

HB 1198 – By Ervin, Deutschendorf, Covey, Walker, Nations and Miller (Ray) of the House and Fisher of the Senate

An Act directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 35 of Article X of the Constitution of the State of Oklahoma; modifying authorized purposes for certain bonds to be issued by units of local government; authorizing levy of sales tax; imposing maximum rate; authorizing apportionment of certain revenues in accordance with provisions of Section 6C of Article X of the Oklahoma Constitution; prohibiting revocation of tax levies or apportionments; authorizing suspension of levy or apportionment under certain circumstances; authorizing creation of regional economic development districts; providing for authorized purposes of certain bond proceeds; providing for applicability of certain election procedures; providing ballot title; and directing filing.

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

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 35 of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 35. (a) Any incorporated town and any county may issue, by and with the consent of the majority of the registered voters of said municipality or county voting on the question at an election held for the purpose, bonds in sums provided by such majority at such election for ~~the purpose of securing and developing industry~~ economic development or community development purposes, as may be defined by law, within or near the said municipality or county holding the election.

(b) Such bonds shall bear interest at a rate as set by law and shall be sold in a manner prescribed by law.

(c) To provide for the payment of all such bonds outstanding, principal, and interest as they mature, the municipality or county may:

(1) levy a special tax, payable annually, in a total amount not to exceed five (5) mills on the dollar, in addition to the legal rate permitted, on the real and personal taxable property therein; provided, however, the municipality or county may, from time to time, suspend the collection of such annual levy when not required for the payment of its bonds; and provided further, however, that in no event shall the real and personal taxable property in any city or town be subject to a special tax in excess of five (5) mills for bonds issued hereunder;

(2) levy a special sales tax, payable as may be prescribed by law, in a total amount not to exceed one cent (\$0.01) on the dollar, in addition to the legal rate permitted, upon the sale of tangible personal property and services, not otherwise exempted by law;

(3) apportion revenues pursuant to Section 6C of Article X of the Constitution, in a manner prescribed by law; or

(4) implement any combination of paragraphs (1) through (3) of this subsection. Provided, however, that the source or sources of revenue and the irrevocable pledge thereof shall be set forth in the ballot.

(d) Such bonds shall be issued under terms prescribed by law.

(e) (1) The governing body of the municipality or the county commissioners of the county shall exercise jurisdiction over the sale or exchange of any such bonds voted by the electors at an election held for that purpose and shall expend economically the funds so provided.

(2) In the expenditure and use of proceeds from the sale of said bonds, the said governing body is hereby authorized and directed to coordinate its industrial development

plans and projects insofar as practicable with similar plans and projects of local industrial development agencies and the Oklahoma Industrial Finance Authority, as set forth in Section 34 of Article X of the Constitution, so as to supplement funds to be derived from these and other sources, including federal aid available to economically depressed areas, if any; and to the extent that federal requirements shall require subordination of liens securing loans from the Oklahoma Industrial Finance Authority or from other sources, as a condition to the obtaining of such federal aid, the same is hereby approved and authorized.

(f) The election on the issuance of such bonds shall be held at such time as the governing body of the municipality may designate by ordinance, or as the county commissioners of the county may designate by order, which ordinance or order shall state the sum total of issue, the dates of maturities thereof, and shall fix the date of election so that it shall not occur earlier than thirty (30) days after the passage of the said ordinance or the granting of said order. All elections called pursuant to this section shall be conducted by the appropriate county election board or boards pursuant to the general election laws of the state. The said election shall be held and conducted, the vote thereof canvassed, and the result thereof declared under the law and in the manner now or hereafter provided for municipal elections when the election is held by a municipality, and in the manner now or hereafter provided for county elections when the election is held by a county, so far as the same may be applicable, except as herein otherwise provided. Notice of the election shall be given by the mayor of the municipality or by the county commissioners of the county by advertisement weekly for at least four times in some newspaper having a bona fide circulation in the said municipality or county, with the last publication to be not less than ten (10) days prior to the date of the said election. Only registered voters of the said municipality or county shall have a right to vote at the said election. The result of the said election shall be proclaimed by the mayor of the municipality or by the county commissioners of the county, and the result as proclaimed shall be conclusive, unless attacked in the courts within thirty (30) days after the date of such proclamation.

(g) The tax levies or revenue apportionment associated with bonds issued pursuant to this section and the pledge thereof, may not be revoked during the term of such bonds; provided, however, the municipality or county may, from time to time, suspend the collection of such levy or apportioned revenues when not required for the payment of its bonds.

(h) The Legislature may provide by law for the creation of regional economic development districts, comprised of two or more municipalities or counties, or a combination of one or more municipalities and counties, and may specify the terms and conditions under which the bonds authorized in this section may be issued by municipalities and counties located within such districts. The provisions of paragraph (f) of this section shall not apply to any bonds issued in accordance with this paragraph unless such provisions are made expressly applicable by law.

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

BALLOT TITLE

Legislative Referendum No. ____ State Question No. ____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It amends Section 35 of Article 10. This section allows local governments to issue bonds. The bonds are for economic development. If this measure passes, economic development purposes could be defined by law. This measure would allow local governments to levy a special sales tax. The tax rate could not be more than one cent (\$0.01). This measure would allow local governments to use tax money in special ways for economic development. If a special tax is approved to repay bonds, the special tax could not be repealed until the bonds were repaid. If taxes were being used in other ways to repay bonds, the bonds would have to be repaid before changing the way the taxes were being spent. This measure would allow regional economic development districts to be created. The districts could be created by laws that the Legislature could write. After a district was created, the district could issue bonds. The bonds would be for economic development or community development. There are procedures for having an election to issue economic development bonds. The procedures used for regional economic development district bonds could be different.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, FOR THE AMENDMENT

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

HB 1375 – By Plunk of the House and Shurden of the Senate

An Act directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 2 of Article V of the Oklahoma Constitution; requiring that fifteen per centum of legal voters is required to propose initiative petitions for legislative measures involving certain activities, occupations, sporting or other entertainment events; providing ballot title; and directing filing.

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

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 2 of Article V of the Constitution of the State of Oklahoma to read as follows:

Section 2. A. The first power reserved by the people is the initiative, and eight per centum of the legal voters shall have the right to propose any legislative measure, and fifteen per centum of the legal voters shall have the right to propose amendments to the Constitution by petition, ~~and every such.~~ Provided, initiative petitions that propose any legislative measure to abolish any method, practice or procedure for hunting, fishing, or trapping, or to abolish any occupation or sporting or other entertainment event involving livestock, fowl, fish or other animal, domestic or not, shall require fifteen per centum of the legal voters. Every petition shall include the full text of the measure so proposed.

B. The second power is the referendum, and it may be ordered ~~(, except as to laws necessary for the immediate preservation of the public peace, health, or safety),~~ either by

petition signed by five per centum of the legal voters or by the Legislature as other bills are enacted.

C. The ratio and per centum of legal voters hereinbefore stated shall be based upon the total number of votes cast at the last general election for the State office receiving the highest number of votes at such election.

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

BALLOT TITLE

Legislative Referendum No. ____ State Question No. ____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It amends Section 2 of Article 5. It changes the number of legal voters needed to propose an amendment to the law of this state. At present 8% of the legal voters are required to propose a change in the law. This measure will change the number of legal voters to 15%. It would only apply to certain types of laws. It would apply to laws that would do away with methods for hunting, fishing, or trapping. It would also apply to laws that would do away with occupations dealing with animals. Also, it would apply to laws that would do away with sporting or entertainment events dealing with animals.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

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

HJR 1001 – By Claunch, Rice, Braddock, Deutschendorf, Turner and Perry of the House and Reynolds of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 6 of Article X of the Constitution of the State of Oklahoma; setting forth exemption from ad valorem taxes for storm shelters; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 48TH OKLAHOMA LEGISLATURE:

SECTION 4. 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 6 of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 6. ~~(a)~~ A. Except as otherwise provided in subsection ~~(b)~~ B of this section, all property used for free public libraries, free museums, public cemeteries, property used

exclusively for nonprofit schools and colleges, and all property used exclusively for religious and charitable purposes, and all property of the United States except property for which a federal agency obtains title through foreclosure, voluntary or involuntary liquidation or bankruptcy unless the taxation of such property is prohibited by federal law; all property of this state, and of counties and of municipalities of this state; household goods of the heads of families, tools, implements, and livestock employed in the support of the family, not exceeding One Hundred Dollars (\$100.00) in value, and all growing crops, shall be exempt from taxation: Provided, that all property not herein specified now exempt from taxation under the laws of the Territory of Oklahoma, shall be exempt from taxation until otherwise provided by law.

All property owned by the Murrow Indian Orphan Home, located in Coal County, and all property owned by the Whitaker Orphan Home, located in Mayes County, so long as the same shall be used exclusively as free homes or schools for orphan children, and for poor and indigent persons, and all fraternal orphan homes, and other orphan homes, together with all their charitable funds, shall be exempt from taxation, and such property as may be exempt by reason of treaty stipulations, existing between the Indians and the United States government, or by federal laws, during the force and effect of such treaties or federal laws. The Legislature may authorize any incorporated city or town, by a majority vote of its electors voting thereon, to exempt manufacturing establishments and public utilities from municipal taxation, for a period not exceeding five (5) years, as an inducement to their location.

Up to one hundred (100) square feet of a storm shelter designed for protection and safety from tornadoes or tornadic winds and installed or added to an improvement to real property after January 1, 2002, shall be exempt from taxation. A storm shelter shall include, but not be limited to, a safe room built as part of and within an improvement to real property. If title to property with an exempt storm shelter is transferred, changed or conveyed to another person, such storm shelter shall be assessed for that year based on the fair cash value as set forth in Section 8 of this article.

~~(b)~~ B. The board of county commissioners of any county may call a special election to determine whether or not household goods of the heads of families and livestock employed in support of the family located within the county shall be exempt from ad valorem taxation. Such an election shall also be called by the board upon petition signed by not less than twenty-five percent (25%) of the registered voters of the county. Upon passage of the question, the exemption provided for in this subsection shall become effective on January 1 of the following year.

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

BALLOT TITLE

Legislative Referendum No. ____ State Question No. ____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It amends Section 6 of Article 10. This measure would exempt storm shelters from property tax. It would exempt up to 100 square feet of a storm shelter from tax. A storm shelter must be designed to provide protection and safety from tornadoes. Storm shelters shall include safe rooms

built within a home. The exemption would apply to storm shelters added after January 1, 2002. A transfer of real property with an exempt storm shelter would result in the shelter being subject to property tax.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 6. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

HJR 1025 – By Benson and Deutschendorf of the House and Maddox of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 6B of Article X of the Constitution of the State of Oklahoma; modifying authorized use of certain amounts of ad valorem revenue by counties; authorizing use of certain portion of county ad valorem revenue for economic development; providing for approval by voters of county; providing for direct apportionment of revenue derived from levies by other taxing jurisdictions; specifying exempt property subject to provisions related to specialized use of ad valorem revenue; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 48TH OKLAHOMA LEGISLATURE:

SECTION 7. 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 6B of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 6B. A. For the purpose of inducing any manufacturing concern to locate or expand manufacturing facilities within any county of this state, a qualifying manufacturing concern shall be exempt from the levy of any ad valorem taxes upon new, expanded or acquired manufacturing facilities for a period of five (5) years.

B. For purposes of this section, a "qualifying manufacturing concern" means a concern that:

1. Is not engaged in business in this state or does not have property subject to ad valorem tax in this state and constructs a manufacturing facility in this state or acquires an existing facility that has been unoccupied for a period of twelve (12) months prior to acquisition; or
2. Is engaged in business in this state or has property subject to ad valorem tax in this state and constructs a manufacturing facility in this state at a different location from present facilities and continues to operate all of its facilities or acquires an existing facility that has been unoccupied for a period of twelve (12) months prior to acquisition and continues to operate all of its facilities.

C. The exemption allowed by this section shall apply to expansions of existing facilities. Provided, however that any exemption shall be limited to the increase in ad valorem taxes directly attributable to the expansion.

D. The Legislature shall define the term "manufacturing facility" for purposes of the ad valorem tax exemption provided by this section in order to promote full employment of labor resources within the state; provided, however, that a manufacturing facility that qualifies for the ad valorem tax exemption provided by this section, pursuant to the definition of "manufacturing facility" then applicable, shall be eligible for the exemption without regard to subsequent changes in the definition of the term "manufacturing facility".

E. The Legislature shall enact laws to carry out the provisions of this section and to provide for the reimbursement to common schools, county governments, cities and towns, emergency medical services districts, vocational-technical schools, junior colleges, county health departments and libraries for revenues lost to such entities as a result of the exemption provided by this section.

F. The assessed valuation of property exempt from taxation by virtue of this section shall be added to the assessed valuation of taxable property in computing the limit on indebtedness of political subdivisions contained in Section 26 of this article.

G. Pursuant to an affirmative vote of a majority of the eligible voters of the county at an election for such purpose which may be called by the county commissioners of each county, after the expiration of the period prescribed by this section for the exemption, a county may retain not to exceed twenty-five percent (25%) of the increased ad valorem taxes derived from the levy imposed by the county upon the taxable value of property previously exempt pursuant to this section. The revenue retained by the county pursuant to this subsection may be used by the county as an economic development incentive to attract additional investment which will result in additional employment in the county. Only ad valorem tax revenue derived from ten (10) mills of the total ad valorem tax levy imposed by the county may be used for this purpose. The ad valorem tax revenue derived from the levy imposed by any other taxing jurisdiction shall be apportioned as otherwise required by law. The provisions of this subsection shall be applicable to qualified manufacturing concerns exempt prior to the adoption of the amendment contained in this subsection and which become taxable, either by expiration of the exemption period or for other reasons, on or after the date as of which the provisions of this subsection become law and to qualified manufacturing concerns which are exempt for the first time on or after the date of the adoption of the amendment contained in this subsection and which subsequently become taxable.

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

BALLOT TITLE

Legislative Referendum No. ____ State Question No. ____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It amends Section 6B of Article 10. Businesses pay property tax on business property. Some kinds of business can have an exemption from property tax. The exemption can last up to five years. After the exemption is over, the business pays property tax on its property. Property tax is used by local governments. Counties use property tax. If this measure passes, an election could be called. Voters could change the way county property tax is used. If voters approved, some county property tax could be used for economic development.

A county could use no more than one-fourth of some property tax this way. Only one-fourth of property tax from previously exempt business property could be used this way. This part of county property tax could be used for other economic development purposes. Only property tax a county receives could be used in this way. Other local governments that receive property tax would get the full amount of property tax from business property.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 9. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

SJR 1 – By Herbert of the Senate and Begley, Claunch, Dank, Nance, O’Neal, Sullivan (Leonard), Worthen and Young of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new section to Article XXIII to be designated as Section 1A; prohibiting employment restrictions on basis of membership in, affiliation with, or payments to a labor organization or payments to a charity in lieu thereof; making violation a misdemeanor; making provisions applicable to employment contracts; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 48TH OKLAHOMA LEGISLATURE:

SECTION 10. 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 Article XXIII of the Constitution of the State of Oklahoma by adding a new Section 1A to read as follows:

Section 1A. A. As used in this section, "labor organization" means any organization of any kind, or agency or employee representation committee or union, that exists for the purpose, in whole or in part, of dealing with employers concerning wages, rates of pay, hours of work, other conditions of employment, or other forms of compensation.

B. No person shall be required, as a condition of employment or continuation of employment, to:

1. Resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;
2. Become or remain a member of a labor organization;
3. Pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization;
4. Pay to any charity or other third party, in lieu of such payments, any amount equivalent to or pro rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization; or

5. Be recommended, approved, referred, or cleared by or through a labor organization.

C. It shall be unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization unless the employee has first authorized such deduction.

D. The provisions of this section shall apply to all employment contracts entered into after the effective date of this section and shall apply to any renewal or extension of any existing contract.

E. Any person who directly or indirectly violates any provision of this section shall be guilty of a misdemeanor.

SECTION 11. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. ____ State Question No. ____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure adds a new section of law to the State Constitution. It adds Section 1A to Article 23. It bans any new employment contract that requires employees to resign from or belong to a union, pay union dues, or make other payments to a union. Required contributions to charity or any other third party instead of payments to a union are also banned. Employees must authorize payroll deduction to unions. Violation of the section is a misdemeanor.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 12. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file in accordance with Section 3 of Article V of the Oklahoma Constitution one copy of this resolution, including the Ballot Title set forth in SECTION 2, with the Secretary of State and one copy with the Attorney General.