

1 STATE OF OKLAHOMA

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

3 HOUSE JOINT
4 RESOLUTION 1029

By: Nichols

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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 an economically disadvantaged
13 levy for certain school districts; establishing
14 qualifications for levy; providing ballot title; and
15 directing filing.

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18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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
purposes, the remainder to be apportioned between county, city, town
and school district, by the County Excise Board, until such time as

1 a regular apportionment thereof is otherwise provided for by the
2 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) In addition to the levies hereinbefore authorized, a
21 qualifying school district may make an economically disadvantaged
22 levy for the benefit of the schools of such district, in an amount
23 not to exceed five (5) mills on the dollar valuation of the taxable
24 property in such district when approved by a majority of the

1 electors of the district voting on the question at an election
2 called for such purpose. This economically disadvantaged levy shall
3 only be authorized for the ten school districts in the state which
4 have the highest number of students enrolled in the school district
5 who qualify for free or reduced lunches as certified by the State
6 Board of Education. This economically disadvantaged levy shall
7 provide additional revenue to meet the high economic needs of the
8 school district and its students, and if approved, shall be made
9 each fiscal year thereafter until such time as a majority of the
10 electors of the district voting on the question rescind the making
11 of the levy permanent.

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

1 support levy under (d) and (d-1) of this Section shall be required
2 to finance the State guaranteed program of such district.

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

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

10 BALLOT TITLE

11 Legislative Referendum No. _____ State Question No. _____

12 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

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 58-1-6364 EK 01/18/21