

ENROLLED SENATE JOINT RESOLUTION NO. 41  
ENACTED BY THE SECOND REGULAR SESSION OF  
THE THIRY-SEVENTH LEGISLATURE OF OKLAHOMA  
NUMBERED BY THE SECRETARY OF STATE  
LEGISLATIVE REFERENDUM NO. 230, STATE QUESTION 549  
RECEIVED: MAY 8, 1980

# Resolution

ENROLLED SENATE  
JOINT  
RESOLUTION NO. 41

BY: MURPHY of the SENATE

and

MANNING, COLE and WILSON  
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 THE PROPOSED AMENDMENT OF SECTION 9 OF ARTICLE X OF THE CONSTITUTION OF THE STATE OF OKLAHOMA; PROVIDING FOR THE AMOUNT OF AD VALOREM TAXES; AUTHORIZING AN ADDITIONAL LEVY TO BE APPORTIONED AMONG COUNTY, CITY, TOWN AND SCHOOL DISTRICT AND MAKING SUCH LEVY ANNUAL UNTIL REPEALED BY VOTERS; PROVIDING FOR APPROVAL OF ADDITIONAL LEVY; PROVIDING FOR LEVIES; PROVIDING FOR ADDITIONAL LEVIES BY A SCHOOL DISTRICT; DELETING CERTAIN UNCONSTITUTIONAL AND OBSOLETE PROVISIONS; PROVIDING BALLOT TITLE; AND DIRECTING FILING.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 37TH 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 proposed amendment of Section 9 of Article X of the Constitution of the State of Oklahoma, to read as follows:

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

Correctly Enrolled:

*John R. McKelvey*

regular apportionment thereof is otherwise provided for by the Legislature.

In addition to the levy authorized in this subsection, any county may levy a tax of five (5) mills on the dollar valuation of all taxable property in the county when such additional levy is approved by a majority of the registered voters voting on the question at an election called for such purpose. Said five (5) mills shall be apportioned among county, city, town and school district by the county excise board. This additional levy, when approved, shall be levied each fiscal year thereafter until repealed by a majority of the registered voters voting on said question at an election called for such purpose and in the manner provided by law.

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

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 registered voters 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, when approved, shall be levied each fiscal year thereafter until repealed by a majority of the registered voters voting on said question at an election called for such purpose and in the manner provided by law.

(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 registered voters voting on said question at an election and, when approved, shall be levied each fiscal year thereafter until repealed by a majority of the registered voters voting on said question at an election called for such purpose and in the manner provided by law. 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.

Correctly Enrolled: John R. McCarver

(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-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 the proposed Constitutional amendment as set forth in SECTION 1 of this resolution 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 the State of Oklahoma which provides for the amount of ad valorem tax and for levies; authorizing an additional five (5) mill levy to be apportioned among county, city, town and school district and to make levy annual until repealed by voters; providing for approval of such levy; providing for additional levies by a

Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS  
Correctly Enrolled: John R. McCarver

school district; deleting certain unconstitutional and  
obsolete provisions  
be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The President Pro Tempore of the Senate shall,  
immediately after the effective date of this resolution, prepare and  
file one copy thereof, including the Ballot Title set forth in  
SECTION 2 hereof, with the Secretary of State and one copy with the  
Attorney General.

Passed the Senate the 7th day of May, 1980.

ACTING Phil Watson  
President of the Senate

Passed the House of Representatives the 9th day of April, 1980.

David D. Bonior  
Speaker of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this \_\_\_\_\_

8th day of May, 1980,

at 3 o'clock P. M.

Jennette B. Edmondson

By: \_\_\_\_\_

BEFORE THE SECRETARY OF STATE, STATE OF OKLAHOMA

IN THE MATTER OF PROPOSED BALLOT )  
TITLE OF STATE QUESTION NUMBER 549, )  
LEGISLATIVE REFERENDUM NUMBER 230 )

**FILED**

MAY 13 1980

TO: THE HONORABLE JEANETTE EDMONDSON,  
SECRETARY OF STATE, STATE OF OKLAHOMA  
State Capitol Building  
Oklahoma City, Oklahoma 73105

OKLAHOMA SECRETARY  
OF STATE

NOTICE OF NONCONFORMING BALLOT TITLE

You are hereby notified that pursuant to the provisions of 34 O.S. Supp. 1975, § 9, the Attorney General has examined and considered the proposed ballot title to State Question Number 549, as proposed in Legislative Referendum Number 230. The ballot title as proposed therein, reads as follows:

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 THE STATE OF OKLAHOMA WHICH PROVIDES FOR THE AMOUNT OF AD VALOREM TAX AND FOR LEVIES; AUTHORIZING AN ADDITIONAL FIVE (5) MILL LEVY TO BE APPORTIONED AMONG COUNTY, CITY, TOWN AND SCHOOL DISTRICT AND TO MAKE LEVY ANNUAL UNTIL REPEALED BY VOTERS; PROVIDING FOR APPROVAL OF SUCH LEVY; PROVIDING FOR ADDITIONAL LEVIES BY A SCHOOL DISTRICT; DELETING CERTAIN UNCONSTITUTIONAL AND OBSOLETE PROVISIONS

be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES - FOR THE AMENDMENT

NO - AGAINST THE AMENDMENT

It is the opinion of the Attorney General that the Ballot Title to State Question Number 549, as proposed in Legislative Referendum Number 230, as above set forth, is defective and is not in harmony with the law of the State of Oklahoma; that the Ballot Title as proposed insufficiently sets forth the gist of the proposition in language that may be readily understood by persons not engaged in the practice of law.

Therefore, pursuant to 34 O.S. Supp. 1975, § 9(B), the

Attorney General has prepared and hereby files the following Ballot Title which conforms to and is in harmony with the law of this State, to-wit:

BALLOT TITLE

Legislative Referendum No. 230

State Question No. 549

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional amendment

AMENDING SECTION 9 OF ARTICLE 10 OF THE OKLAHOMA CONSTITUTION WHICH PROVIDES FOR AD VALOREM TAXATION BY AUTHORIZING ANY COUNTY, UPON VOTER APPROVAL, TO MAKE AN ADDITIONAL FIVE (5) MILL LEVY ON THE DOLLAR VALUATION OF ALL TAXABLE PROPERTY IN THE COUNTY TO BE AP-PORTIONED AMONG COUNTY, CITY, TOWN AND SCHOOL DISTRICT; BY PROVIDING THAT SUCH LEVY SHALL BE MADE ANNUALLY UNTIL REPEALED BY THE VOTERS; BY EXTENDING THE RIGHT OF AD VALOREM TAXPAYING VOTERS TO VOTE IN ELECTIONS FOR LOCAL SUPPORT LEVIES FOR SCHOOLS TO ALL REGISTERED VOTERS; BY DISPENSING WITH ANNUAL ELECTIONS FOR EMERGENCY LEVIES AND LOCAL SUP-PORT LEVIES FOR SCHOOLS BY PROVIDING THAT SUCH LEVIES, WHEN APPROVED, SHALL BE MADE EACH YEAR UNTIL REPEALED BY THE VOTERS; AND BY DELETING CERTAIN OBSOLETE PROVISIONS

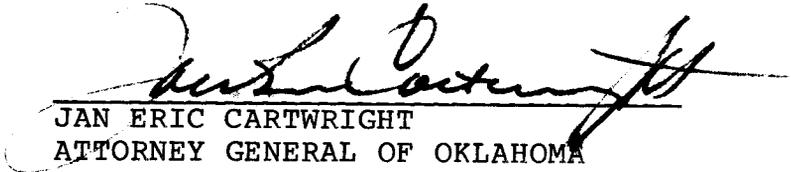
be adopted by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES - FOR THE AMENDMENT

NO - AGAINST THE AMENDMENT

The Secretary of State is hereby directed to substitute the last above stated Ballot Title in lieu of the Ballot Title pro-posed by the party submitting State Question Number 549, as con-tained in Legislative Referendum Number 230.

  
JAN ERIC CARTWRIGHT  
ATTORNEY GENERAL OF OKLAHOMA

CERTIFICATE OF MAILING

This is to certify that on this 13th day of May, 1980, a true and correct copy of the above and foregoing Notice of Non-conforming Ballot Title was mailed to:

Victor Thompson  
Assistant Secretary  
Oklahoma State Senate  
State Capitol Building,  
Oklahoma City, Oklahoma 73105

  
JAN ERIC CARTWRIGHT