A Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 2

BY: BARTLETT, MURPHY, ROGERS, RHODES,
BAGGETT, SMITH, HOWARD, POPE,
BRADLEY, BERROG, FINDEISS, GARRET,
GARRISON, GEE, GRANTHAM, GRAVES,
KEELS, LUTON, McSPADDEN, MILLER,
MULDRW, NICHOLS, SEALAN, STANSBERRY,
and YOUNG of the SENATE

and

McCUNE, McGRAW, DRAKE, FERGUSON,
CONAGGAN, LAWSON, and SMALLEY 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,
ARTICLE X, OF THE CONSTITUTION OF OKLAHOMA;
AUTHORIZING A LOCAL SUPPORT LEVY FOR SCHOOL
DISTRICTS OF NOT TO EXCEED TEN (10) MILLS ON THE
DOLLAR VALUATION OF TAXABLE PROPERTY OF A SCHOOL
DISTRICT WHEN APPROVED BY THE AD VALOREM TAX-
PAYING ELECTORS OF THE DISTRICT; MAKING SUCH
LOCAL SUPPORT LEVY AND FIVE (5) MILL EMERGENCY
LEVY NONCHARGEABLE ITEMS FOR STATE AID; PROVIDING
FOR IMPLEMENTATION FOR THE FISCAL YEAR 1965-66;
PROVIDING FOR A BALLOT TITLE; AND ORDERING A
SPECIAL ELECTION.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
THIRTIETH SESSION OF THE 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 of Section 9, Article X, of the Constitu-
tion of the State of Oklahoma:

Section 1. Section 9, Article X, of the Constitution of the
State of Oklahoma is hereby amended to read as follows:

§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 of the county by 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, any school district may make an emergency levy for the benefit of the schools of such district, 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 needs of the district each fiscal year as determined by the board of such district and must be approved by a majority of the electors voting on said question at such an election for each fiscal year.

(d-1) In addition to the levies hereinbefore authorized, any school district may make a local support levy for the benefit of the schools of such district, in an amount not to exceed ten (10) mills on the dollar valuation of the taxable property in such district, when approved by a majority of the ad valorem taxpaying voters voting on said question at an election for each fiscal year called for such purposes. This local support levy shall provide only sufficient additional revenue to meet the needs of the district for each such fiscal year as determined by the board of such district; provided, an elector desiring to vote upon such local support levy must present an ad valorem tax receipt for the year immediately preceding before being issued a ballot, or sign a sworn affidavit certifying the fact of such payment.

(e) The amount of revenue from school district ad valorem taxes levied under (a) and (c) 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. No part of the proceeds from any ad valorem levy for emergency levy and local support levy under (d) and (d-1) of this Section shall be required to finance the State guaranteed program of such 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.

(f) Should the amendment contained in subsection (d-1) hereof be adopted on September 14, 1965, the school board of any school district in the State may within ten (10) days thereafter file with the Excise Board of the county a supplemental estimate of needs and call a special election within fifteen (15) days after such call upon the new local support levy or emergency levy if not previously submitted, or both. The school board shall advertise notice of such election by publication in at least one issue of a newspaper having general circulation in the school district, or by posting in five public places in the district at least five (5) days before such election. Should the electors of the school district vote such additional levy in such election, the County Excise Board shall forthwith compute the levy and certify appropriations for all affected school districts and refile the budgets with the County Clerk and with the State Auditor. Notice of the filing of said budget shall be given as required by law. The forty (40) day protest period shall begin immediately upon the filing of said budgets.

For the fiscal year 1965-66, the Excise Board of each county shall not finally compute the levy nor certify the appropriations for the school districts of the State until after the school district shall have had the opportunity to hold a special election as provided herein.

Temporary appropriations, up to forty per centum (40%) of the estimated funds needed by the school board of any district in the State for the fiscal year 1965-66, may be approved any time after the beginning of such fiscal year.

Upon the computation of the levy and certification of appropriations by the Excise Board, the County Assessor shall prepare or revise the tax rolls and deliver the same to the County Treasurer who—
shall proceed with the collection of the taxes as required by law. Should it become necessary, because of the delay in computing levies and certifying appropriations as herein provided, the Governor may, by executive order, extend the time when taxes will be delinquent for the year of 1965, and that year only. Such extension of time shall be for the minimum time necessary to permit the County Assessor and County Treasurer to perform their duties as required by law.

SECTION 2. The ballot title for the proposed constitutional 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, Article X, Oklahoma Constitution; authorizing a local support levy for benefit of schools of a school district of not to exceed 10 mills on dollar valuation of taxable property of district when approved by ad valorem paying electors of the district, at annual elections or special elections called for said purpose, and providing no part of such local support levy and existing emergency levy shall be required to finance the State guaranteed program of a school district be approved by the people?

☐ YES

☐ NO

SHALL THE PROPOSED AMENDMENT BE APPROVED?

SECTION 3. The President of the Senate 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 of the State of Oklahoma.

SECTION 4. A special election is hereby ordered to be held throughout the State on the 14th day of September, 1965, at which time the proposed amendment, set forth in Section 1 of this Resolution, shall
be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

Passed the Senate the 25th day of June, 1965.

President of the Senate

Passed the House of Representatives the 29th day of June, 1965.

Speaker of the House of Representatives

OFFICE OF THE SECRETARY OF STATE
Received by the Secretary of State this 30th day of June, 1965, at 4:45 o'clock P. M.

James M. Bullard

By: J. Jones
Honorable James M. Bullard  
Secretary of State  
State Capitol  
Oklahoma City, Oklahoma

Dear Mr. Bullard:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by 34 O.S. 1961, §9, he has examined the proposed ballot title to Enrolled Senate Joint Resolution No. 2 of the Regular Session of the Thirtieth Legislature of the State of Oklahoma, which, together with a copy of said resolution, was delivered to him on June 30, 1965, and from said examination finds that said ballot title is in legal form and in harmony with the law. Said ballot title is as follows:

**BALLOT TITLE**

Legislative Referendum No. **151**   
State Question No. **430**

**THE GIST OF THE PROPOSITION IS AS FOLLOWS:**

Shall a Constitutional Amendment

amending Section 9, Article X, Oklahoma Constitution; authorizing a local support levy for benefit of schools of a school district of not to exceed 10 mills on dollar valuation of taxable property of district when approved by ad valorem taxing electors of the district, at annual elections or special elections called for said purpose, and providing no part of such local support levy and existing emergency levy shall be required to finance the State guaranteed program of a school district.
Mr. Bullard - (2)
July 2, 1965

be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?  YES  NO

Inasmuch as 34 O.S. 1961, §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,

[Signature]

CHARLES NESBITT
ATTORNEY GENERAL

CN:HHC:epm