

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE JOINT
4 RESOLUTION 42

By: Anderson

5
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State
8 to refer to the people for their approval or
9 rejection a proposed amendment to Section 9 of
10 Article X of the Oklahoma Constitution; construing
11 language; providing ballot title; ordering special
12 election.

13 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
14 2ND SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

15 SECTION 1. The Secretary of State shall refer to the people for
16 their approval or rejection, as and in the manner provided by law,
17 the following proposed amendment to Section 9 of Article X of the
18 Oklahoma Constitution to read as follows:

19 Section 9. Amount of ad valorem tax.

20 (a) Except as herein otherwise provided, the total taxes for
21 all purposes on an ad valorem basis shall not exceed, in any taxable
22 year, fifteen (15) mills on the dollar, no less than five (5) mills
23 of which is hereby apportioned for school district purposes, the
24 remainder to be apportioned between county, city, town and school

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

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

6 (b) A tax of four (4) mills on the dollar valuation of all
7 taxable property in the county shall be levied annually in each
8 county of the State for school purposes and, until otherwise
9 provided by law, the proceeds thereof shall be apportioned to the
10 school districts of the county by the County Treasurer on the basis
11 of the legal average daily attendance for the preceding school year
12 as certified by the State Board of Education. Provided that in case
13 a school district lies in more than one county, such district shall
14 be deemed a school district of the county having the greater part of
15 the area comprising such district, unless otherwise provided by law,
16 and shall be entitled to participate in the proceeds of such tax on
17 the same basis as districts lying wholly within such county but
18 revenue from such tax on the assessed valuation of the district in
19 other counties shall, when collected, be transmitted to the County
20 Treasurer of such county having the greater part of the area
21 comprising the district, unless otherwise provided by law, and be
22 apportioned as hereinbefore provided for the proceeds of such tax on
23 the assessed valuation of such county. Not to exceed seventy-five
24 per centum (75%) of the amount received by a school district from

1 the proceeds of such county levy in any year shall be required to
2 finance the State guaranteed program of such district.

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

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

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

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

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

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

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

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

15 (f) Effective July 1, 2020, all references in this section to
16 "school district" shall mean "county school district" and all
17 references to "board of education" shall mean "county board of
18 education". The Legislature may pass any additional laws that may
19 be required to implement the provisions of this section.

20 SECTION 2. The Ballot Title for the proposed Constitutional
21 amendment as set forth in SECTION 1 of this act shall be in the
22 following form:

23 BALLOT TITLE
24 Legislative Referendum No. _____ State Question No. _____

1 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

2 This measure amends Section 9 of Article 10 of the Oklahoma
3 Constitution. It changes the meaning of the term school
4 district after a certain date. Each school district would be
5 considered a county school district.

6 SHALL THE PROPOSAL BE APPROVED?

7 FOR THE PROPOSAL - YES _____

8 AGAINST THE PROPOSAL - NO _____

9 SECTION 3. A special election is hereby ordered to be held
10 throughout the State of Oklahoma on the date of the next statewide
11 primary or special election which occurs immediately following the
12 date Enrolled Senate Bill No. __ of the 2nd Session of the 55th
13 Oklahoma Legislature becomes effective as law, at which time the
14 proposed amendment to the Oklahoma Constitution, as set forth in
15 SECTION 1 of this act, shall be submitted to the people of Oklahoma
16 for their approval or rejection as and in the manner provided by
17 law.

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