

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE JOINT
4 RESOLUTION 1011

By: Lepak

5
6 AS INTRODUCED

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8 A Joint Resolution directing the Secretary of State
9 to refer to the people for their approval or
10 rejection a proposed amendment to Section 9 of
11 Article X of the Constitution of the State of
12 Oklahoma; authorizing millage for general fund of
13 municipalities; prescribing procedures for voting;
14 providing for required voter approval; providing for
15 reduction or elimination of millage; providing ballot
16 title; and directing filing.

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19 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND
20 THE SENATE OF THE 1ST SESSION OF THE 56TH OKLAHOMA LEGISLATURE:

21 SECTION 1. The Secretary of State shall refer to the people for
22 their approval or rejection, as and in the manner provided by law,
23 the following proposed amendment to Section 9 of Article X of the
24 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

1 and school district, by the County Excise Board, until such time as
2 a regular apportionment thereof is otherwise provided for by the
3 Legislature.

4 No ad valorem tax shall be levied for State purposes, nor shall
5 any part of the proceeds of any ad valorem tax levy upon any kind of
6 property in this State be used for State purposes.

7 (b) A tax of four (4) mills on the dollar valuation of all
8 taxable property in the county shall be levied annually in each
9 county of the State for school purposes and, until otherwise
10 provided by law, the proceeds thereof shall be apportioned to the
11 school districts of the county by the County Treasurer on the basis
12 of the legal average daily attendance for the preceding school year
13 as certified by the State Board of Education. Provided that in case
14 a school district lies in more than one county, such district shall
15 be deemed a school district of the county having the greater part of
16 the area comprising such district, unless otherwise provided by law,
17 and shall be entitled to participate in the proceeds of such tax on
18 the same basis as districts lying wholly within such county but
19 revenue from such tax on the assessed valuation of the district in
20 other counties shall, when collected, be transmitted to the County
21 Treasurer of such county having the greater part of the area
22 comprising the district, unless otherwise provided by law, and be
23 apportioned as hereinbefore provided for the proceeds of such tax on
24 the assessed valuation of such county. Not to exceed seventy-five

1 per centum (75%) of the amount received by a school district from
2 the proceeds of such county levy in any year shall be required to
3 finance the State guaranteed program of such district.

4 (c) Upon certification of a need therefor by the board of
5 education of any school district an additional tax of not to exceed
6 fifteen (15) mills on the dollar valuation of all taxable property
7 in the district shall be levied for the benefit of the schools of
8 such district.

9 (d) In addition to the levies hereinbefore authorized, any
10 school district may make an emergency levy for the benefit of the
11 schools of such district, in an amount not to exceed five (5) mills
12 on the dollar valuation of the taxable property in such district
13 when approved by a majority of the electors of the district voting
14 on the question at an election called for such purpose. This
15 emergency levy shall provide only sufficient additional revenue to
16 meet the needs of the district each fiscal year as determined by the
17 board of such district and must be approved by a majority of the
18 electors voting on said question at such an election for each fiscal
19 year.

20 (d-1) In addition to the levies hereinbefore authorized, any
21 school district may make a local support levy for the benefit of the
22 schools of such district, in an amount not to exceed ten (10) mills
23 on the dollar valuation of the taxable property in such district,
24 when approved by a majority of the ad valorem taxpaying voters

1 voting on said question at an election for each fiscal year called
2 for such purposes. This local support levy shall provide only
3 sufficient additional revenue to meet the needs of the district for
4 each such fiscal year as determined by the board of such district;
5 provided, an elector desiring to vote upon such local support levy
6 must present an ad valorem tax receipt for the year immediately
7 preceding before being issued a ballot, or sign a sworn affidavit
8 certifying the fact of such payment.

9 (d-2) A school district may upon approval by a majority of the
10 electors of the district voting on the question make the ad valorem
11 levy for emergency levy and local support levy under (d) and (d-1)
12 of this section permanent. If the question is approved, the levies,
13 in the amount approved as required by this section, shall be made
14 each fiscal year thereafter until such time as a majority of the
15 electors of the district voting on the question rescind the making
16 of the levy permanent. An election on such question shall be held
17 at such time as a petition is signed by ten percent (10%) of the
18 school district electors or a recommendation by the board of
19 education of the school district is made asking that the levies be
20 made each fiscal year.

21 (e) The amount of revenue from school district ad valorem taxes
22 levied under (a) and (c) of this Section which any school district
23 may be required to use to finance its State guaranteed program shall
24 not be in excess of its share, based upon its relative taxpaying

1 ability as may be defined by law, of an amount equivalent to the net
2 proceeds from a fifteen (15) mill tax levy on the aggregate net
3 assessed valuation of the State; but until such relative taxpaying
4 ability is defined by the Legislature, the amount of revenue from
5 such taxes which any school district may be required to use to
6 finance its State guaranteed program shall not be in excess of the
7 net proceeds from an ad valorem tax levy of fifteen (15) mills on
8 the dollar net assessed valuation of the district. No part of the
9 proceeds from any ad valorem levy for emergency levy and local
10 support levy under (d) and (d-1) of this Section shall be required
11 to finance the State guaranteed program of such district.

12 Nothing in the amendments to the Constitution incorporated
13 herein shall be construed to amend, alter or supersede the present
14 application of Article XII-A, Sections 1 and 2 of the Oklahoma
15 Constitution.

16 (f) If submitted to the ballot pursuant to approval of the
17 majority of the members of the governing body of any municipality,
18 or if submitted to the ballot based upon a petition signed by at
19 least ten percent (10%) of the voters of the municipality, and upon
20 approval by a majority of the registered voters of a municipality,
21 in addition to any other millage authorized by this section, a
22 millage not to exceed ten (10) mills may be levied upon the taxable
23 value of property of such municipality for the purposes of the
24 municipal general fund. If approved, the millage shall remain in

1 effect until modified pursuant to a subsequent vote which may either
2 be referred to the ballot pursuant to a majority vote of the members
3 of the governing body of the municipality or upon a petition signed
4 by at least ten percent (10%) of the registered voters of the
5 municipality. Any millage approved pursuant to the provisions of
6 this section may be subsequently reduced or eliminated. All votes
7 for the adoption or the modification, including the elimination, of
8 any millage authorized pursuant to this subsection shall require a
9 simple majority of the voters of the municipality.

10 SECTION 2. The Ballot Title for the proposed Constitutional
11 amendment as set forth in SECTION 1 of this resolution shall be in
12 the following form:

13 BALLOT TITLE

14 Legislative Referendum No. _____ State Question No. _____

15 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

16 This measure amends the Oklahoma Constitution. It amends
17 Section 9 of Article 10. This section authorizes property tax
18 levies. The measure would allow voters of cities and towns to
19 decide the question of an additional property tax levy. The
20 additional levy could not exceed ten (10) mills. Revenue from
21 this levy would be for the general fund of the city or town.
22 The additional levy would continue to be levied, if approved,
23 until voters decided to reduce the levy or eliminate the levy.
24 A majority of the governing board of a city or town could refer

1 the question to the ballot for adoption or modification of this
2 levy. This would include a vote to eliminate the levy. Ten
3 percent (10%) of the voters of the city or town could sign a
4 petition to call an election for adoption or modification of
5 this levy. This would include a vote to eliminate the levy. A
6 simple majority vote of the voters of the city or town would be
7 required to adopt or modify this millage levy including a vote
8 to eliminate the levy.

9 SHALL THE PROPOSAL BE APPROVED?

10 FOR THE PROPOSAL - YES _____

11 AGAINST THE PROPOSAL - NO _____

12 SECTION 3. The Chief Clerk of the House of Representatives,
13 immediately after the passage of this resolution, shall prepare and
14 file one copy thereof, including the Ballot Title set forth in
15 SECTION 2 hereof, with the Secretary of State and one copy with the
16 Attorney General.

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