

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE JOINT
4 RESOLUTION 34

By: Gumm

5
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 26 of
11 Article X of the Constitution of the State of
12 Oklahoma; allowing school districts to propose
13 certain enabling question to voters of the district;
14 increasing the debt limit for certain school
15 districts if enabled by voters of the district;
16 deleting obsolete language; providing ballot title;
17 and directing filing.

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20 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
21 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

22 SECTION 1. The Secretary of State shall refer to the people for
23 their approval or rejection, as and in the manner provided by law,
24 the following proposed amendment to Section 26 of Article X of the
25 Constitution of the State of Oklahoma, to read as follows:

26 Section 26. ~~(a)~~ A. Except as herein otherwise provided, no
27 county, city, town, township, school district, or other political
28 corporation, or subdivision of the state, shall be allowed to become
29 indebted, in any manner, or for any purpose, to an amount exceeding,

1 in any year, the income and revenue provided for such year without
2 the assent of three-fifths of the voters thereof, voting at an
3 election, to be held for that purpose, nor, in cases requiring such
4 assent, shall any indebtedness be allowed to be incurred to an
5 amount, including existing indebtedness, in the aggregate exceeding
6 five percent (5%) of the valuation of the taxable property therein,
7 to be ascertained from the last assessment for state and county
8 purposes previous to the incurring of such indebtedness: Provided,
9 except as otherwise provided herein, that if a school district has
10 an absolute need therefor, such district may, with the assent of
11 three-fifths of the voters thereof voting at an election to be held
12 for that purpose, incur indebtedness to an amount, including
13 existing indebtedness, in the aggregate exceeding five percent (5%)
14 but not exceeding ten percent (10%) of the valuation of the taxable
15 property therein, to be ascertained from the last assessment for
16 state and county purposes previous to the incurring of such
17 indebtedness, for the purpose of acquiring or improving school
18 sites, constructing, repairing, remodeling or equipping buildings,
19 or acquiring school furniture, fixtures or equipment; and such
20 assent to such indebtedness shall be deemed to be a sufficient
21 showing of such absolute need, unless otherwise provided by law.
22 Provided further, a school district, by resolution of the district
23 board of education, may propose that the district be enabled to
24 incur indebtedness to an amount, including existing indebtedness, in

1 the aggregate not exceeding fifteen percent (15%) of the valuation
2 of the taxable property therein, for a purpose or purposes
3 authorized in this section, upon approval of the indebtedness by
4 three-fifths of the voters of the district voting at any subsequent
5 elections held for such purpose. If the enabling proposal is
6 approved by a majority of the voters of the district voting at an
7 election held for the purpose of considering the proposal, the
8 district may thereafter, with the assent of three-fifths (3/5) of
9 the voters of the district voting in subsequent elections to be held
10 for the purpose of incurring indebtedness, incur indebtedness to an
11 amount, including existing indebtedness, in the aggregate not
12 exceeding fifteen percent (15%) of the valuation of the taxable
13 property therein, to be ascertained from the last assessment for
14 state and county purposes previous to the incurring of such
15 indebtedness, for a purpose or purposes authorized in this section;
16 and such assent to such indebtedness shall be deemed to be a
17 sufficient showing of absolute need, unless otherwise provided by
18 law. Provided further, that if a city or town has an absolute need
19 therefor, such city or town may, with the assent of three-fifths of
20 the voters thereof voting at an election to be held for that
21 purpose, incur indebtedness to an amount, including existing
22 indebtedness, in the aggregate exceeding five percent (5%) but not
23 exceeding ten percent (10%) of the valuation of the taxable property
24 therein, to be ascertained from the last assessment for state and

1 county purposes previous to the incurring of such indebtedness, and
2 such assent to such indebtedness shall be deemed to be a sufficient
3 showing of such absolute need unless otherwise provided by law.
4 Provided, further, that any county, city, town, school district, or
5 other political corporation, or subdivision of the state, incurring
6 any indebtedness requiring the assent of the voters as aforesaid,
7 shall, before or at the time of doing so, provide for the collection
8 of an annual tax sufficient to pay the interest on such indebtedness
9 as it falls due, and also to constitute a sinking fund for the
10 payment of the principal thereof within twenty-five (25) years from
11 the time of contracting the same, and provided further that nothing
12 in this section shall prevent, under such conditions and limitations
13 as shall be prescribed by law, any school district from contracting
14 with:

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

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

20 ~~(b) B.~~ B. If a county approves an exemption of household goods of
21 the heads of families and livestock employed in support of the
22 family from ad valorem taxation pursuant to the provisions of
23 subsection ~~(b) B~~ of Section 6 of this article, the percentage
24 limitations on indebtedness as specified in subsection ~~(a) A~~ of this

1 section for political subdivisions or political corporations located
2 in any such county shall be adjusted by multiplying the percentage
3 levels specified in subsection ~~(a)~~ A of this section by the millage
4 adjustment factor as specified in subsection (b) of Section 8A of
5 this article.

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

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

11 BALLOT TITLE

12 Legislative Referendum No. _____ State Question No. _____

13 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

14 This measure amends Section 26 of Article 10 of the State
15 Constitution. Under current law a school district may incur
16 debt of no more than 10% of the assessed value of taxable
17 property in the district. This measure would allow a school
18 board to ask the voters in a school district to raise the debt
19 limit for the school district. If more than half of the voters
20 in the school district vote to raise the debt limit, the
21 district could incur debt of up to 15% of the assessed value of
22 taxable property in the district. The debt itself would have to
23 be approved in later elections by at least three-fifths of the
24 votes cast. This measure does not change the number of votes

1 needed to approve the debt. This measure does not change the
2 debt limit in any district if the voters do not vote to change
3 the debt limit. The measure deletes some obsolete language.

4 SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

5 YES, FOR THE AMENDMENT

6 NO, AGAINST THE AMENDMENT

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

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