

ENROLLED HOUSE BILL 1863

ENACTED BY THE SECOND REGULAR SESSION OF THE

48TH LEGISLATURE OF THE STATE OF OKLAHOMA

NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 704

LEGISLATIVE REFERENDUM NUMBER 329

RECEIVED: May 24, 2002

An Act

ENROLLED HOUSE
BILL NO. 1863

By: Roach and Liotta of the
House

and

Williams and Cain of the
Senate

An Act directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 10 of Article X of the Constitution of the State of Oklahoma; modifying provisions related to permissible use of building funds; providing ballot title; and directing filing.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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 10 of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 10. A. 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 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 school district, 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 school district.

B. A school district may upon approval by a majority of the electors of the district voting on the question make the ad valorem levy for a building fund under subsection A of this section permanent. If the question is approved, the levy in the amount approved as required by this section, shall be made each fiscal year thereafter until such time as a majority of the electors of the district voting on the question rescind the making of the levy permanent. An election on such question shall be held at such time as a petition is signed by ten percent (10%) of the school district electors or a recommendation by the board of education of the school district is made asking that the levies be made each fiscal year.

C. Proceeds from the levy authorized by this section for school districts may be used to pay costs related to the inspection of property, as prescribed by law, for purposes of ad valorem taxation.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this act 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 10 of Article 10. School districts have building funds. Property taxes are levied for this purpose. Generally, monies in these funds are used to construct school buildings. This measure would allow the building funds to be used for payment of certain costs. These costs are related to the inspection of property by the county assessor. The inspections are part of the property tax system. The way in which building funds could be used for this purpose could be prescribed by 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 act, 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 24th day of May, 2002.

Ken Matlock
Presiding Officer of the House of
Representatives

Passed the Senate the 24th day of May, 2002.

Mike May
Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 24th
day of May 20 02
at 5:13 o'clock P. M.

By: *Mike Hunter*



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 29, 2002

Mr. Mike Hunter, Secretary of State
Office of the Secretary of State
101 State Capitol Building
Oklahoma City, Oklahoma 73105

The Honorable Stratton Taylor
President Pro Tempore
422 State Capitol Building
Oklahoma City, OK 73105

The Honorable Larry E. Adair
Speaker of the House of Representatives
401 State Capitol Building
Oklahoma City, OK 73105

FILED

MAY 29 2002

**OKLAHOMA SECRETARY
OF STATE**

Re: Ballot Title for State Question No. 704, Legislative Referendum No. 329

Gentlemen:

We have, in accordance with provisions of 34 O.S.2001, § 9(C), reviewed the Ballot Title for the above-referenced State Question and conclude that it is in harmony with the law. We point out, however, that the bold language following the actual language of the Ballot Title does not fully comply with the requirements of 26 O.S.2001, § 6-113, which requires the following language to follow the substantive language of the Ballot Title:

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES

AGAINST THE PROPOSAL—NO



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As a Title 34 Ballot Title review, this letter does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law.

Respectfully submitted,



W.A. DREW EDMONDSON
ATTORNEY GENERAL

WAE:rjs