

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE JOINT  
6 RESOLUTION NO. 1029

By: Nichols

7  
8 COMMITTEE SUBSTITUTE

9 A Joint Resolution directing the Secretary of State  
10 to refer to the people for their approval or  
11 rejection a proposed amendment to Section 9 of  
12 Article X of the Constitution of the State of  
13 Oklahoma; authorizing an economically disadvantaged  
14 levy for certain school districts; establishing  
15 qualifications for levy; providing ballot title; and  
16 directing filing.

17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
18 2ND SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

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

23 Section 9. (a) Except as herein otherwise provided, the total  
24 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

1 purposes, the remainder to be apportioned between county, city, town  
2 and school district, by the County Excise Board, until such time as  
3 a regular apportionment thereof is otherwise provided for by the  
4 Legislature.

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

8 (b) A tax of four (4) mills on the dollar valuation of all  
9 taxable property in the county shall be levied annually in each  
10 county of the State for school purposes and, until otherwise  
11 provided by law, the proceeds thereof shall be apportioned to the  
12 school districts of the county by the County Treasurer on the basis  
13 of the legal average daily attendance for the preceding school year  
14 as certified by the State Board of Education. Provided that in case  
15 a school district lies in more than one county, such district shall  
16 be deemed a school district of the county having the greater part of  
17 the area comprising such district, unless otherwise provided by law,  
18 and shall be entitled to participate in the proceeds of such tax on  
19 the same basis as districts lying wholly within such county but  
20 revenue from such tax on the assessed valuation of the district in  
21 other counties shall, when collected, be transmitted to the County  
22 Treasurer of such county having the greater part of the area  
23 comprising the district, unless otherwise provided by law, and be  
24 apportioned as hereinbefore provided for the proceeds of such tax on

1 the assessed valuation of such county. Not to exceed seventy-five  
2 per centum (75%) of the amount received by a school district from  
3 the proceeds of such county levy in any year shall be required to  
4 finance the State guaranteed program of such district.

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

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

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

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

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

22 (e) In addition to the levies hereinbefore authorized, a  
23 qualifying school district may make an economically disadvantaged  
24 levy for the benefit of the schools of such district, in an amount

1 not to exceed five (5) mills on the dollar valuation of the taxable  
2 property in such district when approved by a majority of the  
3 electors of the district voting on the question at an election  
4 called for such purpose. This economically disadvantaged levy shall  
5 provide additional revenue to meet the high economic needs of the  
6 school district and its students, and if approved, shall be made  
7 each fiscal year thereafter until such time as a majority of the  
8 electors of the district voting on the question rescind the making  
9 of the levy permanent.

10 (f) The amount of revenue from school district ad valorem taxes  
11 levied under (a) and (c) of this Section which any school district  
12 may be required to use to finance its State guaranteed program shall  
13 not be in excess of its share, based upon its relative taxpaying  
14 ability as may be defined by law, of an amount equivalent to the net  
15 proceeds from a fifteen (15) mill tax levy on the aggregate net  
16 assessed valuation of the State; but until such relative taxpaying  
17 ability is defined by the Legislature, the amount of revenue from  
18 such taxes which any school district may be required to use to  
19 finance its State guaranteed program shall not be in excess of the  
20 net proceeds from an ad valorem tax levy of fifteen (15) mills on  
21 the dollar net assessed valuation of the district. No part of the  
22 proceeds from any ad valorem levy for emergency levy and local  
23 support levy under (d) and (d-1) of this Section shall be required  
24 to finance the State guaranteed program of such district.

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

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

8 BALLOT TITLE

9 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

10 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

11 This measure amends Section 9 of Article 10 of the Oklahoma  
12 Constitution. It would authorize a school district to raise an  
13 additional five (5) mill levy on the taxable property within the  
14 district if approved by a majority of the voters in the  
15 district. The levy would be an economically disadvantaged levy  
16 and only the ten school districts in the state which have the  
17 highest number of students qualifying for free or reduced  
18 lunches would have the ability to raise the levy. The levy  
19 would be a permanent levy until it is rescinded by a majority of  
20 the voters in the district.

21 SHALL THE PROPOSAL BE APPROVED?

22 FOR THE PROPOSAL - YES \_\_\_\_\_

23 AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

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7 58-2-10854 EK 03/01/22

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