

A Resolution

ENROLLED SENATE
JOINT RESOLUTION NO. 12

BY: TERRILL and LUTON of the SENATE

and

TRENT, DAVIS and LINDSTROM
of the HOUSE

Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT OF ARTICLE X, SECTION 9, OF THE OKLAHOMA CONSTITUTION; PROVIDING THAT THE FIVE-MILL EMERGENCY TAX LEVY AND THE TEN-MILL LOCAL SUPPORT TAX LEVY FOR THE SUPPORT OF SCHOOLS AFTER BEING ONCE APPROVED BY THE ELECTORS SHALL CONTINUE TO BE EFFECTIVE UNTIL REPEALED BY A VOTE OF THE PEOPLE; PROVIDING METHOD OF REPEAL; AND PROVIDING FOR BALLOT TITLE.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 33RD OKLAHOMA LEGISLATURE:

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 amendment to the Constitution of the State of Oklahoma, amending Article X, Section 9, thereof, 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.

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A. R. M. G.

_____ (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 percent (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. Such levy, when approved, shall be made each fiscal year thereafter until . . .

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repealed by a majority of the electors of the school district, voting on the question at an election called for such purpose, and such election shall be called by a petition initiated by ten percent (10%) of the qualified electors of the school district, or by a petition initiated by two thousand (2,000) qualified electors of the school district, whichever is less, and unless otherwise provided by the Legislature. 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.

(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 called for such purposes. Such levy, when approved, shall be made each fiscal year thereafter until repealed by a majority of the electors of the school district voting on the question at an election called for such purpose, and such election shall be called by a petition initiated by ten percent (10%) of the qualified electors of the school district, or by a petition initiated by two thousand (2,000) qualified electors of the school district, whichever is less, and unless otherwise provided by the Legislature. 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

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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-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.

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 10, Section 9, of the Constitution of the State of Oklahoma providing for the five-mill tax levy and the ten-mill tax levy after being approved by the electors shall continue to be effective until repealed by a vote of the people

be approved by the people?

Yes

SHALL THE PROPOSED AMENDMENT BE APPROVED?

No

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the adoption of this Resolution, prepare and

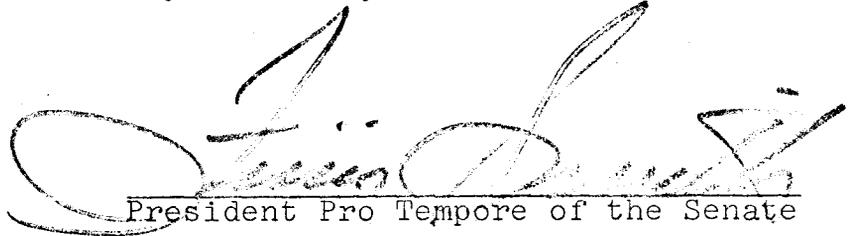
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file one copy thereof, including the ballot title, with the Secretary of State and one copy with the Attorney General of the State of Oklahoma.

Passed the Senate the 21st day of March, 1972.


President Pro Tempore of the Senate

Passed the House of Representatives the 22d day of March, 1972.


Speaker of the House of Representatives

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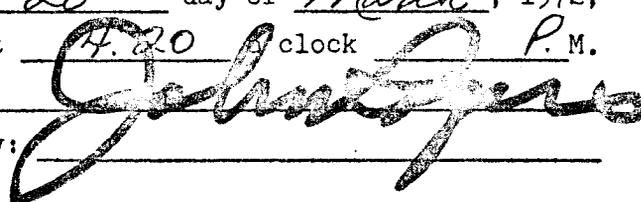


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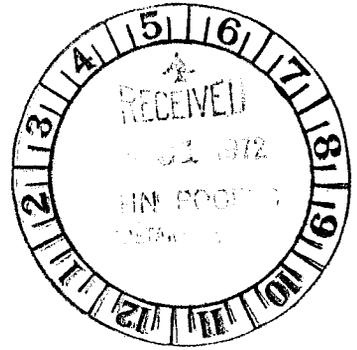
OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

28th day of March, 1972,
at 4:20 clock P.M.

By: 

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



March 31, 1972

The Honorable John Rogers
Secretary of State
State Capitol Building
Oklahoma City, Oklahoma 73105

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. 1971, §9, he has examined the proposed Ballot Title for Enrolled Senate Joint Resolution No. 12, of the Second Regular Session of the 33rd Oklahoma Legislature, which, together with a copy of said resolution, was delivered to him on March 28, 1972, and from said examination finds that the submitted Ballot Title is not in legal form and harmony with the law and does not accurately and fully reflect the gist of said proposal. Therefore, the following amended Ballot Title is submitted for Enrolled Senate Joint Resolution No. 12 to read, as follows:

BALLOT TITLE

Legislative Referendum Petition _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a constitutional amendment:

amending Article 10, Section 9, of the Constitution of the State of Oklahoma providing for an emergency tax levy of not to exceed 5 mills and the local support tax levy of not to exceed 10 mills, after once being approved by a majority of the

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electors in a school district, shall continue to be effective
until repealed by a vote of the people
be approved by the people?

YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

NO

Yours very truly,

FOR THE ATTORNEY GENERAL

Steven E. Moore

STEVEN E. MOORE
ASSISTANT ATTORNEY GENERAL

SEM/bl