

An Act

ENROLLED SENATE JOINT RESOLUTION NO. 3

BY: RITZHAUPT, NICHOLS, NEVINS, THORNTON, CHAPMAN, PAUL, NEILL, ANDERSON, JONES, NORTON, ANGLIN AND MAHAN OF THE SENATE and BILLINGSLEY, CAREY, CARR, DEES, FIELDS, FLOWERS, FOCHT, HOFFSOMMER, HUGHES, JOHNSON (Creek), KING, LEVERGOOD, McCARTY, MITCHELSON, MORGAN, MOUNT-CASTLE, OWNBY, SHUMATE, SINGLETON, STANDLEY, TAYLOR, TOAZ, VAN DYCK, WALLACE (Okla) WASHINGTON, WEAVER AND WELCH OF THE HOUSE.

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION, A PROPOSED AMENDMENT TO SECTION 9, OF ARTICLE X, OF THE CONSTITUTION OF THE STATE OF OKLAHOMA.

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

SECTION 1. That 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 9 of Article X of the Constitution of the State of Oklahoma, to make the said Section 9 of the said Article X of the Constitution of the State of Oklahoma read as follows:

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, that upon certification of the need therefor by the governing board, an additional levy of not to exceed one (1) mill on the dollar valuation on any property within the county shall be levied by the excise board, the

Correctly Enrolled: *[Signature]* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

proceeds derived therefrom to be used exclusively for the purchase of equipment, acquisition of sites and erection of buildings for separate schools for white and Negro children; 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. The ballot title for said proposed amendment shall be in the following form:

BALLOT TITLE

LEGISLATIVE REFERENDUM NO. _____

STATE QUESTION NO. _____

The gist of the proposition is as follows:

Shall a Constitutional Amendment

amending Section 9 of Article X of the Constitution of Oklahoma providing that the annual ad valorem tax rate for separate schools for white and Negro children shall be increased in any county of the state not exceeding one (1) mill on the dollar valuation on all property in the county, on condition that the govern-

Correctly Enrolled: *[Signature]* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

_____ing board certify the need therefor. This amendment _____
 _____ shall not be construed to tax churches or schools or _____
 _____ other tax exempt property including that part of the _____
 _____ valuation of homesteads which is exempt or to prevent _____
 _____ the Legislature classifying intangible personal _____
 _____ property for taxation at lesser rates than therein _____
 _____ specified. _____

Shall the Proposed Amendment
 be Approved?

.....
 : : : YES

.....
 : : : NO

_____The President of the Senate shall immediately after the effective date of this
 Resolution, prepare and file one (1) copy thereof, including said ballot title, _____
 with the Secretary of State and one (1) copy with the Attorney General. _____

SECTION 3. A special election is hereby ordered to be held throughout the _____
 State on the 2nd day of July, 1946, at which the proposed amendment to the _____
 Constitution of the State of Oklahoma, set forth in Section 1 of this Resolution, _____
 shall be submitted to the people of Oklahoma for their approval or rejection. _____

Correctly Enrolled: *[Signature]* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Passed the Senate the 25th day of April, 1945.

Acting J. C. Nance
President of the Senate

Passed the House of Representatives the 20th day of April, 1945.

H. J. Hendricks
Speaker of the House of Representatives

OFFICE OF SECRETARY OF STATE

This Resolution was received by the Secretary
of State this 30 day of May,
1945, at 10:25, o'clock a. M.

J. C. Cartie
By Katherine Manton

Correctly Enrolled: Raymond D. Saeck Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

MAC Q. WILLIAMSON
ATTORNEY GENERAL



STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA CITY

May 7, 1945

Honorable F. C. Carter
Secretary of State
State Capitol
Oklahoma City 5, Oklahoma

Dear Sir:

Honorable James E. Berry, President of the State Senate, on the 4th day of May, 1945, filed with the Attorney General a copy of Enrolled Senate Joint Resolution No. 8 which proposes an amendment to Section 9, Article 10, Oklahoma Constitution, to be submitted to the people for their approval or rejection at a special election to be held on July 2, 1946.

Pursuant to the provisions of 34 O. S. 1941, § 9, I have examined the ballot title set forth in Section 2 of said Senate Joint Resolution No. 8. The only new language in the proposed amendment to Section 9, Article 10, Oklahoma Constitution is as follows:

"* * * provided, further, that upon certification of the need therefor by the governing board, an additional levy of not to exceed one (1) mill on the dollar valuation on any property within the county shall be levied by the excise board, the proceeds derived therefrom to be used exclusively for the purchase of equipment, acquisition of sites and erection of buildings for separate schools for white and negro children; * * *"

The body of the ballot title set forth in Section 2 of Senate Joint Resolution No. 8 reads as follows:

"Shall a Constitutional Amendment amending Section 9 of Article X of the Constitution of Oklahoma providing that the annual ad valorem tax rate for separate schools for white and negro children shall be increased in any county of the State not exceeding one (1) mill on the dollar valuation on all property in the county, on condition that the governing board certify the need therefor. This amendment shall not be construed to tax churches or schools or other tax exempt property including that part of the valuation of homesteads which is exempt or

to prevent the Legislature classifying intangible personal property for taxation at lesser rates than therein specified."

34 O. S. 1941, § 9 provides that the ballot title shall contain not to exceed one hundred words which shall contain the gist of the proposition without any argument or statement either for or against such measure. Said section further provides that if in the opinion of the Attorney General the ballot title is not in proper form he shall prepare and file a ballot title which does conform to the law.

It is my opinion as Attorney General of Oklahoma that the ballot title prescribed by Senate Joint Resolution No. 8 of the Twentieth Legislature is not in legal form and is not in harmony with the law. Said ballot title contains more than one hundred words, does not state the gist of the amendment, and contains statements not set forth in the amendment.

Therefore, pursuant to the provisions of 34 O. S. 1941, § 9 I have as Attorney General prepared, and submit to you for filing in your office, a ballot title for said proposed amendment to the Oklahoma Constitution which in my opinion conforms to the law. Said ballot title is as follows:

Ballot Title

State Question No. 319

Legislative Referendum No. 91

The Gist of the Proposition is as follows:

Shall a proposed amendment to Section 9, Article 10, Oklahoma Constitution, providing that upon certification of the need therefor by the governing board, an additional levy of not to exceed one mill on the dollar valuation on any property within the county shall be levied by the excise board, the proceeds therefrom to be used exclusively for the purchase of equipment, acquisition of sites and erection of buildings for separate schools for white and negro children, be approved by the people?

.....
. . . . Yes
.....

Shall the proposed amendment be approved?

.....
. . . . No
.....

Honorable F. C. Carter

5-7-1945

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By virtue of 34 O. S. 1941, § 10 any person who is dissatisfied with the wording of the above ballot title may within ten days from the filing of this letter and ballot title with you appeal to the Supreme Court of Oklahoma for relief as therein provided.

Very respectfully,



RANDELL S. COBB
ATTORNEY GENERAL OF OKLAHOMA

RSC:DB

cc--Honorable James E. Berry
President, Oklahoma State Senate
State Capitol
Oklahoma City 5, Oklahoma