

ENROLLED HOUSE JOINT RESOLUTION 1014
ENACTED BY THE FIRST REGULAR SESSION OF THE
52ND LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 754
LEGISLATIVE REFERENDUM NUMBER 354

RECEIVED: May 21, 2009

Resolution

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1014

By: Osborn, Enns, Reynolds,
Martin (Steve), Tibbs,
Faught, Kern and McDaniel
(Randy) of the House

and

Lamb of the Senate

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 55A to Article V; prohibiting restrictions on certain powers of Legislature; providing expenditures not required based upon certain predetermined basis or by reference to expenditures of other government or other entities; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 52ND 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 55A to Article V thereof, to read as follows:

Section 55A. Notwithstanding any other provision of the Oklahoma Constitution to the contrary, whether such provision is in effect prior to, simultaneously with or after the provisions of this section shall become adopted, the Legislature shall not be required to make expenditures for any function of government using a predetermined formula of any kind or by reference to the expenditure

levels of any other state government or any other entity. The provisions of this section shall not be construed to authorize the Legislature to make appropriations in excess of the limits allowed by Section 23 of Article X or any other provision of the Constitution.

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 would add a new Section 55A to Article 5. It relates to the state budget. It relates to the ability of the Legislature to spend money each year. It would allow the Legislature to make decisions about the state budget. The Legislature would be able to decide how much money to spend each year. The Legislature would not be required to spend a certain amount of money for any one government service or function. If this amendment is adopted, the Oklahoma Constitution could not require the Legislature to do this. If this amendment is adopted, the Oklahoma Constitution could not require the Legislature to make spending decisions based on how much money any other state spent.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

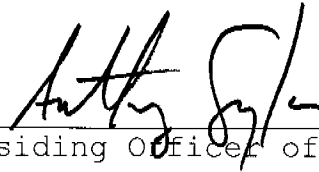
SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the House of Representatives the 15th day of May, 2009.



Presiding Officer of the House of
Representatives

Passed the Senate the 20th day of May, 2009.



Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
21st day of May, 20 09,
at 2:34 o'clock P M.

By: M. Susan Sawyer



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor

May 21, 2009

The Honorable Drew Edmondson
Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

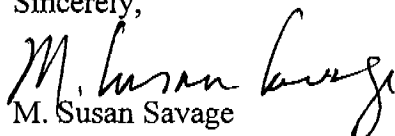
Dear Attorney General Edmondson:

You are hereby notified that Enrolled House Joint Resolution 1014 was received in the Office of the Secretary of State this 21th day of May, 2009. This resolution has been designated as **State Question Number 754, Legislative Referendum Number 354.**

Pursuant to 34 O.S., 2008 Supp., Section 9, this office is submitting the proposed ballot title to you for review.

If this office may be of further assistance, please advise.

Sincerely,


M. Susan Savage
Secretary of State

MSS/kj



W. A. DREW EDMONDSON
ATTORNEY GENERAL OF OKLAHOMA

May 26, 2009

The Honorable M. Susan Savage
Oklahoma Secretary of State
Room 101, State Capitol Building
Oklahoma City, Oklahoma 73105

Re: State Question Number 754
Legislative Referendum Number 354

Dear Secretary Savage:

I am in receipt of your letter to Attorney General W.A. Drew Edmondson regarding the above. Attorney General Edmondson has requested that I respond back to you. I have referred this information to Neal Leader, Senior Assistant Attorney General, for his information and use.

If you have any questions, please feel free to contact Mr. Leader directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Gruber".

TOM GRUBER
FIRST ASSISTANT ATTORNEY GENERAL

TG:st

cc: W.A. Drew Edmondson
Attorney General

Neal Leader

RECEIVED

MAY 28 2009

OKLAHOMA SECRETARY
OF STATE



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

June 1, 2009

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

FILED

JUN 1 2009

OKLAHOMA SECRETARY
OF STATE

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Bengé
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: Ballot Title for State Question No. 754, Legislative Referendum 354

Dear Secretary Savage, Senator Coffee, and Speaker Bengé:

In accordance with the provisions of 34 O.S.Supp.2008, § 9(C), we have reviewed the Ballot Title for the above referenced State Question and conclude that it does not comply with applicable laws for the following reasons:

- It is not written on the 8th grade reading comprehension level.
- It does not adequately explain the effect of the proposition.

Having found that the Ballot Title does not comply with applicable law, we will, in conformity with the provisions of 34 O.S.Supp.2008, § 9(C), within ten (10) business days, prepare a preliminary Ballot Title which complies with the law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. A. Edmondson".

W. A. DREW EDMONDSON
ATTORNEY GENERAL

WAE/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

June 15, 2009

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Bengtson
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

FILED

JUN 15 2009

**OKLAHOMA SECRETARIAT
OF STATE**

**Re: Preliminary Ballot Title for State Question No. 754, Legislative
Referendum No. 354**

Dear Secretary Savage, Senator Coffee, and Speaker Bengtson:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S. Supp. 2008, § 9(C), prepared the following Preliminary Ballot Title. As a Title 34 Ballot Title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Preliminary Ballot Title reads as follows:

PRELIMINARY BALLOT TITLE FOR STATE QUESTION NO. 754

This measure adds a new section to the Oklahoma Constitution. It adds Section 55A to Article 5. The Legislature designates amounts of money to

be used for certain functions. These designations are called appropriations. The measure deals with the appropriation process.

The measure limits how the Constitution could control that process. Under the measure the Constitution could not require the Legislature to fund state functions based on:

1. Predetermined constitutional formulas,
2. How much other states spend on a function,
3. How much any entity spends on a function.

Under the measure these limits on the Constitution's power to control appropriations would apply even if:

1. A later constitutional amendment changed the Constitution, or
2. A constitutional amendment to the contrary was passed at the same time as this measure.

Thus, under the measure, once adopted, the measure could not be effectively amended. Nor could it be repealed.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,



W.A. Drew Edmondson
Attorney General

WAE/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

July 1, 2009

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Bengtson
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

FILED

JUL 1 2009

OKLAHOMA SECRETARY
OF STATE

**Re: Final Ballot Title for State Question No. 754, Legislative
Referendum No. 354**

Dear Secretary Savage, Senator Coffee, and Speaker Bengtson:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S. Supp. 2008, § 9(C), prepared the following Final Ballot Title. As a Title 34 Ballot Title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Final Ballot Title reads as follows:

FINAL BALLOT TITLE FOR STATE QUESTION NO. 754

This measure adds a new section to the Oklahoma Constitution. It adds Section 55A to Article 5. The Legislature designates amounts of money to be used for certain functions. These designations are called appropriations. The measure deals with the appropriation

process.

The measure limits how the Constitution could control that process. Under the measure the Constitution could not require the Legislature to fund state functions based on:

1. Predetermined constitutional formulas,
2. How much other states spend on a function,
3. How much any entity spends on a function.

Under the measure these limits on the Constitution's power to control appropriations would apply even if:

1. A later constitutional amendment changed the Constitution, or
2. A constitutional amendment to the contrary was passed at the same time as this measure.

Thus, under the measure, once adopted, the measure could not be effectively amended. Nor could it be repealed.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,



W.A. DREW EDMONDSON
ATTORNEY GENERAL

WAE/ab