

SJR 41

THE STATE SENATE
Thursday, February 21, 2002

Senate Joint
Resolution No. 41
As Amended

SENATE JOINT RESOLUTION NO. 41 - By: WILLIAMSON of the Senate and SMITH (Hopper) of the House.

[school districts - additional tax levy - ballot title - directing filing]

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 48TH 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:

~~(a)~~ 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 a regular apportionment thereof is otherwise provided for by the Legislature.

~~Except as otherwise provided in subsection H of this section,~~
no ad valorem tax shall be levied for State purposes, nor shall any

1 part of the proceeds of any ad valorem tax levy upon any kind of
2 property in this State be used for State purposes.

3 ~~(b)~~ B. A tax of four (4) mills on the dollar valuation of all
4 taxable property in the county shall be levied annually in each
5 county of the State for school purposes and, until otherwise
6 provided by law, the proceeds thereof shall be apportioned to the
7 school districts of the county by the County Treasurer on the basis
8 of the legal average daily attendance for the preceding school year
9 as certified by the State Board of Education. Provided that in case
10 a school district lies in more than one county, such district shall
11 be deemed a school district of the county having the greater part of
12 the area comprising such district, unless otherwise provided by law,
13 and shall be entitled to participate in the proceeds of such tax on
14 the same basis as districts lying wholly within such county but
15 revenue from such tax on the assessed valuation of the district in
16 other counties shall, when collected, be transmitted to the County
17 Treasurer of such county having the greater part of the area
18 comprising the district, unless otherwise provided by law, and be
19 apportioned as hereinbefore provided for the proceeds of such tax on
20 the assessed valuation of such county. Not to exceed seventy-five
21 per centum (75%) of the amount received by a school district from
22 the proceeds of such county levy in any year shall be required to
23 finance the State guaranteed program of such district.

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

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

17 ~~(d-1)~~ E. In addition to the levies hereinbefore authorized, any
18 school district may make a local support levy for the benefit of the
19 schools of such district, in an amount not to exceed ten (10) mills
20 on the dollar valuation of the taxable property in such district,
21 when approved by a majority of the ad valorem taxpaying voters
22 voting on ~~said~~ the question at an election for each fiscal year
23 called for such purposes. This local support levy shall provide

1 only sufficient additional revenue to meet the needs of the district
2 for each such fiscal year as determined by the board of such
3 district; provided, an elector desiring to vote upon such local
4 support levy must present an ad valorem tax receipt for the year
5 immediately preceding before being issued a ballot, or sign a sworn
6 affidavit certifying the fact of such payment.

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

19 ~~(e)~~ G. The amount of revenue from school district ad valorem
20 taxes levied under ~~(a)~~ subsections A and ~~(e)~~ C of this ~~Section~~
21 section which any school district may be required to use to finance
22 its State guaranteed program shall not be in excess of its share,
23 based upon its relative taxpaying ability as may be defined by law,

1 of an amount equivalent to the net proceeds from a fifteen (15) mill
2 tax levy on the aggregate net assessed valuation of the State; but
3 until such relative taxpaying ability is defined by the Legislature,
4 the amount of revenue from such taxes which any school district may
5 be required to use to finance its State guaranteed program shall not
6 be in excess of the net proceeds from an ad valorem tax levy of
7 fifteen (15) mills on the dollar net assessed valuation of the
8 district. No part of the proceeds from any ad valorem levy for
9 emergency levy and local support levy under ~~(d)~~ subsections D and
10 ~~(d-1)~~ E of this ~~Section~~ section shall be required to finance the
11 State guaranteed program of such district.

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

16 H. In addition to other levies herein authorized, any school
17 district may make a levy, in an amount not to exceed five (5) mills
18 on the dollar valuation of the taxable property in such district
19 when approved by a majority of the electors of the district voting
20 on the question at an election called for such purpose. Revenue
21 from any levy made pursuant to the provisions of this subsection
22 shall be apportioned as follows:

1 YES, FOR THE AMENDMENT

2 NO, AGAINST THE AMENDMENT

3 SECTION 3. The President Pro Tempore of the Senate shall,
4 immediately after the passage of this resolution, prepare and file
5 one copy thereof, including the Ballot Title set forth in SECTION 2
6 hereof, with the Secretary of State and one copy with the Attorney
7 General.

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-13-02 - DO
9 PASS, As Amended and Coauthored.