ENROLLED HOUSE JOINT RESOLUTION NUMBER 1005

ENACTED BY THE FIRST EXTRAORDINARY SESSION OF THE

42ND LEGISLATURE OF THE STATE OF OKLAHOMA

NUMBERED BY THE SECRETARY OF STATE

LEGISLATIVE REFERENDUM NUMBER 281

STATE QUESTION NUMBER 633

LEGISLATIVE REFERENDUM NUMBER 282

STATE QUESTION NUMBER 634

LEGISLATIVE REFERENDUM NUMBER 283

STATE QUESTION NUMBER 635

AND

LEGISLATIVE REFERENDUM NUMBER 284

STATE QUESTION NUMBER 636

Resolution

(1ST EXTRAORDINARY SESSION)
ENROLLED HOUSE
JOINT
RESOLUTION NO. 1005

BY: LEWIS, THOMPSON and HAMILTON (James) of the HOUSE

and

SHEDRICK of the SENATE

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF OKLAHOMA; AMENDING SECTION 5 OF ARTICLE XIII OF THE CONSTITUTION OF THE STATE OF OKLAHOMA, WHICH RELATES TO THE COMPOSITION OF THE STATE BOARD OF EDUCATION; MODIFYING MEMBERSHIP AND SPECIFYING TERMS OF THE BOARD; AMENDING SECTIONS 9, 10 AND 12a OF ARTICLE X OF THE CONSTITUTION OF THE STATE OF OKLAHOMA, WHICH RELATE TO AD VALOREM TAXATION; COMBINING AD VALOREM LEVIES FOR SCHOOL PURPOSES INTO ONE ANNUAL LEVY; PROVIDING PROCEDURE FOR CHANGING LEVY; MODIFYING DISTRIBUTIONS TO THE COMMON SCHOOL FUND; PROVIDING FOR TRANSFER OF MONIES FROM A COUNTY TREASURER TO THE STATE TREASURER; SPECIFYING PROVISIONS ARE SELF-EXECUTING; AMENDING SECTION 3 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF OKLAHOMA, WHICH RELATES TO THE PERMANENT SCHOOL FUND; MODIFYING DISTRIBUTION OF THE INTEREST AND INCOME OF THE PERMANENT SCHOOL FUND; AMENDING SECTION 4 OF ARTICLE XIII OF THE CONSTITUTION OF THE STATE OF OKLAHOMA, WHICH RELATES TO COMPULSORY SCHOOL ATTENDANCE; MODIFYING AGE DETERMINATION FOR COMPULSORY SCHOOL ATTENDANCE; PROVIDING EFFECTIVE DATES; PROVIDING BALLOT TITLES; DIRECTING FILING; AND ORDERING A SPECIAL ELECTION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST EXTRAORDINARY SESSION OF THE 42ND 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 5 of Article XIII of the Constitution of the State of Oklahoma to read as follows:

Section 5. The supervision of instruction in the public schools shall be vested in a State Board of Education, whose powers and duties shall be prescribed by law. ~~The Superintendent of Public Instruction shall be President of the Board. Until otherwise provided by law, the Governor, Secretary of State, and Attorney General shall be ex-officio members, and with the Superintendent, compose said Board of Education.~~

The State Board of Education shall be the governing board of the State Department of Education and shall consist of seven (7) members. The State Superintendent of Public Instruction shall be a member and the president of said Board. The remaining six members shall be appointed by the Governor by and with the advice and consent of the Senate.

Except for the State Superintendent of Public Instruction, the members of the Board shall serve six-year terms of office. Except for the State Superintendent of Public Instruction, a member shall be appointed from each of the six (6) Congressional Districts in existence on December 31, 1990, not to exceed more than one member from any one county, city, or town. Terms of the members shall be staggered so that only one term expires each year.

Provided, that persons serving as members of the State Board of Education on the effective date of this section shall continue to serve as members of the State Board of Education for the terms for which they were appointed.

SECTION 2. 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 Sections 9, 10 and 12a of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 9. ~~(a)~~ 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)~~ ten (10) 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~~,~~ and 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~~ Except as provided in Section 12a of this Article, 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.~~

B. A tax of forty-four (44) mills on the dollar valuation of all taxable property in a school district shall be levied annually in each school district of the State for school purposes; provided, however, any millage levied in excess of thirty-nine (39) mills shall be used for the purpose of raising money for a building fund for a school district which may be used for erecting, remodeling, repairing or equipping school buildings or for any other school purposes. Said number of mills may be decreased or increased by a majority of the voters of the school district voting at an election called for that purpose. Provided that the total number of mills levied pursuant to the provisions of this section shall not exceed forty-four (44).

C. The elections provided in subsection B of this section shall be called upon a resolution adopted by the board of education of the school district or upon petition signed by registered voters numbering not less than seventy-five percent (75%) of the number of registered voters voting in the most recent district-wide school election.

D. Any increase or decrease in millage rates, approved by the voters of a school district pursuant to this section, shall not become effective until the next fiscal year of such school district.

E. The provisions of this section as amended are hereby declared to be self-executing and shall not need further legislative action to be effective.

Section 10. For the purpose of erecting public buildings in counties or cities, or for the purpose of raising money for a building fund for ~~a school district~~ an area school district for vocational and technical schools which may be used for erecting, remodeling or repairing school buildings, and for purchasing furniture, the rates of taxation herein limited may be increased, when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and a majority of the qualified voters of such county, city, or area school district for vocational and technical schools, voting at such election, shall vote therefor: Provided, that such increase shall not exceed five (5) mills on the dollar of the assessed value of the taxable property in such county, city, or area school district for vocational and technical schools.

Section 12a. A. There is hereby created in the State Treasury the Common School Fund. All taxes ~~collected for the maintenance of the common schools of this State, and which are levied upon the property of any railroad company, pipe line company, telegraph company, or upon the property of any public service corporation which operates in more than one county in this State, shall be paid~~ and other monies required to be deposited into the Common School Fund ~~and distributed as are other Common School Funds of this State~~ shall be apportioned by the State Treasurer for distribution as provided by law through the State Aid Formula for the benefit of the common schools of this state. Provided the Legislature, by law, may in lieu of such apportionment provide for the appropriation of such taxes and other monies for distribution as provided by law through the State Aid Formula for the benefit of the common schools of this state.

B. 1. Except as otherwise provided in subsection E of this section, all taxes collected for purposes of the common schools of this state and which are levied against the taxable value of the property of each railroad, airline or each public service corporation which are attributable to the portion of such property's fair cash value not in excess of Five Hundred Thousand Dollars ($500,000.00), which lies within any school district in this state, shall be paid to the general fund of such school district.

2. Except as otherwise provided in subsection E of this section, all taxes collected for purposes of the common schools of this state and which are levied against the taxable value of the property of each railroad, airline or each public service corporation which are attributable to the portion of such property's fair cash value which exceeds Five Hundred Thousand Dollars ($500,000.00), which lies within any school district in this state, shall be paid to the State Treasurer to be deposited into the Common School Fund. The dollar figure specified in this subsection shall be adjusted every three (3) years for inflation by the State Board of Equalization.

3. Except as otherwise required by law, each railroad, airline or public service corporation shall annually report the original cost less allowable depreciation of the property of such railroad, airline or public service corporation to the Oklahoma Tax Commission. The Commission shall identify each railroad, airline and public service corporation property within a school district with a fair cash value which exceeds Five Hundred Thousand Dollars ($500,000.00) as determined by the Commission and such determination shall be a part of the Commission's recommendations to the State Board of Equalization.

C. 1. Except as otherwise provided in subsection E of this section, all taxes collected for purposes of the common schools of this state and which are levied against the taxable value of locally assessed commercial/industrial real and personal property, exclusive of the property of each railroad, airline or each public service corporation, which are attributable to the portion of each such property's fair cash value not in excess of Five Hundred Thousand Dollars ($500,000.00), which lies within any school district in this state, shall be paid to the general fund of such school district.

2. Except as otherwise provided in subsection E of this section, all taxes collected for purposes of the common schools of this state and which are levied against the taxable value of locally assessed commercial/industrial real and personal property, exclusive of the property of each railroad, airline or each public service corporation, which are attributable to the portion of each such property's fair cash value which exceeds Five Hundred Thousand Dollars ($500,000.00), which lies within any school district in this state, shall be paid to the State Treasurer to be deposited into the Common School Fund. The dollar figure specified in this subsection shall be adjusted every three (3) years for inflation by the State Board of Equalization.

3. In order to determine the amount of taxes to be paid to the Common School Fund, the fair cash value of locally assessed commercial/industrial real property shall be added to the fair cash value of any locally assessed commercial/industrial personal property, if any, having a taxable situs at the location of such real property. The fair cash value of all other locally assessed commercial/industrial personal property shall be determined independently for purposes of this subsection. For purposes of this subsection, improvements upon real property not owned by the owner of such real property shall be considered as personal property, but the fair cash value of such improvements shall not be added to the fair cash value of the real property upon which the improvements are located. The Legislature, by law, may alter the procedures contained in this paragraph.

D. At the end of each month after apportioning the collections of that month, the county treasurer shall make a statement to the county clerk of the amount of monies which are required by subsections B and C of this section to be transferred to the State Treasurer for deposit in the Common School Fund. The county treasurer shall transfer such monies to the State Treasurer in the manner prescribed by the State Auditor and Inspector.

E. Until January 1, 1995, all taxes collected for the purpose of raising money for a building fund in a school district pursuant to Section 9 of Article X of the Oklahoma Constitution shall not be subject to the provisions of subsections B and C of this section. Beginning January 1, 1995, one (1) mill of the levy for purposes of raising money for a building fund in a school district shall be subject to the provisions of subsections B and C of this section. Beginning January 1, 1996, two (2) mills of such levy shall be subject to the provisions of subsections B and C of this section. Beginning January 1, 1997, three (3) mills of such levy shall be subject to the provisions of subsections B and C of this section. Beginning January 1, 1998, four (4) mills of such levy shall be subject to the provisions of subsections B and C of this section. Beginning January 1, 1999 and thereafter, any mills levied for purposes of raising money for a building fund in a school district shall be subject to the provisions of subsections B and C of this section.

F. The provisions of this section shall not affect the taxes collected for the benefit of school districts in this state pursuant to Section 26 of Article X of the Oklahoma Constitution.

G. Beginning July 1, 1991, all revenue collected from the gross production tax levied upon oil, gas and other minerals which is apportioned for common school purposes shall be paid to the State Treasurer to be deposited into the Common School Fund.

H. Beginning July 1, 1991, all revenue apportioned for common school purposes from the sources specified in the Oklahoma Vehicle License and Registration Act in effect on the date this section is approved by the voters of this state shall be paid to the State Treasurer to be deposited into the Common School Fund.

I. Beginning July 1, 1991, all revenue collected from the tax levied upon rural electric cooperative corporations which is apportioned for common school purposes shall be paid to the State Treasurer to be deposited into the Common School Fund.

J. The provisions of this section as amended are hereby declared to be self-executing and shall not need further legislative action to be effective.

SECTION 3. 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 3 of Article XI of the Constitution of the State of Oklahoma to read as follows:

Section 3. There is hereby created in the State Treasury the Oklahoma School Land Fund. The interest and income of the permanent school fund, the net income from the leasing of public lands which have been or may be granted by the United States to the State for the use and benefit of the common schools, together with any revenues derived from taxes authorized to be levied for such purposes, and any other sums which may be added thereto by law, shall be ~~used and applied each year~~ deposited into the Oklahoma School Land Fund to be apportioned by the State Treasurer for distribution, as provided by law through the State Aid Formula, for the benefit of the common schools of the State~~, and shall be, for this purpose, apportioned among and between all the several common school districts of the State in proportion to the school population of the several districts, and no~~. No part of the fund shall ever be diverted from

this purpose, or used for any other purpose than the support and maintenance of common schools ~~for the equal benefit of all the people of the State~~.

SECTION 4. 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 4 of Article XIII of the Constitution of the State of Oklahoma to read as follows:

Section 4. The Legislature shall provide for the compulsory attendance at some public or other school, unless other means of education are provided, of all the children in the State ~~who are sound in mind and body, between the ages of eight and sixteen years, for at least three months in each year~~ within the ages specified by law.

SECTION 5. If approved by the people, the amendments specified in Section 2 of this resolution shall become effective January 1, 1991.

SECTION 6. If approved by the people, the amendments in Section 3 of this resolution shall become effective July 1, 1991.

SECTION 7. 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:

This measure amends Section 5 of Article XIII of the Oklahoma Constitution. It would provide for a State Board of Education of seven members. The State School Superintendent would be a member and president of the Board. The Governor would appoint the other six members to six-year terms. These members would be appointed from a different Congressional district. The Governor's appointments are with the advice and consent of the Senate. Present members of the Board would serve to the end of their terms.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

/___/ YES, FOR THE AMENDMENT

/___/ NO, AGAINST THE AMENDMENT

SECTION 8. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 2 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:

This measure amends the Oklahoma Constitution. It amends Sections 9, 10 and 12a of Article X. It combines property tax levies for school districts into a total annual levy of 44 mills. Mill levies more than 39 mills must be used for the building fund. School district voters could change the number of mills levied. The number of mills levied could not exceed 44. This measure will change the way local school property taxes on certain property are distributed.

Some taxes from the property of airlines, railroads, public service companies and commercial/industrial property valued more than $500,000.00 will be placed in a Common School Fund. Taxes on this property less than $500,000.00 would stay with the local school. Taxes on this property for school buildings won't go into this Fund until 1995. The Legislature would decide how the Fund is distributed to schools across the state.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

/___/ YES, FOR THE AMENDMENT

/___/ NO, AGAINST THE AMENDMENT

SECTION 9. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 3 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:

This measure amends the Oklahoma Constitution. It amends Section 3 of Article XI. That section sets out the way income from the leasing of public lands is distributed to common schools. It also sets out the way certain interest is distributed to the schools. Currently, these funds are given to the school districts based only on how many students they have. This measure would change that. It creates the Oklahoma School Land Fund. These funds would be deposited in the Fund. The Legislature would decide how the Fund would be distributed to the common schools.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

/___/ YES, FOR THE AMENDMENT

/___/ NO, AGAINST THE AMENDMENT

SECTION 10. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 4 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:

This measure amends the Oklahoma Constitution. It amends Section 4 of Article XIII. Currently this section requires that children between the ages of eight and sixteen must attend school. This measure would let the Legislature set the age at which children of this state are required to attend school.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

/___/ YES, FOR THE AMENDMENT

/___/ NO, AGAINST THE AMENDMENT

SECTION 11. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and

file one copy thereof, including the Ballot Titles set forth in SECTIONS 7 through 10 hereof, with the Secretary of State and one copy with the Attorney General.

SECTION 12. A special election is hereby ordered to be held throughout the State of Oklahoma on June 26, 1990, at which time the proposed amendments to the Constitution of the State of Oklahoma, as set forth in SECTIONS 1 through 4 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 House of Representatives the 24th day of April, 1990.

Steve Lewis
Speaker of the House of Representatives

Passed the Senate the 24th day of April, 1990.

ACTING Herb Rozell
President of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 24th day of April, 1990, at 6:21, o'clock P. M.

Hannah D. Atkins

By: _____