

# Resolution

ENROLLED HOUSE  
JOINT RESOLUTION NO. 504

BY: HOUSE COMMITTEE ON EDUCATION

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE, FOR THEIR APPROVAL OR REJECTION, A PROPOSED AMENDMENT TO ARTICLE X, OKLAHOMA CONSTITUTION, BY AMENDING SECTIONS 9, 10, AND 26 THEREOF; ADDING TWO NEW SECTIONS THERETO; PROVIDING FOR SPECIAL ELECTION THEREON; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE TWENTY-FIFTH LEGISLATURE OF THE STATE OF OKLAHOMA:

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 Article X of the Constitution of Oklahoma consisting of changes, as hereafter shown, in Sections 9, 10 and 26 of said Article X, and two new Sections to be added to said Article X and to be known as Sections 32 and 33 of said Article X, as hereafter indicated:

Section 9. (a) 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, no less than five (5) mills of which is hereby apportioned for school district purposes, the remainder to be apportioned between county, city, town and school district, by the County Excise Board, until such time as a regular apportionment thereof 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.

(b) A tax of four (4) mills on the dollar valuation of all taxable property in the county shall be levied annually in each county of the State for school purposes and, until otherwise provided by law, the proceeds thereof shall be apportioned to the school districts, and separate schools, if any, of the county by

Correctly Enrolled: *Paul Smith, Vice Chairman*, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

the County Treasurer on the basis of the legal average daily attendance for the preceding school year as certified by the State Board of Education. Provided that in case a school district lies in more than one county, such district shall be deemed a school district of the county having the greater part of the area comprising such district, unless otherwise provided by law, and shall be entitled to participate in the proceeds of such tax on the same basis as districts lying wholly within such county but revenue from such tax on the assessed valuation of the district in other counties shall, when collected, be transmitted to the County Treasurer of such county having the greater part of the area comprising the district, unless otherwise provided by law, and be apportioned as hereinbefore provided for the proceeds of such tax on the assessed valuation of such county. Not to exceed seventy-five per centum (75%) of the amount received by a school district from the proceeds of such county levy in any year shall be required to finance the State guaranteed program of such district.

(c) Upon certification of a need therefor by the board of education of any school district, an additional tax of not to exceed fifteen (15) mills on the dollar valuation of all taxable property in the district shall be levied for the benefit of the schools of such district.

(d) In addition to the levies hereinbefore authorized, school districts may make an emergency levy in an amount not to exceed five (5) mills on the dollar valuation of the taxable property in such district when approved by a majority of the electors of the district voting on the question at an election called for such purpose. This emergency levy shall provide only sufficient additional revenue to meet the need for the district each fiscal year. Need shall be the average daily attendance of all pupils for the preceding year, plus the average annual increase, if any, for the preceding three (3) years, multiplied by the per capita

cost index minus the legal current expense in the school district for the preceding year. The per capita cost index is set at Two Hundred Fifty Dollars (\$250.00) for the fiscal year ending June 30, 1956, and thereafter shall be increased or decreased by the State Board of Education in proportion to the increase or decrease in the per capita income of Oklahoma citizens, unless otherwise provided by law.

(e) The amount of revenue from school district ad valorem taxes levied under (a), (c), and (d) of this Section which any school district may be required to use to finance its State guaranteed program shall not be in excess of its share, based upon its relative taxpaying ability as may be defined by law, of an amount equivalent to the net proceeds from a fifteen (15) mill tax levy on the aggregate net assessed valuation of the State; but until such relative taxpaying ability is defined by the Legislature, the amount of revenue from such taxes which any school district may be required to use to finance its State guaranteed program shall not be in excess of the net proceeds from an ad valorem tax levy of fifteen (15) mills on the dollar net assessed valuation of the district.

Nothing in the amendments to the Constitution incorporated herein shall be construed to amend, alter or supersede the present application of Article XII-A, Sections 1 and 2 of the Oklahoma Constitution.

Section 10. For the purpose of erecting public buildings in counties or cities, or for the purpose of raising money for a building fund for a school district which may be used for erecting, remodeling or repairing school buildings, and for purchasing furniture, the rates of taxation herein limited may be increased, when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and a majority of the qualified voters of such county, city, or school district,

voting at such election, shall vote therefor: Provided, that such increase shall not exceed five (5) mills on the dollar of the assessed value of the taxable property in such county, city, or school district.

Section 26. Except as herein otherwise provided, no county, city, town, township, school district, or other political corporation, or subdivision of the State, shall be allowed to become indebted, in any manner, or for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of three-fifths of the voters thereof, voting at an election, to be held for that purpose, nor in cases requiring such assent, shall any indebtedness be allowed to be incurred to an amount, including existing indebtedness, in the aggregate exceeding five per centum (5%) of the valuation of the taxable property therein, to be ascertained from the last assessment for State and county purposes previous to the incurring of such indebtedness: Provided, that if a school district has an absolute need therefor, such district may, with the assent of three-fifths of the voters thereof voting at an election to be held for that purpose, incur indebtedness to an amount, including existing indebtedness, in the aggregate exceeding five per centum (5%) but not exceeding ten per centum (10%) of the valuation of the taxable property therein, to be ascertained from the last assessment for State and county purposes previous to the incurring of such indebtedness, for the purpose of acquiring or improving school sites, constructing, repairing, remodeling or equipping buildings, or acquiring school furniture, fixtures or equipment; and such assent to such indebtedness shall be deemed to be a sufficient showing of such absolute need, unless otherwise provided by law. Provided, further, that any county, city, town, school district, or other political corporation, or subdivision of the State, incurring any indebtedness requiring the assent of

the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five (25) years from the time of contracting the same, and provided further that nothing in this Section shall prevent any school district from contracting with certificated personnel for periods extending one (1) year beyond the current fiscal year, under such conditions and limitations as shall be prescribed by law.

Section 32. For the purpose of providing buildings for school districts, there is hereby established a State Public Common School Building Equalization Fund in which shall be deposited (1) such monies as may be designated or provided for such purpose by the Legislature, other than ad valorem taxes, and (2) any royalties, bonuses, rentals, or other monies derived from oil and gas leases on lands that have been or may be granted by the United States to the State for the use and benefit of the common schools, or lands that are or may be held by the Commissioners of the Land Office for the use and benefit of the common schools, the proceeds of the sale of easements, improvements and sand and gravel on any such lands, the proceeds of all property that shall fall to the State by escheat, penalties for unlawful holding of real estate by corporations, and capital gains on assets of the permanent school fund; provided, that if such disposition and use of money from any such sources shall be declared invalid, the validity of other provisions of this Section shall not be affected thereby. The State Public Common School Building Equalization Fund shall be administered by the State Board of Education, until otherwise provided by the Legislature. Such Fund shall be used to aid school districts in acquiring buildings, under such regulations as may be prescribed by the administering agency, unless otherwise provided by law, but the amount paid therefrom to or

for any school district during any twenty-year period shall not be more than the amount by which Four Hundred Dollars (\$400.00) per pupil in average daily attendance during the immediately preceding fiscal year exceeds ten per centum (10%) of the district's then existing net assessed valuation. The administering agency is authorized to accept grants-in-aid from the Federal Government for building purposes.

Section 33. The Legislature of the State of Oklahoma is hereby authorized to enact a law whereby the State may become indebted in an amount not to exceed Fifteen Million Dollars (\$15,000,000.00) for the purpose of constructing new buildings and other capital improvements and for equipping, remodeling, modernizing and repairing any and all existing buildings and capital improvements at the constituent institutions of the Oklahoma State System of Higher Education and other State institutions. No part of any of said monies shall be, directly or indirectly, allocated to or used by the Oklahoma Educational Television Authority for any purpose whatsoever. Such law shall provide for the payment and discharge of the principal of such debt within twenty-seven (27) years and shall further provide for the payment and discharge of the principal and interest on such indebtedness from one or more of the following sources of State income as follows:

(1) Any remainder available from the two cents (2¢) of the tax on each package of cigarettes as heretofore provided and defined in Article X, Section 31 of the Constitution of the State of Oklahoma, after the annual requirements for principal and interest on the indebtedness created pursuant to said Section have been fully met, until such indebtedness created by said Section has been fully paid and retired, and thereafter, the full amount of said two cents (2¢) of the cigarette tax so provided, or so much thereof as may be required, until the indebtedness herein authorized to be created is fully paid and retired; (2) An additional

three cents (3¢) of the tax now imposed, or which may hereafter be imposed, on each package of cigarettes containing more than twenty (20) cigarettes, or so much of said additional three cents (3¢) as may be necessary; (3) Any funds available in the Public Building Fund of the State, not otherwise encumbered, or funds available in other Funds of the State not created or realized from ad valorem tax sources; (4) The proceeds of any tax which the Legislature may impose and collect for the purpose of paying the principal and interest on the indebtedness herein authorized to be created, if the funds available for use and pledge under (1), (2), and (3) above should be insufficient; provided, that the Legislature shall never impose or collect an ad valorem tax for the purpose of paying any part of the principal or interest on the indebtedness herein authorized to be incurred.

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 Article X, Oklahoma Constitution, Sections 9, 10, and 26, by providing for ad valorem taxes for public schools and placing restrictions thereon and limiting consideration thereof in State guaranteed school program, authorizing additional uses of levy heretofore made for erecting public buildings, increasing debt limit of school districts for certain purposes, removing limitations on certain contracts beyond current year, and by adding Sections 32 and 33 to said Article X to provide additional funds for buildings for school districts, and for buildings and capital improvements at State institutions,

be approved by the people?

Correctly Enrolled: *W. L. Smith*, *Chairman*, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

NO

SECTION 3. The Speaker of the House of Representatives shall, immediately after the effective date of this Resolution, prepare and file one copy thereof, including said ballot title, with the Secretary of State and one copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held throughout the State on the Fifth (5th) day of April, 1955, 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 the State of Oklahoma for their approval or rejection, as and in the manner provided by law. Registration for this election shall be open from March 11, 1955 to March 30, 1955, inclusive; provided, that all registered electors shall be entitled to vote at said election.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this Act shall take effect and be in full force from and after its passage and approval.

Correctly Enrolled: *Herb Smith*, Vice Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Passed the House of Representatives the 9th day of March, 1955.

B. E. Harkey  
Speaker of the House of Representatives.

Passed the Senate the 8th day of March, 1955.

Frank Williams  
President of the Senate.

Office of the Governor

Received by the Governor this

9th day of March, 1955

at 4:55 o'clock P M.

By: M. Smith

APPROVED BY THE GOVERNOR of the State of Oklahoma the 9th day of March, 1955.

Raymond Gay  
GOVERNOR of the State of Oklahoma.

OFFICE OF SECRETARY OF STATE

Received by the Secretary of State

this 9 day of March, 1955

at 5:14 o'clock P M.

Ward Anderson  
By: Jess D. Beard  
Secy of State.

Correctly Enrolled: Frank Smith, Vice Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS



MAC Q. WILLIAMSON  
ATTORNEY GENERAL

STATE OF OKLAHOMA  
OFFICE OF THE ATTORNEY GENERAL  
OKLAHOMA CITY

March 10, 1955

Honorable Andy Anderson  
Secretary of State  
State Capitol  
Oklahoma City, Oklahoma

Dear Sir:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by 34 O. S. 1951 § 9, he has examined the proposed ballot title of House Joint Resolution No. 504 of the Regular Session of the Twenty-fifth Legislature of the State of Oklahoma, which, together with a copy of said resolution, was delivered to him on March 9, 1955, by the Honorable Carl J. Staas, Chief Clerk of said House of Representatives, and from said examination finds that said ballot title is in legal form and in harmony with the law.

Therefore, pursuant to the provisions of the above section, the Attorney General is submitting herewith, same to be filed in your office, the ballot title above referred to, same being as follows:

BALLOT TITLE

Legislative Referendum No. 109 State Question No. 368

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

Amending Article X, Oklahoma Constitution, Sections 9, 10 and 26, by providing for ad valorem taxes for public schools and placing restrictions thereon and limiting consideration thereof in State guaranteed school program, authorizing additional uses of levy heretofore made for erecting public buildings, increasing debt limit of school districts for certain purposes, removing limitations on certain contracts beyond current year, and by adding Sections 32 and 33 to said Article X to provide additional funds

for buildings for school districts, and for buildings and capital improvements at State institutions, be approved by the people?

....  
.: YES  
....

SHALL THE PROPOSED AMENDMENT BE APPROVED?

....  
.: NO.  
....

Inasmuch as 34 O. S. 1951 § 9, supra, expressly provides that

"no appeal shall be allowed as to ballot titles of constitutional or legislative enactments proposed by the Legislature which ballot titles have been approved or revised by the Attorney General."

it is your duty, under the provisions of said section, to immediately

"transmit to the Secretary of the State Election Board an attested copy of the pending proposition, including such approved title."

Yours very truly

FOR THE ATTORNEY GENERAL

APPROVED BY ATTORNEY GENERAL 3-10-1955  
ext

*Fred Hansen*  
Fred Hansen  
First Assistant Attorney General

FH:LW