

1 ENGROSSED SENATE
2 JOINT
3 RESOLUTION NO. 8

BY: McSPADDEN of the SENATE
and
SANDLIN of the HOUSE

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6
7 A JOINT RESOLUTION DIRECTING THE SECRETARY
8 OF STATE TO REFER TO THE PEOPLE FOR THEIR
9 APPROVAL OR REJECTION A PROPOSED AMENDMENT
10 TO THE OKLAHOMA CONSTITUTION, AMENDING
11 SECTION 35 OF ARTICLE X THEREOF; REMOVING
12 THE REQUIREMENT THAT VOTERS IN ELECTIONS
13 PROVIDED FOR BY SAID SECTION BE PROPERTY
14 TAXPAYERS; PROVIDING A BALLOT TITLE; AND
15 ORDERING A SPECIAL ELECTION.

16 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
17 THE 1ST SESSION OF THE 33RD OKLAHOMA LEGISLATURE:

18 SECTION 1. The Secretary of State shall refer to the people
19 for their approval or rejection, as and in the manner provided by
20 law, the following proposed amendments to Section 35 of Article X
21 of the Oklahoma Constitution, to read as follows:

22 § 35. (a) Any ~~incorporated~~ city, town and any county may
23 issue, by and with the consent of the majority of the qualified
24 ~~taxpaying~~ voters of said ~~municipality~~ city, town or county voting
25 on the question at an election held for the purpose, bonds in sums
26 provided by such majority at such election for the purpose of secur-
27 ing and developing industry within or near the said ~~municipality~~
28 city, town holding the election, or within the county holding the
29 election.

30 (b) Such bonds shall bear interest at a rate not to exceed six
31 percent (6%) per annum and shall be sold only at public sale after
32 twenty (20) days' advertisement in a newspaper having a bona fide
33 circulation in the ~~municipality~~ city, town or county issuing such
34 bonds; ~~provided, however, that the said municipality or county may~~
35 ~~exchange such bonds for bonds of like amount, rate of interest, and~~
36 ~~length of issue.~~

(c) To provide for the payment of all such bonds outstanding,

Chairman, Committee on Engrossed and Enrolled Bills

Correctly Enrolled:

Chairman, Committee on Engrossed and Enrolled Bills

Correctly Engrossed:

1 principal, and interest as they mature, ~~the municipality~~ each city,
2 town or county issuing such bonds may levy a special tax, payable
3 annually, in a total amount not to exceed five (5) mills on the dol-
4 lar, in addition to the legal rate permitted, on the real and
5 personal taxable property therein; provided, however, the ~~municipal-~~
6 ~~ity~~ city, town or county may, from time to time, suspend the collec-
7 tion of such annual levy when not required for the payment of its
8 bonds; and provided further, however, that in no event shall the real
9 and personal taxable property in any city or town be subject to a
10 special tax in excess of five (5) mills for bonds issued hereunder.

11 (d) Such bonds shall be serial, maturing annually after three
12 (3) years from date of issue, and shall be paid as they mature,
13 and no such bonds shall be issued for a period longer than thirty
14 (30) years.

15 (e) (1) The governing body of the ~~municipality~~ city, town or
16 the county commissioners of the county shall exercise jurisdiction
17 over the sale or exchange of any such bonds voted by the electors at
18 an election held for that purpose and shall expend economically the
19 funds so provided.

20 (2) In the expenditure and use of proceeds from the sale
21 of said bonds, the said governing body is hereby authorized and
22 directed to coordinate its industrial development plans and projects
23 insofar as practicable with similar plans and projects of local
24 industrial development agencies and the Oklahoma Industrial Finance
25 Authority, as set forth in § 34 of Article X of the Constitution, so
26 as to supplement funds to be derived from these and other sources,
27 including federal aid available to economically depressed areas, if
28 any; and to the extent that federal requirements shall require sub-
29 ordination of liens securing loans from the Oklahoma Industrial
30 Finance Authority or from other sources, as a condition to the
31 obtaining of such federal aid, the same is hereby approved and
32 authorized.

33 (f) The election on the issuance of such bonds shall be held
34 at such time as the governing body of the ~~municipality~~ city or town
35 may designate by ordinance, or as the county commissioners of
36 the county may designate by order, which ordinance or order shall

1 state the sum total of the issue, the dates of maturities thereof, and
2 shall fix the date of election so that it shall not occur earlier than
3 thirty (30) days after the passage of the said ordinance or the granting
4 of said order. The said election shall be held and conducted, the
5 vote thereof canvassed, and the result thereof declared under the law
6 and in the manner now or hereafter provided for municipal elections
7 when the election is held by a ~~municipality~~, city or town and in the
8 manner now or hereafter provided for county elections when the
9 election is held by a county, so far as the same may be applicable,
10 except as herein otherwise provided. Notice of the election shall
11 be given by the mayor of the ~~municipality~~ city or town or by the county
12 commissioners of the county by advertisement weekly for at least four
13 times in some newspaper having a bona fide circulation in the said
14 ~~municipality~~ city, town or county, with the last publication to be not
15 less than ten (10) days prior to the date of the said election. Only
16 qualified ~~taxpaying~~ voters of the said ~~municipality~~ city, town or
17 county shall have a right to vote at the said election. The result of
18 the said election shall be proclaimed by the mayor of the ~~municipality~~
19 city or town or by the county commissioners of the county, and the
20 result as proclaimed shall be conclusive, unless attacked in the
21 courts within thirty (30) days after the date of such proclamation.

22 SECTION 2. The ballot title for the proposed amendment to the
23 Oklahoma Constitution shall be in the following form:

24 BALLOT TITLE

25 Legislative Referendum No. 186 State Question No. 479

26 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

27 Shall a Constitutional Amendment
28 amending Section 35, Article X, Oklahoma Constitution, which
29 provides for elections on city, town and county public
30 utility bonds and on city, town and county bonds for securing
31 and developing industry, to remove the requirement that
32 voters in such elections be property taxpayers
33 be approved by the people?

YES

35 SHALL THE PROPOSED AMENDMENT BE APPROVED?

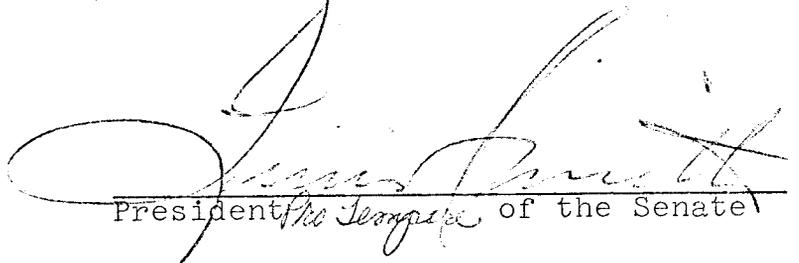
NO

Chairman, Committee on Engrossed and Enrolled Bills
Correctly Enrolled:
Chairman, Committee on Engrossed and Enrolled Bills
Correctly Engrossed:

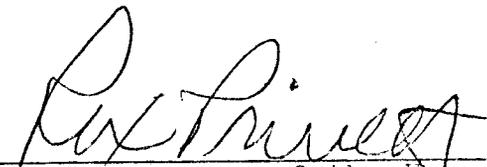
1 SECTION 3. The President Pro Tempore of the Senate shall,
2 immediately after the effective date of this Resolution, prepare
3 and file one copy thereof, including said ballot title, with the
4 Secretary of State, and one copy with the Attorney General.

5 SECTION 4. A special election is hereby ordered to be held
6 throughout the State of Oklahoma on the date of the next ensuing
7 special election held throughout the state, or on the date of the
8 next ensuing statewide primary election, whichever is earlier, at
9 which the proposed amendment to the Constitution of the State of
10 Oklahoma set forth in Section 1 of this Resolution shall be sub-
11 mitted to the people of Oklahoma for their approval as and in the
12 manner provided by law.

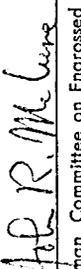
13 Passed the Senate the 22nd day of February, 1971.

14
15
16 
17 President Pro Tempore of the Senate

18 Passed the House of Representatives the 1st day of March,
19 1971.

20
21 
22 Speaker of the House of
23 Representatives

Correctly Engrossed: 
Chairman, Committee on Engrossed and Enrolled Bills

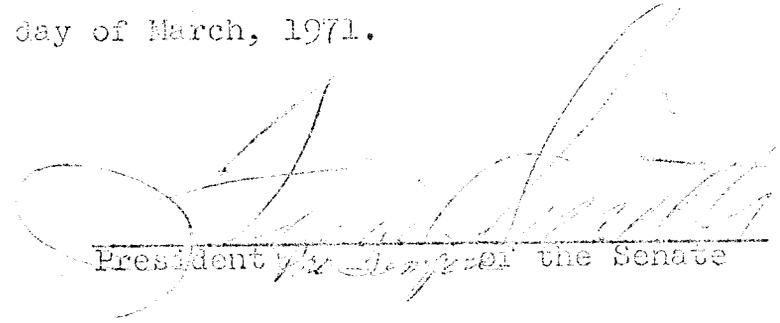
Correctly Engrossed: 
Chairman, Committee on Engrossed and Enrolled Bills

Correctly Enrolled: A. R. 116 Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

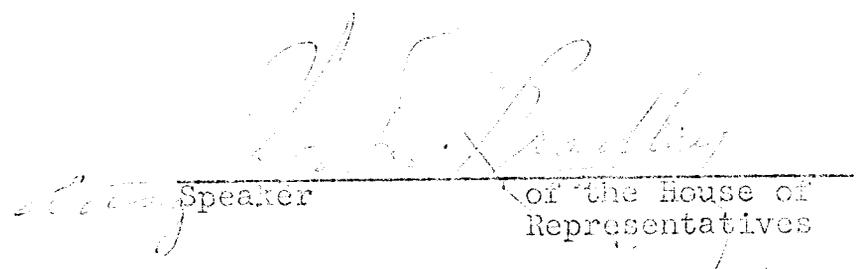
(Enrolled in accordance with Senate Bill No. 116 of the Twenty-seventh Legislature)

ENR. S. J. R. NO. 8

Passed the Senate the 22nd day of February, 1971, and correctly enrolled the 10th day of March, 1971.

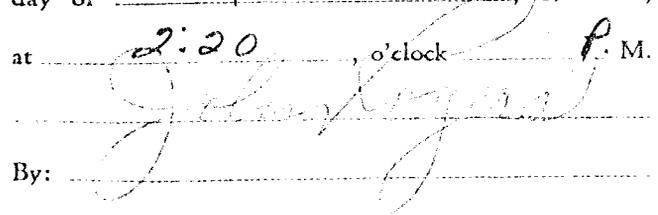

President of the Senate

Passed the House of Representatives the 9th day of March, 1971.


Speaker of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 11th day of March, 1971, at 2:20 o'clock P. M.

By: 

STATE
OF
OKLAHOMA
THE ATTORNEY GENERAL
LARRY DERRYBERRY
STATE CAPITOL, OKLAHOMA CITY, OKLAHOMA 73105, TELEPHONE 405/521-3205



March 11, 1971

Honorable John Rogers
Secretary of State
State Capitol Building
Oklahoma City, Oklahoma 73102

Dear Mr. Rogers:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by 34 O.S. Supp. 1970 §9, he has examined the proposed ballot title to Enrolled Senate Joint Resolution No. 8 of the 1st Regular Session of the 33rd Oklahoma Legislature, which together with a copy of said Resolution, was delivered to him on March 11, 1971, and from that examination finds that said ballot title is not in legal form, nor in harmony with the law. Therefore, the Attorney General submits the following ballot title which, in his opinion, is in legal form and in harmony with the law.

BALLOT TITLE

Legislative Referendum No. 186

State Question No. 479

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendent

amending Section 35, Article X, to the Oklahoma State Constitution,
prescribing the procedure for issuing bonds and administering
elections on city, town and county General Obligation Limited Tax
Bonds for securing and developing industry and to remove the requirement
that voters in such elections be property taxpayers.

Honorable John Rogers
March 11, 1971
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be approved by the people?

YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

NO

I call to your attention your responsibilities with regard to proposed Constitutional Amendments, as outlined in 34 O.S., Supp. 1970, §9, supra.

Sincerely,

LARRY DERRYBERRY
ATTORNEY GENERAL OF OKLAHOMA


Michael D. Tinney
Assistant Attorney General

MDT/b1