

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE JOINT
5 RESOLUTION 1038

 By: Caldwell (Chad) and
 Humphrey

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8 AS INTRODUCED

9 A Joint Resolution directing the Secretary of State
10 to refer to the people for their approval or
11 rejection a proposed amendment to the Constitution of
12 the State of Oklahoma by adding a new Section 33A to
13 Article V; requiring supermajority approval for
14 certain state questions; providing for determination
15 of increases in state expenditures; prescribing
16 wording for ballot title; providing procedures
17 related to legislative referred measures; providing
18 ballot title; and directing filing.

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BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
1ST SESSION OF THE 58TH 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 33A to Article V thereof, to read
as follows:

A. If any state question, whether in the form of an amendment
to the Oklahoma Constitution or amendments, new law enactments or

1 repeals, in any combination thereof, with respect to the Oklahoma
2 Statutes, submitted to a popular vote either by initiative petition
3 or in the form of a measure referred by the Legislature, would
4 require an increase in the expenditures of any branch or department
5 of state government, such question shall require the approval of
6 sixty percent (60%) of those voting on the question or such question
7 shall not become effective or binding as law.

8 B. Prior to the time that an initiative petition is filed with
9 the Secretary of State, the proponents of the proposal shall obtain
10 a certification from the State Auditor and Inspector or an entity,
11 including any successor entity, designated for such purpose by the
12 Legislature by statute enacted after the approval of this question,
13 whether the proposal will or will not increase state expenditures as
14 described in subsection A of this section. If the certification
15 concludes that there would be an increase in expenditures, the
16 ballot title for the initiative petition shall contain the following
17 statement at the beginning of the ballot title and shall precede any
18 other wording: "The approval of this proposal has been determined
19 by the State of Oklahoma to require an increase in state government
20 expenditures and requires sixty percent (60%) approval in order to
21 become adopted as law." The wording for the ballot title as
22 prescribed by this section may not be modified by the Attorney
23 General.

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1 C. If any measure referred to a vote of the people by the
2 Legislature, whether in the form of statutes or amendments to the
3 Oklahoma Constitution, is determined to require an increase in state
4 expenditures, the ballot title for the measure shall comply with the
5 requirements of subsection A and B of this section, and the chamber
6 from which such measure originates shall obtain the certification
7 from either the State Auditor and Inspector or the entity designated
8 by law to provide the certification. The certification shall be
9 obtained prior to the final passage of the measure and shall be
10 obtained so that if the certification determines that an increase in
11 state expenditures would be required if the measure is approved, the
12 ballot title for the measure shall conform to the requirements of
13 subsection B of this section. The wording for the ballot title as
14 prescribed by this section may not be modified by the Attorney
15 General.

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

19 BALLOT TITLE
20 Legislative Referendum No. _____ State Question No. _____

21 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

22 This measure amends the Oklahoma Constitution. It would add a
23 new Section 33A to Article V. This amendment to the Oklahoma
24 Constitution would apply to initiative petitions and to measures

1 referred to the statewide ballot by the Legislature. The
2 measure would require a supermajority approval of certain types
3 of state questions. It would apply to amendments to the
4 Oklahoma Constitution. It would apply to amendments, new
5 enactments or repeals, in any combination, to the Oklahoma
6 Statutes. It would require sixty-percent (60%) approval if the
7 state question would cause an increase in expenditures by any
8 branch of state government, including the legislative branch,
9 the executive branch or the judicial branch. If the State
10 Auditor or Inspector or other state entity found that the
11 proposal would require an increase in state expenditures, a
12 certification of that fact would be issued. If a measure is
13 certified to require an increase in expenditures, it will have a
14 sentence in the ballot title. The sentence will read as
15 follows: "The approval of this proposal has been determined by
16 the State of Oklahoma to require an increase in state government
17 expenditures and requires sixty percent (60%) approval in order
18 to become adopted as law."

19 SHALL THE PROPOSAL BE APPROVED?

20 FOR THE PROPOSAL - YES _____

21 AGAINST THE PROPOSAL - NO _____

22 SECTION 3. The Chief Clerk of the House of Representatives,
23 immediately after the passage of this resolution, shall prepare and
24 file one copy thereof, including the Ballot Title set forth in

1 SECTION 2 hereof, with the Secretary of State and one copy with the
2 Attorney General.

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4 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/01/2022 - DO PASS,
5 As Coauthored.

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