

1 STATE OF OKLAHOMA

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

3 SENATE JOINT  
4 RESOLUTION 37

By: Riley

5  
6 AS INTRODUCED

7  
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 Oklahoma Constitution; allowing  
12 school districts to propose certain enabling question  
13 to voters of the district; allowing certain school  
14 districts to incur indebtedness upon majority vote if  
15 enabled by voters of district; allowing voters of  
16 school district to rescind approval of enabling  
17 proposal upon petition by certain number of voters or  
18 upon proposal by school district board of education;  
19 deleting obsolete language; providing ballot title;  
20 and directing filing.

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23 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
24 2ND SESSION OF THE 51ST 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

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

1 indebtedness by a majority of the voters of the district voting at  
2 any subsequent elections held for such purpose. If the enabling  
3 proposal is approved by a majority of the voters of the district  
4 voting at an election held for the purpose of considering the  
5 proposal, the district may thereafter, with the assent of a majority  
6 of the voters of the district voting in subsequent elections to be  
7 held for the purpose of incurring indebtedness, incur indebtedness  
8 within the limits and for the purposes provided herein. At any time  
9 after the proposal that the district be enabled to incur  
10 indebtedness upon approval by a majority of the voters of the  
11 district is approved as provided herein, a school district, by  
12 resolution of the district board of education, or by petition signed  
13 by fifteen percent (15%) of the number of qualified voters in the  
14 school district voting at the last preceding general election, may  
15 propose that such proposal be rescinded. If the proposal to rescind  
16 is approved by a majority of the voters of the district voting at an  
17 election held for the purpose of considering the proposal, the  
18 district may thereafter, with the assent of three-fifths of the  
19 voters of the district voting in subsequent elections to be held for  
20 the purpose of incurring indebtedness, incur indebtedness within the  
21 limits and for the purposes provided herein. Provided further, that  
22 if a city or town has an absolute need therefor, such city or town  
23 may, with the assent of three-fifths of the voters thereof voting at  
24 an election to be held for that purpose, incur indebtedness to an

1 amount, including existing indebtedness, in the aggregate exceeding  
2 five percent (5%) but not exceeding ten percent (10%) of the  
3 valuation of the taxable property therein, to be ascertained from  
4 the last assessment for state and county purposes previous to the  
5 incurring of such indebtedness, and such assent to such indebtedness  
6 shall be deemed to be a sufficient showing of such absolute need  
7 unless otherwise provided by law. Provided~~7~~ further, that any  
8 county, city, town, school district, or other political corporation,  
9 or subdivision of the state, incurring any indebtedness requiring  
10 the assent of the voters as aforesaid, shall, before or at the time  
11 of doing so, provide for the collection of an annual tax sufficient  
12 to pay the interest on such indebtedness as it falls due, and also  
13 to constitute a sinking fund for the payment of the principal  
14 thereof within twenty-five (25) years from the time of contracting  
15 the same, and provided further that nothing in this section shall  
16 prevent, under such conditions and limitations as shall be  
17 prescribed by law, any school district from contracting with:

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

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

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

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

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

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

14 BALLOT TITLE

15 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

16 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

17 This measure amends Section 26 of Article 10 of the State  
18 Constitution. Now a school district can go into debt only if  
19 three-fifths of the voters in an election approve. This measure  
20 would allow a school board to ask the voters to reduce the  
21 number of votes needed to approve debt of the school district.  
22 The number of votes needed may be reduced if more than half of  
23 the voters in the school district approve. In later elections  
24 the number of votes needed for the district to go into debt

1 would be a majority of the votes cast. The voters in the  
2 district could vote to go back to requiring three-fifths of the  
3 votes cast to approve debt if the school board asks or 15% of  
4 the voters sign a petition for the election. The measure takes  
5 out some obsolete language.

6 SHALL THE PROPOSAL BE APPROVED?

7 FOR THE PROPOSAL - YES \_\_\_\_\_

8 AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

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