

E N R O L L E D

SENATE JOINT  
RESOLUTION NO. 1

BY: NICHOLS, PAUL, GARVIN,  
WHITAKER, SOWARDS, LOGAN,  
LESTER, NANCE, REED, RAY,  
FISCHL, CARLILE, AND  
CAVINS.

A JOINT RESOLUTION PROVIDING FOR THE  
SUBMISSION OF A PROPOSED AMENDMENT TO  
THE CONSTITUTION OF THE STATE OF OKLA-  
HOMA, RELATING TO SECTION 9, ARTICLE 10,  
OF SAID CONSTITUTION.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF  
THE FOURTEENTH LEGISLATURE OF THE STATE OF OKLAHOMA:

SECTION 1. That the following proposed amendment to Section 9, Article 10, of the Constitution of Oklahoma, shall be referred to the people of the State of Oklahoma for their ratification or rejection, at the next general election held in the State of Oklahoma, or at any special election called therefor by the Governor, said proposed amendment to be in lieu of Section 9, Article 10, of the Constitution of Oklahoma, being as follows, to-wit:

"Section 9. Except as herein otherwise provided, the total taxes for all purposes, on an ad valorem basis, shall not exceed, in any taxable year, fifteen (15) mills on the dollar, to be apportioned between county, city, town and school district, by the County Excise Board, until such time as the regular apportionment is otherwise provided for by the Legislature.

"No ad valorem tax shall be levied for State purposes, nor shall any part of the proceeds of any ad valorem tax levy upon any kind of property in this State be used for State purposes; provided, however, any County of the State may make an additional ad valorem levy, not exceeding two (2) mills on the dollar valuation, on any property within the county, for separate schools for white and negro children, such aid or money raised therefor to be apportioned as provided by law; provided further, the annual ad valorem tax rate for school purposes may be increased, in any school district, by an amount not to exceed ten (10) mills on the dollar valuation, upon all property in the district, on condition that a majority of the qualified voters of such district voting at an election, vote for such increase, provided, however, that the Legislature shall by proper laws prescribe the manner and method of conducting said election, but until such legislative provision is made, said levy may be made and said election held as now provided by law; and provided further, that limitations on the levy of such additional 10 mill levy may be made hereafter by the Legislature.

"Provided, also, an additional levy may be made each year, in the State and in the various subdivisions thereof, on all personal and real property subject to ad valorem taxes, to reasonably take care of bonded and other valid indebtedness of the State and its various subdivisions existing at the time this amendment is adopted and becomes effective, but such necessary additional levy or assessment on such property to take care of such indebtedness existing and owing by the State and its subdivisions at such time shall in no event exceed levy or assessment for which such property would have been liable under the Constitution and laws of

the State as same existed immediately prior to the adoption of this amendment. No provision hereof shall be construed to tax churches or schools."

SECTION 2. Said proposed amendment shall be submitted as provided by law, in the following form:

"Shall the proposed amendment be adopted?

{        } Yes

{        } No"

SECTION 3. Said proposed amendment to the Constitution of the State of Oklahoma shall, upon receiving a majority vote of all electors voting at said election, become effective.

PASSED the Senate the 1st day of March, 1933.

PASSED the House of Representatives the 6th day of April, 1933.

ROBERT BURNS

President of the Senate

TOM ANGLIN

Speaker of the House of Representatives.

APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 1933 by  
the Governør of the State of Oklahoma.

CORRECTLY ENROLLED

HOWARD

Vice-Chairman Committee on Engrossing and  
Enrolling.



PH: III

STATE OF OKLAHOMA  
OFFICE OF THE ATTORNEY GENERAL  
OKLAHOMA CITY

J. BERRY KING  
ATTORNEY GENERAL

July 31, 1933

Honorable R. A. Sneed  
Secretary of State  
B u i l d i n g

Dear Sir:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by section 5875, Oklahoma Statutes 1931, he has examined the proposed ballot title of State Question No. 185, Legislative Referendum Measure No. 61, which together with a copy of Senate Joint Resolution No. 1 and Senate Joint Resolution No. 24 was delivered to him by the Honorable Tom Anglin, Speaker of the House of Representatives and the Honorable Paul Stewart, President pro tempore of the State Senate, of the regular session of the Fourteenth Legislature of the State of Oklahoma, and finds that said ballot title is not in legal form or in harmony with the law.

Therefore, pursuant to the provisions of section 5875, supra, the Attorney General has prepared and herewith submits to you as Secretary of State, for filing in your office, a ballot title for said measure which in the opinion of the Attorney General, does conform with the law, same being as follows:

"BALLOT TITLE  
CONSTITUTIONAL AMENDMENT

STATE QUESTION No. 185

LEGISLATIVE REFERENDUM  
MEASURE NO. 61

The gist of the proposition is:

Amending Section 9, Article 10, Oklahoma Constitution; limiting ad valorem tax to 15 mills for county, city, town and school districts; authorizing Excise Boards to apportion same until fixed by Legislature; prohibiting ad valorem tax for State purposes; permitting an additional 2 mill levy for separate schools; providing by majority of those voting, school district levy may be increased not exceeding 10 mills; legislature may further limit such levy; State and subdivisions may make additional levies for bonded and other indebtedness not exceeding limitations existing prior to this amendment. This amendment not construable as taxing churches and schools.

July 31, 1933

SHALL THE PROPOSED AMENDMENT BE ADOPTED?

 YES NO."

In connection with the above matter you are advised that when said Senate Joint Resolution No. 1 was adopted by the Legislature, the constitutional amendment mentioned therein was "proposed" within the meaning of section 5875, supra, as construed by our Supreme Court in the case of In Re Initiative Petition No. 2 of Cushing, 10 Pac. (2) 271, wherein the court in applying the provisions of said section to a franchise ordinance which was approved by the voters of said city, held:

"The franchise ordinance is not proposed until it is found to be sufficient in form; then the ballot title may be prepared in accordance with the statute."

Therefore, under the principles of law announced in said case, when Senate Joint Resolution No. 1 was finally approved by the Legislature, same was "proposed" within the meaning of said section 5875, and it thereupon became the duty of the Legislature, or its duly authorized officers or agents, to prepare a ballot title for said amendment and to file said resolution together with said ballot title with the Secretary of State and the Attorney General. Inasmuch as the Legislature adjourned without so preparing and filing the same and without giving any specific direction relating thereto, said Speaker of the House and President of the Senate, acting under authority of that part of Senate Bill No. 359 of the regular session of said Legislature which provides that said officers shall -

"close all unfinished business of the House of Representatives and the State Senate"

prepared and filed the papers above mentioned with the Attorney General and asked that he either approve or revise the same.

While there is a great deal of doubt as to whether or not said officers have authority to so prepare and file said ballot title, the Attorney General, in order not to be the means of officially thwarting or delaying the submission of said amendment, has at this time prepared and filed in your office as above set forth, a ballot title for said measure.

In answer to your letter of July 29, 1933, you are further advised that said ballot title should be published in two newspapers in each county of opposite political faith, of the two dominant political parties of the State, as required by section 5883, O.S.

Hon. R. A. Sneed

July 31, 1933

1931.

Very truly yours,

FOR THE ATTORNEY GENERAL

  
Fred Hansen  
Assistant Attorney General

FH:IH  
op-st

APPROVED IN CONFERENCE 7-31-33