

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE JOINT  
4 RESOLUTION 1036

By: Echols

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6  
7 AS INTRODUCED

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 26 of  
11 Article X of the Constitution of the State of  
12 Oklahoma; allowing a school district to become  
13 indebted for the purpose of acquiring or improving  
14 the school sites or equipment of a charter school;  
15 defining term; providing ballot title; and directing  
16 filing.

17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
18 1ST 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 26 of Article X of the  
22 Constitution of the State of Oklahoma to read as follows:

23 Section 26. (a) Except as herein otherwise provided, no  
24 county, city, town, township, school district, or other political  
corporation, or subdivision of the state, shall be allowed to become  
indebted, in any manner, or for any purpose, to an amount exceeding,

1 in any year, the income and revenue provided for such year without  
2 the assent of three-fifths of the voters thereof, voting at an  
3 election, to be held for that purpose, nor, in cases requiring such  
4 assent, shall any indebtedness be allowed to be incurred to an  
5 amount, including existing indebtedness, in the aggregate exceeding  
6 five percent (5%) of the valuation of the taxable property therein,  
7 to be ascertained from the last assessment for state and county  
8 purposes previous to the incurring of such indebtedness: Provided,  
9 that if a school district or charter school has an absolute need  
10 therefor, ~~such~~ the school district may, with the assent of three-  
11 fifths of the voters thereof voting at an election to be held for  
12 that purpose, incur indebtedness to an amount, including existing  
13 indebtedness, in the aggregate exceeding five percent (5%) but not  
14 exceeding ten percent (10%) of the valuation of the taxable property  
15 therein, to be ascertained from the last assessment for state and  
16 county purposes previous to the incurring of such indebtedness, for  
17 the purpose of acquiring or improving school district or charter  
18 school sites, constructing, repairing, remodeling or equipping  
19 buildings of the school district or charter school, or acquiring  
20 school district or charter school furniture, fixtures or equipment;  
21 and such assent to such indebtedness shall be deemed to be a  
22 sufficient showing of such absolute need, unless otherwise provided  
23 by law. Provided further, that if a city or town has an absolute  
24 need therefor, such city or town may, with the assent of three-

1 fifths of the voters thereof voting at an election to be held for  
2 that purpose, incur indebtedness to an amount, including existing  
3 indebtedness, in the aggregate exceeding five percent (5%) but not  
4 exceeding ten percent (10%) of the valuation of the taxable property  
5 therein, to be ascertained from the last assessment for state and  
6 county purposes previous to the incurring of such indebtedness, and  
7 such assent to such indebtedness shall be deemed to be a sufficient  
8 showing of such absolute need unless otherwise provided by law.

9 Provided, further, that any county, city, town, school district, or  
10 other political corporation, or subdivision of the state, incurring  
11 any indebtedness requiring the assent of the voters as aforesaid,  
12 shall, before or at the time of doing so, provide for the collection  
13 of an annual tax sufficient to pay the interest on such indebtedness  
14 as it falls due, and also to constitute a sinking fund for the  
15 payment of the principal thereof within twenty-five (25) years from  
16 the time of contracting the same, and provided further that nothing  
17 in this section shall prevent, under such conditions and limitations  
18 as shall be prescribed by law, any school district from contracting  
19 with:

20 (1) certificated personnel for periods extending one (1) year  
21 beyond the current fiscal year; or

22 (2) a school superintendent for periods extending more than one  
23 (1) year, but not to exceed three (3) years beyond the current  
24 fiscal year.

1        As used in this subsection, "charter school" shall mean a  
2 charter school that:

3        (1) is formed and operated under the provisions of the Oklahoma  
4 Charter Schools Act;

5        (2) owns or occupies a physical building located within the  
6 geographical boundaries of the school district incurring  
7 indebtedness under this subsection;

8        (3) has at least fifty percent (50%) of students enrolled that  
9 have a permanent residence within the geographical boundaries of the  
10 school district incurring indebtedness under this subsection at any  
11 time in the calendar year immediately preceding the year election  
12 required under this subsection is held that consists of student  
13 enrollment.

14        (b) If a county approves an exemption of household goods of the  
15 heads of families and livestock employed in support of the family  
16 from ad valorem taxation pursuant to the provisions of subsection  
17 ~~(b)~~ B of Section 6 of this article, the percentage limitations on  
18 indebtedness as specified in subsection (a) of this section for  
19 political subdivisions or political corporations located in any such  
20 county shall be adjusted by multiplying the percentage levels  
21 specified in subsection (a) of this section by the millage  
22 adjustment factor as specified in subsection (b) of Section 8A of  
23 this article.

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1 (c) If approved by the people, the amendment to this section  
2 shall become effective January 1, 1993.

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

6 BALLOT TITLE

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

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 This measure amends Section 26 of Article 10 of the Oklahoma  
10 Constitution. It allows a school district to become indebted,  
11 after the approval of three-fifths (3/5) of the voters in an  
12 election, for the purpose of acquiring or improving the school  
13 sites or equipment of a charter school. The charter school must  
14 be physically located within the school district and fifty  
15 percent (50%) of the charter school's students must reside in  
16 the school district.

17 SHALL THE PROPOSAL BE APPROVED?

18 FOR THE PROPOSAL - YES \_\_\_\_\_

19 AGAINST THE PROPOSAL - NO \_\_\_\_\_

20 SECTION 3. The Chief Clerk of the House of Representatives,  
21 immediately after the passage of this resolution, shall prepare and  
22 file one copy thereof, including the Ballot Title set forth in  
23  
24

1 SECTION 2 hereof, with the Secretary of State and one copy with the  
2 Attorney General.

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