STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE JOINT
RESOLUTION 15 By: Easley

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 26 of Article X of the Oklahoma Constitution; allowing school districts to propose certain enabling question to voters of the district; allowing certain school districts to incur indebtedness upon majority vote if enabled by voters of district; allowing voters of school district to rescind approval of enabling proposal upon petition by certain number of voters or upon proposal by school district board of education; deleting obsolete language; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 50TH 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 26 of Article X of the Constitution of the State of Oklahoma, to read as follows:

Section 26. ~~(a)~~ A. Except as herein otherwise provided, no 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, in any year, the income and revenue provided for such year without the assent of three-fifths of the voters thereof, voting at an election, to be held for that purpose, nor, in cases requiring such assent, shall any indebtedness be allowed to be incurred to an amount, including existing indebtedness, in the aggregate exceeding five percent (5%) of the valuation of the taxable property therein, to be ascertained from the last assessment for state and county

purposes previous to the incurring of such indebtedness: Provided, that if a school district has an absolute need therefor, such district may, with the assent of three-fifths of the voters thereof voting at an election to be held for that purpose, incur indebtedness to an amount, including existing indebtedness, in the aggregate exceeding five percent (5%) but not exceeding ten percent (10%) of the valuation of the taxable property therein, to be ascertained from the last assessment for state and county purposes previous to the incurring of such indebtedness, for the purpose of acquiring or improving school sites, constructing, repairing, remodeling or equipping buildings, or acquiring school furniture, fixtures or equipment; and such assent to such indebtedness shall be deemed to be a sufficient showing of such absolute need, unless otherwise provided by law. Provided further, a school district, by resolution of the district board of education, may propose that the district be enabled to incur indebtedness upon approval of the indebtedness by a majority of the voters of the district voting at any subsequent elections held for such purpose. If the enabling proposal is approved by a majority of the voters of the district voting at an election held for the purpose of considering the proposal, the district may thereafter, with the assent of a majority of the voters of the district voting in subsequent elections to be held for the purpose of incurring indebtedness, incur indebtedness within the limits and for the purposes provided herein. At any time after the proposal that the district be enabled to incur indebtedness upon approval by a majority of the voters of the district is approved as provided herein, a school district, by resolution of the district board of education, or by petition signed by fifteen percent (15%) of the number of qualified voters in the school district voting at the last preceding general election, may propose that such proposal be rescinded. If the proposal to rescind is approved by a majority of the voters of the district voting at an

election held for the purpose of considering the proposal, the district may thereafter, with the assent of three-fifths of the voters of the district voting in subsequent elections to be held for the purpose of incurring indebtedness, incur indebtedness within the limits and for the purposes provided herein. Provided further, that if a city or town has an absolute need therefor, such city or town may, with the assent of three-fifths of the voters thereof voting at an election to be held for that purpose, incur indebtedness to an amount, including existing indebtedness, in the aggregate exceeding five percent (5%) but not exceeding ten percent (10%) of the valuation of the taxable property therein, to be ascertained from the last assessment for state and county purposes previous to the incurring of such indebtedness, and such assent to such indebtedness shall be deemed to be a sufficient showing of such absolute need unless otherwise provided by law. Provided~~,~~ further, that any county, city, town, school district, or other political corporation, or subdivision of the state, incurring any indebtedness requiring the assent of the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five (25) years from the time of contracting the same, and provided further that nothing in this section shall prevent, under such conditions and limitations as shall be prescribed by law, any school district from contracting with:

~~(1) certificated~~ 1. Certificated personnel for periods extending one (1) year beyond the current fiscal year; or

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

~~(b)~~ B. If a county approves an exemption of household goods of the heads of families and livestock employed in support of the

family from ad valorem taxation pursuant to the provisions of subsection (b) of Section 6 of this article, the percentage limitations on indebtedness as specified in subsection ~~(a)~~ A of this section for political subdivisions or political corporations located in any such county shall be adjusted by multiplying the percentage levels specified in subsection ~~(a)~~ A of this section by the millage adjustment factor as specified in subsection (b) of Section 8A of this article.

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

SECTION 2. 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 Section 26 of Article 10 of the State Constitution. Now a school district can go into debt only if three-fifths of the voters in an election approve. This measure would allow a school board to ask the voters to reduce the number of votes needed to approve debt of the school district. The number of votes needed may be reduced if more than half of the voters in the school district approve. In later elections the number of votes needed for the district to go into debt would be a majority of the votes cast. The voters in the district could vote to go back to requiring three-fifths of the votes cast to approve debt if the school board asks or 15% of the voters sign a petition for the election. The measure takes out some obsolete language.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

☐ YES, FOR THE AMENDMENT

☐ NO, AGAINST THE AMENDMENT

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, 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.

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