

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE JOINT  
4 RESOLUTION 1016

By: Lepak

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 Constitution of the State of  
11 Oklahoma; modifying reference; providing ballot  
12 title; and directing filing.

13 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
14 1ST SESSION OF THE 57TH 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 Constitution of the State of Oklahoma 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 SECTION 2. The Ballot Title for the proposed Constitutional  
16 amendment as set forth in SECTION 1 of this resolution shall be in  
17 the following form:

18 BALLOT TITLE  
19 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

20 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

21 This measure amends the Oklahoma Constitution. It amends  
22 Section 9 of Article 10. It modifies a reference.

23 SHALL THE PROPOSAL BE APPROVED?

24 FOR THE PROPOSAL - YES \_\_\_\_\_

1           AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

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8           57-1-7454           MAH           12/26/18