

Enrolled

Senate Joint Resolution No. 20.

By Mr. Sutorch.

A Resolution Proposing An Amendment to Section 27
Article 10. of the Constitution of the State of Oklahoma.

To Be It Enacted by the Legislature of the State of Oklahoma:

That the following amendment to Section 27, Article 10, of the Constitution of this State is hereby proposed; said amendment with the yeas and nays thereon to be entered in the journals of the respective bodies of the Legislature and referred by the Secretary of State to the people for their approval or rejection, to-wit:

"Any incorporated city or town in this State may, with the assent of three-fifths of the qualified property taxpaying voters of such city or town, voting at an election to be held for that purpose, be allowed to become indebted in an amount in addition to that specified in Section 26 in the aggregate equal to five per centum of the valuation of the taxable property therein, to be ascertained from the last assessment for State and county purposes previous to the incurring of such indebtedness, for the purpose of purchasing or constructing public utilities or for repairing the same, to be owned exclusively by such city, provided, that such indebtedness incurred under the provisions of this section prior to the adoption of this amendment is not included within this limitation; and provided, further, that any such city or town incurring any such indebtedness requiring the assent of the voters as aforesaid, shall have the power to provide for, and, before or at the time of incurring such indebtedness, shall provide for the collection of an annual tax in addition to the other taxes provided for by this Constitution, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the time of contracting the same.

Provided, that for the purpose of constructing viaducts and bridges across railroad tracks and streams within any city, such city may, when authorized by the voters aforesaid, join with the railway company in the construction of such viaduct or bridge, and bear such portion of the expense of the cost of such improvements as may be agreed upon, prior to the election authorizing the same."

Passed by the Senate February 26th 1915.

M. J. Sutorch
President of the Senate.

Passed by the House of Representatives March 23rd 1915.

Approved this March 30th 1915.
R. L. McLean
Governor of the State of Oklahoma.

A. M. Gray
Speaker of the House of Representatives.

Correctly Enrolled
By Mr. Sutorch.

-----BALLOT TITLE-----

Proposed amendment to Section 27, Article 10, Constitution relating to limitations upon indebtedness of incorporated cities and towns, limits such municipalities as to indebtedness in addition to the amount allowed under Section 26, Article 10, Constitution, to only 5 per cent of the assessed valuation of the property therein, for the purpose of purchasing, constructing or repairing municipal-owned public utilities; such additional indebtedness to be authorized by assent of three-fifths of the qualified, property taxpaying voters at an election, and this limitation not to include indebtedness incurred under Section 27, Article 10, prior to adoption of this amendment.

LEGISLATURE

BE IT ENACTED BY THE ~~LEGISLATURE~~ OF THE STATE OF OKLAHOMA:

That the following amendment to Section 27, Article 10, of the Constitution of this State is hereby proposed; said amendment with the yeas and nays thereon to be entered in the journals of the respective bodies of the Legislature and referred by the Secretary of State to the people for their approval or rejection, to-wit:

" Any incorporated city or town in this State, may, with the assent of three-fifths of the qualified property taxpaying voters of such city or town, voting at an election to be held for that purpose, be allowed to become indebted in an amount in addition to that specified in section 26, in the aggregate equal to five per centum of the valuation of the taxable property therein, to be ascertained from the last assessment for State and county purposes previous to the incurring of such indebtedness for the purpose of purchasing or constructing public utilities or for repairing the same, to be owned exclusively by such City, provided, that such indebtedness incurred under the provisions of this Section prior to the adoption of this amendment is not included ~~within~~ this limitation; and provided, further, that any such city or town incurring any such indebtedness requiring the assent of the voters as aforesaid, shall have the power to provide for, and, before or at the time of incurring such indebtedness, shall provide for the collection of an annual tax in addition to the other taxes provided for by this ~~section~~ ^{constitution}, sufficient to pay with the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof with ⁱⁿ ~~with~~ twenty five years from the time of contracting the same.

Provided, that for the purpose of constructing viaducts and bridges across railroad tracks and streams within any City, such City may,

when authorized by the voters aforesaid, join with the railway company in the construction of such viaduct or bridge, and bear such portion of the expense of the cost of such improvement as may be agreed upon, prior to the election authorizing the same."

S. P. FREELING
ATTORNEY GENERAL

JNO. B. HARRISON
R. E. WOOD
R. McMILLAN
SMITH C. MATSON
C. W. KING
J. I. HOWARD
BANKING DEPARTMENT
J. H. MILEY
SCHOOL LAND DEPARTMENT
ASSISTANT ATTORNEYS GENERAL

STATE OF OKLAHOMA
OFFICE OF THE
ATTORNEY GENERAL

OKLAHOMA CITY

April 20, 1916

PLEASE REFER TO INITIAL

SCM/HML

To the Secretary of State,
City.

Dear Sir:

Receipt is acknowledged of your communication enclosing copies of joint resolutions passed by the Legislatures of 1915 and 1916, proposing amendments to the Constitution of the State, together with proposed ballot titles for the submission of such proposed amendments and requesting this office in the event such ballot titles are not approved, to prepare ballot titles to conform to each of such proposed amendments. We submit herewith ballot titles to be used by you in the submission of these amendments as follows:

So 82 SENATE JOINT RESOLUTION OR BILL #6, THE 1916 LEGISLATURE.

To this proposed amendment the Legislature has prescribed a ballot title in Section 3 of said resolution, which ballot title must be used in the submission of this proposed amendment and also in connection with the preparation of this ballot the form prescribed by the Legislature must be strictly followed.

Secretary of State-2

✓
SQ 83 SENATE JOINT RESOLUTION #12, APPROVED MARCH 13, 1915.

To this resolution the following ballot title is adopted:

The gist of this proposition is to repeal section 12a of article 10 of the Constitution, which section provides that all taxes collected for the maintenance of the common schools of the state and which are levied upon the property of any public service corporation operating in more than one county in the state shall be paid into the common school fund and distributed as are other common school funds of the state.

SQ 89 SENATE JOINT RESOLUTION #16, APPROVED MARCH 11, 1915.

For this proposed amendment the following ballot title is prepared:

An amendment abolishing county court and vesting jurisdiction of county court, including probate matters, in district court; district court to have original jurisdiction in all civil and criminal matters whatever, except where Legislature hereafter confers exclusive jurisdiction on some other court; clerk of district court appointed by and holding at pleasure of judge and to exercise such judicial power as Legislature may provide; district judge ineligible to become candidate for office during his term except to succeed himself. Amendment to become effective second Monday of January, 1917.

The following ballot title is prepared to be used in connection with the submission of Senate Joint Resolution

SQ 87 No. 18, Approved March 11, 1915:

✓ Proposed amendment to Constitution providing for consolidation of supreme and criminal court of appeals as now constituted, with an additional justice, and as consolidated to be known as the Supreme Court of Oklahoma. Said court to sit in divisions of at least three justices; one Criminal Division to which appeals in criminal cases shall be taken; authorizing Legislature to provide for nomination and election and may reduce or increase the number of justices of said court and change the districts; appeals to be limited; relates also to rules of practice, decisions and organization of the court.

5088
SENATE JOINT RESOLUTION #22, APPROVED MARCH 11, 1915

The ballot title is as follows:

Proposed amendment to Section 19, Article 2, Constitution, providing that juries in courts of record other than county court, shall consist of 8 men, except in capital cases to consist of 12 men; juries in county court and courts not of record to consist of 6 men; in all civil cases and criminal cases less than felonies, three-fourths of jury may render verdict; also that Legislature may provide for rendering final judgment in the appellate court without remanding cause for retrial by jury as to the facts.

5085
SENATE JOINT RESOLUTION #20, APPROVED MARCH 30, 1915.

The ballot title is as follows:

Proposed amendment to Section 27, Article 10, Constitution relating to limitations upon indebtedness of incorporated cities and towns, limits such municipalities as to indebtedness in addition to the amount allowed under Section 26, Article 10, Constitution, to only 5 per cent of the assessed valuation of the property therein, for the purpose of purchasing, constructing or repairing municipal-owned public utilities; such additional indebtedness to be authorized by assent of three-fifths of the qualified, property taxpaying voters at an election, and this limitation not to include indebtedness incurred under Section 27, Article 10, prior to adoption of this amendment.

5084
SENATE JOINT RESOLUTION #27, APPROVED MARCH 30, 1915.

The ballot title is as follows:

This proposed amendment to the Constitution reduces the salary of the Clerk of the Supreme Court to \$2500.00 instead of \$3000.00 as now provided; clerk to be appointed by the Supreme Court; and constitutes the clerk ex officio clerk of any other appellate courts in the state; amendment to be effective second Monday in January, 1919.

5080
HOUSE JOINT RESOLUTION #1, APPROVED MARCH #0, 1915.

The ballot title is as follows;

Secretary of State-4

Proposed amendment to Section 7, Article 23, Constitution, authorizing the Legislature to provide for compulsory or elective compensation by the employer to the employee in case of death, permanent or partial disability and to create the machinery for the administration of such workmen's or employees' compensation fund.

SQ 81 HOUSE JOINT RESOLUTION #17, APPROVED MARCH 30, 1915.

The ballot title is as follows:

Proposed amendment to Section 21, Article 10, of the Constitution creating a state tax commission of three members to adjust or assess and equalize the valuation of real and personal property between counties and assess all railroad and public service corporation property and to exercise such other powers relating to taxation as may be prescribed by the Legislature. Abolishes State Board of Equalization as now constituted.

Very truly,

For the Attorney General,

Smith C. Matson
Assistant Attorney General.

OB-St

Argument in favor of
SENATE JOINT RESOLUTION NO. 20.

Section 27 of article 10 as it now exists, in addition to the indebtedness authorized by section 26 of article ¹⁰ 26, permits cities and towns to issue bonds ^{or create indebtedness} for the purpose of purchasing or constructing public utilities or repairing the same to be owned exclusively by such city, ^{or town} in any sum equal to or in excess of its taxable wealth. This amendment proposes to place a limitation on the hereafter incurring of such unlimited indebtedness.

Section 26 of article 10 permits counties, cities, towns, townships and school districts to issue bonds or contract indebtedness for any purpose, as prescribed by the legislature, to an amount equal to five per cent of the valuation of taxable property situated in such subdivision.

The amendment proposed ~~permits~~ ^{permits} in addition to the indebtedness authorized by said section 26, ~~to allow~~ cities and towns to incur an additional indebtedness equal to five per cent of the valuation of taxable property situated in such subdivision, excluding all indebtedness heretofore incurred by virtue of section 27, article 10, instead of leaving the bars down as they now are so an unlimited amount of indebtedness may be contracted.

If this amendment is adopted, then cities and towns will ^{still} be permitted to issue bonds equal to five per centum of the valuation of the taxable property for municipal purposes proper, and another five per cent for school district purposes as a part of such district, and another five per cent for county purposes, as a part of such county, and then another five per cent for public utility purposes. Thus a municipality in the aggregate will then be permitted to issue bonds and become indebted in an amount equal to twenty per cent of the valuation of the taxable property situated in such town. It is submitted that that is a sufficient grant of power to permit indebtedness ^{be such a burden upon any city or town} and that this amendment ^{making} this limitation is a wise safeguard and should be adopted and not permit section 27, article 26, to remain in force as now existing, which allows cities and towns for certain purposes to become indebted even to the value of the taxable property situated in such city or town. *How or as proposed*
See Joint Legislative Committee

State Question #85
Initiative Petition #88
Argument In Re
Senate Joint Resolution
#20

SECRETARY'S MEMORANDUM
OKLAHOMA CITY, STATE OF OKLAHOMA

Secretary's Office:

This instrument was filed for record this

27 day of April

A. D., 1916 at 3:30 o'clock P. M.

Recorded in _____ at _____

Record No. _____ at page _____

[Signature]

Secretary of State

By *[Signature]*
[Signature]