

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE JOINT
4 RESOLUTION 73

By: Ford

5
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State
8 to refer to the people for their approval or
9 rejection a proposed amendment to Section 9 of
10 Article X of the Oklahoma Constitution; conforming
11 references; authorizing school district levy for
12 operational expenses; prohibiting certain
13 modification to state aid; providing ballot title;
14 and directing filing.

15 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
16 2ND SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

17 SECTION 1. The Secretary of State shall refer to the people for
18 their approval or rejection, as and in the manner provided by law,
19 the following proposed amendment to Section 9 of Article X of the
20 Constitution of the State of Oklahoma to read as follows:

21 Section 9. ~~(a)~~ A. Except as herein otherwise provided, the
22 total taxes for all purposes on an ad valorem basis shall not
23 exceed, in any taxable year, fifteen (15) mills on the dollar, no
24 less than five (5) mills of which is hereby apportioned for school
district purposes, the remainder to be apportioned between county,
city, town and school district, by the County Excise Board, until

1 such time as a regular apportionment thereof is otherwise provided
2 for by the Legislature.

3 ~~No~~ Except as otherwise provided in subsection H of this section,
4 no ad valorem tax shall be levied for State purposes, nor shall any
5 part of the proceeds of any ad valorem tax levy upon any kind of
6 property in this State be used for State purposes.

7 ~~(b)~~ B. A tax of four (4) mills on the dollar valuation of all
8 taxable property in the county shall be levied annually in each
9 county of the State for school purposes and, until otherwise
10 provided by law, the proceeds thereof shall be apportioned to the
11 school districts of the county by the County Treasurer on the basis
12 of the legal average daily attendance for the preceding school year
13 as certified by the State Board of Education. Provided that in case
14 a school district lies in more than one county, such district shall
15 be deemed a school district of the county having the greater part of
16 the area comprising such district, unless otherwise provided by law,
17 and shall be entitled to participate in the proceeds of such tax on
18 the same basis as districts lying wholly within such county but
19 revenue from such tax on the assessed valuation of the district in
20 other counties shall, when collected, be transmitted to the County
21 Treasurer of such county having the greater part of the area
22 comprising the district, unless otherwise provided by law, and be
23 apportioned as hereinbefore provided for the proceeds of such tax on
24 the assessed valuation of such county. Not to exceed seventy-five

1 per centum (75%) of the amount received by a school district from
2 the proceeds of such county levy in any year shall be required to
3 finance the State guaranteed program of such district.

4 ~~(e)~~ C. Upon certification of a need therefor by the board of
5 education of any school district an additional tax of not to exceed
6 fifteen (15) mills on the dollar valuation of all taxable property
7 in the district shall be levied for the benefit of the schools of
8 such district.

9 ~~(d)~~ D. In addition to the levies hereinbefore authorized, any
10 school district may make an emergency levy for the benefit of the
11 schools of such district, in an amount not to exceed five (5) mills
12 on the dollar valuation of the taxable property in such district
13 when approved by a majority of the electors of the district voting
14 on the question at an election called for such purpose. This
15 emergency levy shall provide only sufficient additional revenue to
16 meet the needs of the district each fiscal year as determined by the
17 board of such district and must be approved by a majority of the
18 electors voting on ~~said~~ the question at such an election for each
19 fiscal year.

20 ~~(d-1)~~ E. In addition to the levies hereinbefore authorized, any
21 school district may make a local support levy for the benefit of the
22 schools of such district, in an amount not to exceed ten (10) mills
23 on the dollar valuation of the taxable property in such district,
24 when approved by a majority of the ad valorem taxpaying voters

1 voting on ~~said~~ the question at an election for each fiscal year
2 called for such purposes. This local support levy shall provide
3 only sufficient additional revenue to meet the needs of the district
4 for each such fiscal year as determined by the board of such
5 district; provided, an elector desiring to vote upon such local
6 support levy must present an ad valorem tax receipt for the year
7 immediately preceding before being issued a ballot, or sign a sworn
8 affidavit certifying the fact of such payment.

9 ~~(d-2)~~ F. A school district may upon approval by a majority of
10 the electors of the district voting on the question make the ad
11 valorem levy for emergency levy and local support levy under ~~(d)~~
12 subsections D and ~~(d-1)~~ E of this section permanent. If the
13 question is approved, the levies, in the amount approved as required
14 by this section, shall be made each fiscal year thereafter until
15 such time as a majority of the electors of the district voting on
16 the question rescind the making of the levy permanent. An election
17 on such question shall be held at such time as a petition is signed
18 by ten percent (10%) of the school district electors or a
19 recommendation by the board of education of the school district is
20 made asking that the levies be made each fiscal year.

21 ~~(e)~~ G. The amount of revenue from school district ad valorem
22 taxes levied under ~~(a)~~ subsections A and ~~(e)~~ C of this ~~Section~~
23 section which any school district may be required to use to finance
24 its State guaranteed program shall not be in excess of its share,

1 based upon its relative taxpaying ability as may be defined by law,
2 of an amount equivalent to the net proceeds from a ~~fifteen (15) mill~~
3 fifteen-mill tax levy on the aggregate net assessed valuation of the
4 State; but until such relative taxpaying ability is defined by the
5 Legislature, the amount of revenue from such taxes which any school
6 district may be required to use to finance its State guaranteed
7 program shall not be in excess of the net proceeds from an ad
8 valorem tax levy of fifteen (15) mills on the dollar net assessed
9 valuation of the district. No part of the proceeds from any ad
10 valorem levy for emergency levy and local support levy under ~~(d)~~
11 subsections D and ~~(d-1)~~ E of this ~~Section~~ section shall be required
12 to finance the State guaranteed program of such district.

13 Nothing in the amendments to the Constitution incorporated
14 herein shall be construed to amend, alter or supersede the present
15 application of Sections 1 and 2 of Article XII-A, ~~Sections 1 and 2~~
16 of the Oklahoma Constitution.

17 H. In addition to other levies herein authorized, any school
18 district may make a levy, in an amount not to exceed five (5) mills
19 on the dollar valuation of the taxable property in such district
20 when approved by a three-fifths (3/5) majority of the electors of
21 the district voting on the question at an election called for such
22 purpose. Revenue from any levy made pursuant to the provisions of
23 this subsection shall be apportioned to the school district to be
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1 used for operational expenses for the benefit of the schools of such
2 district.

3 Provided, no state aid or benefit to any school district may be
4 conditioned on or reduced or increased by the levying of or failure
5 to levy the millage provided for in this subsection.

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

9 BALLOT TITLE

10 Legislative Referendum No. _____ State Question No. _____

11 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

12 This measure amends Section 9 of Article 10 of the State
13 Constitution. It allows a school district to levy an additional
14 property tax of up to five mills. Before the levy could be
15 made, approval is required by at least three-fifths (3/5) of the
16 voters. Revenue from the levy is used for schools of the
17 district. State aid or benefits cannot be conditioned on or
18 affected by the levy of this new millage.

19 SHALL THE PROPOSAL BE APPROVED?

20 FOR THE PROPOSAL - YES _____

21 AGAINST THE PROPOSAL - NO _____

22 SECTION 3. The President Pro Tempore of the Senate shall,
23 immediately after the passage of this act, prepare and file one copy
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1 thereof, including the Ballot Title set forth in SECTION 2 hereof,
2 with the Secretary of State and one copy with the Attorney General.

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