creation or increase of fees, or any
3 other bill that increases revenues but is not a tax as defined in
4 this section.

5 C. As used in this section, a tax is defined as a compulsory
6 contribution to state revenue levied by the government on income and
7 profits, property, or added to the cost of some goods, services and
8 transactions, and where there is no direct exchange of government
9 consideration, including but not limited to privileges and services,
10 specifically for the compulsory contribution to state revenue.

11 D. The provisions of subsection A of this section shall not
12 apply, and a measure creating a new tax or increasing an existing
13 tax may be enacted by presentment of the measure to and approval of
14 the measure by the Governor, when a state revenue failure has been
15 declared during the then current fiscal year, a new tax or increase
16 to an existing tax is apportioned to the General Revenue Fund to
17 address the revenue failure, the measure has a sunset provision not
18 to exceed two (2) years which ends the levy of a new tax or reduces
19 the increase to an existing tax to the level in effect prior to the
20 enactment of such measure not later than December 31 of the second
21 calendar year following the date as of which the new tax levy or
22 increased tax levy first became effective as law, and the measure
23 receives the approval of two-thirds (2/3) of the membership of both
24 chambers and is presented to the Governor for action. A measure

1 presented to the Governor pursuant to the provisions of this
2 subsection may contain an emergency clause and, if no other
3 effective date is specified in the measure, shall become effective
4 upon approval by the Governor or upon an override of a veto on the
5 measure and an override vote with respect to the emergency clause in
6 the same manner as provided for other measures in the Oklahoma
7 Constitution.

8 SECTION 2. The Ballot Title for the proposed Constitutional
9 amendment as set forth in SECTION 1 of this resolution shall be in
10 the following form:

11 BALLOT TITLE

12 Legislative Referendum No. _____ State Question No. _____

13 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

14 This measure amends Section 33 of Article 5 in the Oklahoma
15 Constitution. It changes procedures used in the Legislature for
16 voting on revenue-raising measures. If a revenue-raising
17 measure does not receive three-fourths (3/4) approval in both
18 the Oklahoma House of Representatives and the Oklahoma State
19 Senate, the bill becomes a state question and is submitted at
20 the next General Election. With some exceptions, this measure
21 requires all revenue-raising measures to be submitted to a vote.
22 The election could be a General Election or a Special Election.
23 This process would not apply to bills that removed tax
24 exemptions, created or increased fees or other types of bills to

increase revenues. The term "tax" would be defined in the Constitution. A tax increase bill could be presented to the Governor instead of being submitted to a popular vote. For that to happen, a revenue failure would have to occur. For a revenue failure, a tax increase bill could be presented to the Governor for action if the bill received 2/3 approval by both the House of Representatives and the State Senate. A tax increase bill could become effective immediately upon the Governor's signature.

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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