

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE JOINT
4 RESOLUTION 1034

By: Hoskin

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 Constitution of the State of
12 Oklahoma; allowing certain school districts to incur
13 a certain level of debt; requiring a showing of need;
14 requiring ascent of the voters; providing for
15 ascertainment of taxable property value; specifying
16 purpose for use of funds; making voter assent the
17 showing of need; deleting obsolete language;
18 providing ballot title; and directing filing.

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BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
1ST SESSION OF THE 52ND 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.~~

11 B. If a school district has an absolute need therefor, such
12 district may, with the assent of three-fifths of the voters thereof
13 voting at an election to be held for that purpose, incur
14 indebtedness to an amount, including existing indebtedness, in the
15 aggregate exceeding five percent (5%) but not exceeding ten percent
16 (10%) of the valuation of the taxable property therein, to be
17 ascertained from the last assessment for state and county purposes
18 previous to the incurring of such indebtedness, for the purpose of
19 acquiring or improving school sites, constructing, repairing,
20 remodeling or equipping buildings, or acquiring school furniture,
21 fixtures or equipment; and such assent to such indebtedness shall be
22 deemed to be a sufficient showing of such absolute need, unless
23 otherwise provided by law.

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1 C. If a school district with an Average Daily Membership (ADM),
2 as defined by law, of less than two hundred, as determined at the
3 time the debt is incurred, has an absolute need therefor, the
4 district may with the assent of three-fifths percent (3/5%) of the
5 voters of the school district, voting at an election to be held for
6 that purpose, incur indebtedness to an amount, including existing
7 indebtedness, in the aggregate exceeding five percent (5%) but not
8 exceeding twenty percent (20%) of the valuation of the taxable
9 property therein, to be ascertained from the last assessment for
10 state and county purposes previous to the incurring of the
11 indebtedness, for the purpose of acquiring or improving school
12 sites; constructing, repairing, remodeling or equipping buildings;
13 or acquiring school furniture, fixtures or equipment. Assent to the
14 indebtedness shall be deemed to be a sufficient showing of an
15 absolute need, unless otherwise provided by law.

16 ~~Provided further, that if~~ D. If a city or town has an absolute
17 need therefor, such city or town may, with the assent of three-
18 fifths of the voters thereof voting at an election to be held for
19 that purpose, incur indebtedness to an amount, including existing
20 indebtedness, in the aggregate exceeding five percent (5%) but not
21 exceeding ten percent (10%) of the valuation of the taxable property
22 therein, to be ascertained from the last assessment for state and
23 county purposes previous to the incurring of such indebtedness, and
24

1 such assent to such indebtedness shall be deemed to be a sufficient
2 showing of such absolute need unless otherwise provided by law.

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

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

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

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

1 or political corporations located in any such county shall be
2 adjusted by multiplying the percentage levels specified in
3 ~~subsection (a)~~ subsections A through D of this section by the
4 millage adjustment factor as specified in subsection (b) of Section
5 8A of 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. The measure would allow some school districts to
16 go into debt. The debt level could not exceed twenty percent of
17 the value of the property located in the school district. The
18 school district could not have more than an average of two
19 hundred students. The funds would have to be spent on certain
20 types of projects.

21 SHALL THE PROPOSAL BE APPROVED?

22 FOR THE PROPOSAL - YES _____

23 AGAINST THE PROPOSAL - NO _____

24

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

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