

ENROLLED HOUSE JOINT RESOLUTION NUMBER 1026
ENACTED BY THE SECOND REGULAR SESSION OF THE
THIRTY-NINTH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE
LEGISLATIVE REFERENDUM NUMBER 247, STATE QUESTION NUMBER 580
RECEIVED: May 25, 1984

Resolution

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1026

BY: BARKER, CRAIGHEAD, FRIED,
SILL, VIRTUE and GORDON
of the HOUSE

and

YORK and TAYLOR of the
SENATE

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT TO SECTION 9 OF ARTICLE X OF THE CONSTITUTION OF THE STATE OF OKLAHOMA; PROVIDING FOR AD VALOREM TAXATION FOR CERTAIN PURPOSES; PROVIDING PROCEDURES; AUTHORIZING A LOCAL INCENTIVE LEVY; SETTING MAXIMUM LEVY; PROVIDING FOR ELECTIONS; DELETING OBSOLETE LANGUAGE; PROVIDING BALLOT TITLE; AND DIRECTING FILING

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 39TH 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 to 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 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)~~ (e) 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.

(f) In addition to the other levies authorized by this section, any school district may make a local incentive levy for the benefit of the schools of the district in an amount of not to exceed ten (10) mills on the dollar valuation of the taxable property in the district when approved by a majority of the registered voters of the school district, voting on the question at an election for each fiscal year called for that purpose.

~~(e)~~ (g) 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~~, and local incentive levy pursuant to the provisions of subsections (d) and ~~(d-1)~~, (e), and (f) 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 Exeise 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-Assessors-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 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 by authorizing a local incentive levy of not to exceed ten (10) mills on the dollar valuation of taxable property of a school district when approved by a majority of the registered voters of the school district, voting on the question at an election for each fiscal year called for that purpose; and deleting obsolete language

be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

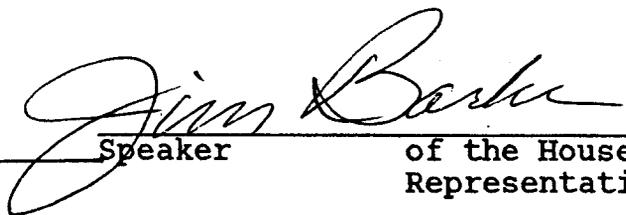
YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

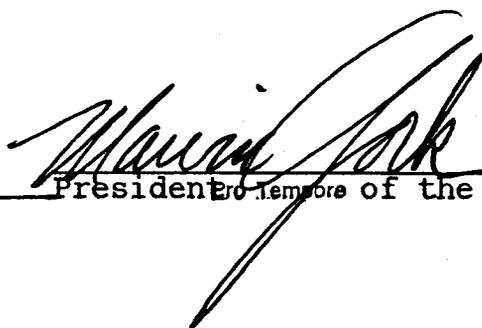
SECTION 3. The Chief Clerk of the House of Representatives shall, immediately after the effective date of this resolution, prepare and file one copy thereof, including the Ballot Title set

forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the House of Representatives the 25th day of April, 1984.

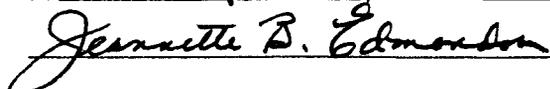

Speaker of the House of Representatives

Passed the Senate the 24th day of May, 1984.


President Pro Tempore of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 25th
day of May, 1984,
at 12:45 o'clock P. M.


By: _____



MICHAEL C. TURPEN
ATTORNEY GENERAL

STATE OF OKLAHOMA
STATE CAPITOL, OKLAHOMA CITY, OKLAHOMA 73105

August 13, 1984

The Honorable Jeanette B. Edmondson
Secretary of State
State Capitol Building
Oklahoma City, Oklahoma 73105

Re: Ballot Title for Legislative Referendum No. 247, State
Question Number 580

Dear Secretary Edmondson:

The Attorney General has received your letter dated August 8, 1984, requesting review of the subject Ballot Title as required by 34 O.S.Supp.1983, § 9.

The Ballot Title as proposed by you reads as follows:

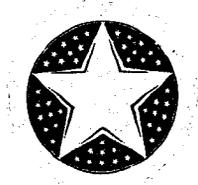
"BALLOT TITLE

"This measure would amend Section 9 of Article X of the Oklahoma Constitution. It would authorize a local school district incentive tax levy. The tax would not exceed ten (10) mills. The mills to be based on the dollar valuation of taxable property of the school district. The tax levy would require voter approval of a majority of the voters of the school district. The voters would vote on the tax levy each fiscal year at an election held for that purpose. The measure would also do away with obsolete language in the section.

"SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?"

"() Yes, for the amendment

"() No, against the amendment"



MICHAEL C. TURPEN
ATTORNEY GENERAL
STATE OF OKLAHOMA
STATE CAPITOL, OKLAHOMA CITY, OKLAHOMA 73105

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"() No, against the amendment"