

1 **SENATE FLOOR VERSION**

2 March 2, 2022

3 **AS AMENDED**

4 SENATE JOINT  
5 RESOLUTION NO. 35

6 By: Jech of the Senate

7 and

8 Newton of the House

9 **[ proposed amendment to the Oklahoma Constitution -  
10 individual income tax collections exceeding certain  
11 amount placed in certain fund - ballot title -  
12 directing filing ]**

13 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
14 2ND SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

15 SECTION 1. The Secretary of State shall refer to the people for  
16 their approval or rejection, as and in the manner provided by law,  
17 the following proposed amendment to the Oklahoma Constitution by  
18 adding a new Section 12b to Article X thereof, to read as follows:

19 Section 12b. A. For any income taxes levied upon individuals  
20 pursuant to Section 12 of this Article, if the revenues collected  
21 for any taxable year exceed the average revenues collected from the  
22 previous five (5) years, those excess revenues collected shall be  
23 placed in the Taxpayer Allocation Program Fund by the State  
24 Treasurer.

1 B. In the event the balance of the Taxpayer Allocation Program  
2 Fund exceeds Four Hundred Million Dollars (\$400,000,000.00), that  
3 amount shall be expended for the purpose of providing a refundable  
4 credit to Oklahoma residents who file an individual income tax  
5 return for the following tax year. The credit to taxpayers filing  
6 as married filing jointly, surviving spouse, or head of household  
7 shall be equal to two (2) times the credit to taxpayers filing as an  
8 individual or married filing separately.

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

12 BALLOT TITLE

13 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

14 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

15 This measure amends Article 10 of the Oklahoma Constitution by  
16 adding a new Section 12b. It requires that individual income  
17 tax revenue collections exceeding the average of the previous  
18 five year's revenue collections be deposited into a fund known  
19 as the Taxpayer Allocation Program Fund. Whenever the balance  
20 of the Taxpayer Allocation Program Fund exceeds Four Hundred  
21 Million Dollars (\$400,000,000.00), that amount shall be provided  
22 as an income tax credit for Oklahoma residents the following tax  
23 year. The credit shall be two times the amount for residents  
24 filing as married filing jointly, surviving spouse, or head of

1 household as those filing as individual or married filing  
2 separately.

3 SHALL THE PROPOSAL BE APPROVED?

4 FOR THE PROPOSAL - YES \_\_\_\_\_

5 AGAINST THE PROPOSAL - NO \_\_\_\_\_

6 SECTION 3. The President Pro Tempore of the Senate shall,  
7 immediately after the passage of this resolution, prepare and file  
8 one copy thereof, including the Ballot Title set forth in SECTION 2  
9 hereof, with the Secretary of State and one copy with the Attorney  
10 General.

11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
12 March 2, 2022 - DO PASS AS AMENDED  
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