

**ENROLLED
HOUSE JOINT RESOLUTION NO. 1042**

**ENACTED BY THE
SECOND REGULAR SESSION
OF THE
44TH LEGISLATURE OF THE
STATE OF OKLAHOMA**

**NUMBERED BY THE
SECRETARY OF STATE**

**STATE QUESTION NO. 666
LEGISLATIVE REFERENDUM NO. 300**

Received: May 27, 1994

Resolution

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1042

By: Steidley 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 a proposed amendment to Section 10A of Article X of the Constitution of the State of Oklahoma, which relates to tax levies for cooperative county libraries and joint city-county libraries; increasing millage caps relating to ad valorem tax levies in certain counties; eliminating population requirements relating to establishment and maintenance of multicounty and joint city-county public library systems; authorizing use of ad valorem tax revenues for libraries and library services authorized by the Legislature; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 44TH 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 10A of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 10A. To provide funds for the purpose of establishing and maintaining or aiding in establishing and maintaining public libraries and library services, a special annual recurring ad valorem tax ~~levy of not less than one (1) mill nor more than four (4) mills on the dollar of the assessed valuation of all taxable property in the county~~ shall be levied when such levy is approved by a majority vote of the qualified electors of the county voting on the question at an election called for that purpose by the Board of County Commissioners, either upon its own initiative or upon petition initiated by not less than ten percent (10%) of the qualified electors of the county based on the total number of votes cast at the last general election for the county office receiving the highest number of votes at such an election.

Except as provided in this section, in a county having less than one hundred fifty thousand (150,000) population, according to the most recent Federal Decennial Census, the special annual recurring ad valorem tax levy shall be not less than one (1) mill nor more than four (4) mills on the dollar of the assessed valuation of all taxable property in the county. In a county having more than one hundred fifty thousand (150,000) population or in a multicounty library system with a county having more than one hundred fifty thousand (150,000) population, according to the most recent Federal Decennial Census, the special annual recurring ad valorem tax levy for each such county shall be not less than one (1) mill nor more than six (6) mills on the dollar of the assessed valuation of all taxable property in the county.

This special levy shall be in addition to all other levies and when authorized shall be made each fiscal year thereafter until such authority shall be cancelled by a majority vote of the qualified electors of the county voting on the question at an election called for that purpose by the Board of County Commissioners upon petition initiated by not less than twenty percent (20%) of the qualified electors of the county based on the total number of votes cast at the last general election for the county office receiving the highest number of votes at such an election.

~~In counties having a population of less than one hundred thousand (100,000), according to the most recent Federal Decennial Census, the proceeds of such levy shall be used by the county only for creation, development, operation and maintenance of such public libraries and library services as are in cooperation with one or more other counties; and in counties having a population of more than one hundred thousand (100,000), according to the most recent Federal Decennial Census, the proceeds of such levy shall be used by the county for joint city-county public libraries and library services or for such public libraries and library services as are in cooperation with one or more other counties authorized by the Legislature. Nothing herein shall prohibit other levies for public libraries and library services or the use of other public funds for such purposes. All expenditures of the proceeds of such levies shall be made in accordance with laws heretofore or hereafter enacted concerning such libraries and library services. The provisions hereof shall be self-executing.~~

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:

This measure amends the State Constitution. It amends Section 10A of Article 10. This section deals with public library systems. It also deals with taxes for libraries. This measure would raise the cap on the ad valorem tax levy for libraries from four to six mills in some counties. It would raise the cap in a county with more than 150,000 people. It would raise the cap in counties in a multi-county library system with a county having more than 150,000 people. The cap on the ad valorem tax levy for libraries in counties with less than 150,000 people stays the same. This measure would let a county use these taxes to provide any libraries and library services that are allowed by state law.

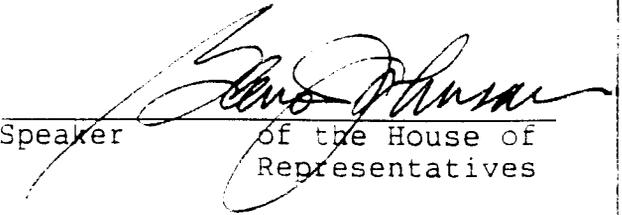
SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

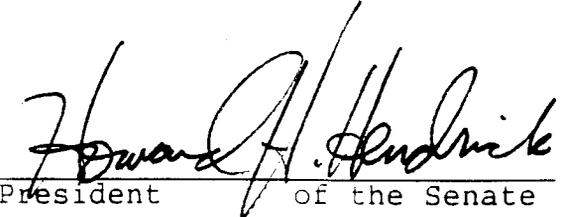
NO, AGAINST THE AMENDMENT

SECTION 3. 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 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 26th day of May, 1994.


Speaker of the House of
Representatives

Passed the Senate the 27th day of May, 1994.


ACTING President of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 27th
day of May, 1994,
at 9:33, o'clock P. M.

By: Elo Henley



SUSAN B. LOVING
ATTORNEY GENERAL OF OKLAHOMA

June 7, 1994

FILED

JUN - 8 1994

The Honorable Glo Henley
Secretary of State
101 State Capitol Building
Oklahoma City, Oklahoma 73105

OKLAHOMA SECRETARY
OF STATE

Re: Ballot Title for House Joint Resolution 1042 of the Second Regular Session of the 44th Legislature.

Dear Secretary Henley:

This office has received the request for review of the subject Ballot Title as required by 34 O.S.Supp.1993, § 9(C). As a Title 34 ballot review, the following does not constitute an Attorney General's Opinion on the merits of constitutionality of the underlying proposed change in the law.

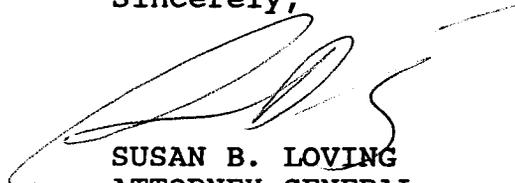
The Ballot Title as proposed by the Legislature reads as follows:

This measure amends the State Constitution. It amends Section 10A of Article 10. This section deals with public library systems. It also deals with taxes for libraries. This measure would raise the cap on the ad valorem tax levy for libraries from four to six mills in some counties. It would raise the cap in a county with more than 150,000 people. It would raise the cap in counties in a multi-county library system with a county having more than 150,000 people. The cap on the ad valorem tax levy for libraries in counties with less than 150,000 people stays the same. This measure would let a county use these taxes to provide any libraries and library services that are allowed by state law.

The Honorable Glo Henley
June 7, 1994
Page 2

The Attorney General has reviewed your proposed official Ballot Title for House Joint Resolution 1042 of the Second Regular Session of the 44th Oklahoma Legislature and finds that it is in legal form and harmony with the law.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Loving', is written over the typed name.

SUSAN B. LOVING
ATTORNEY GENERAL

SBL:tf

ballot\1042.hjr