

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE JOINT
RESOLUTION 1049

By: Nichols

AS INTRODUCED

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

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 59TH OKLAHOMA LEGISLATURE:

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

Section 9. (a) Except as herein otherwise provided, the total 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
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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
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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 provide additional revenue to meet the high economic needs of the
4 school district and its students, and if approved, shall be made
5 each fiscal year thereafter until such time as a majority of the
6 electors of the district voting on the question rescind the making
7 of the levy permanent.

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

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

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 9 of Article 10 of the Oklahoma
10 Constitution. It would authorize a school district to raise an
11 additional five (5) mill levy on the taxable property within the
12 district if approved by a majority of the voters in the
13 district. The levy would be a permanent levy until it is
14 rescinded by a majority of the voters in the district.

15 SHALL THE PROPOSAL BE APPROVED?

16 FOR THE PROPOSAL - YES _____

17 AGAINST THE PROPOSAL - NO _____

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

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24 59-2-9202 MAH 12/19/23
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