

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE JOINT
4 RESOLUTION 36

By: Montgomery

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 35 of
10 Article X of the Oklahoma Constitution; authorizing
11 levy appropriations for community and economic
12 development; requiring consent of the majority of
13 registered voters; providing for payment of
14 appropriations by levy of certain taxes; limiting
15 amount of tax; requiring date of election to be
16 provided by certain ordinance; requiring ordinance to
17 state total of appropriations; prohibiting
18 appropriation from occurring within certain period of
19 passage; adding appropriations to authorization of
20 legislature to propose and create certain special
21 districts; providing ballot title; and directing
22 filing.

23 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
24 2ND SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

25 SECTION 1. The Secretary of State shall refer to the people for
26 their approval or rejection, as and in the manner provided by law,
27 the following proposed amendment to Section 35 of Article X of the
28 Oklahoma Constitution to read as follows:

29 Section 35. (a) Any incorporated town and any county may
30 issue, by and with the consent of the majority of the registered

1 voters of said municipality or county voting on the question at an
2 election held for the purpose, bonds in sums provided by such
3 majority at such election for economic development or community
4 development purposes, as may be defined by law, within or near the
5 said municipality or county holding the election.

6 (b) Such bonds shall bear interest at a rate as set by law and
7 shall be sold in a manner prescribed by law.

8 (c) Any incorporated town and any county may appropriate, by
9 and with the consent of the majority of the registered voters of
10 said municipality or county voting on the question at an election
11 held for the purpose, proceeds in sums provided by such majority at
12 such election for qualified economic development or community
13 development purposes including economic or industrial development
14 authorities or agencies, as may be defined by law, within or near
15 the said municipality or county holding the election.

16 (d) To provide for the payment of all such appropriations or
17 bonds outstanding, principal, and interest as they mature, the
18 municipality or county may:

19 (1) levy a special tax, payable annually, in a total amount not
20 to exceed five (5) mills on the dollar for the issuance of bonds, as
21 provided in subsection (a) of this section, and two (2) mills of the
22 five (5) mills on the dollar for appropriations, as provided in
23 subsection (c) of this section, in addition to the legal rate
24 permitted, on the real and personal taxable property therein;

1 provided, however, that in no event shall the real and personal
2 taxable property in any city or town be subject to a special tax in
3 excess of five (5) mills for bonds and appropriations issued
4 hereunder;

5 (2) levy a special sales tax, payable as may be prescribed by
6 law, in a total amount not to exceed one cent (\$0.01) on the dollar,
7 in addition to the legal rate permitted, upon the sale of tangible
8 personal property and services, not otherwise exempted by law;

9 (3) apportion revenues pursuant to Section 6C of Article X of
10 the Constitution, in a manner prescribed by law; or

11 (4) implement any combination of paragraphs (1) through (3) of
12 this subsection.

13 Provided, however, that the source or sources of revenue and the
14 irrevocable pledge thereof shall be set forth in the ballot.

15 (d) Such bonds shall be issued under terms prescribed by law.

16 (e) (1) The governing body of the municipality or the county
17 commissioners of the county shall exercise jurisdiction over the
18 sale or exchange of any such bonds voted by the electors at an
19 election held for that purpose and shall expend economically the
20 funds so provided.

21 (2) In the expenditure and use of proceeds from the sale of
22 said bonds, the said governing body is hereby authorized and
23 directed to coordinate its industrial development plans and projects
24 insofar as practicable with similar plans and projects of local

1 industrial development agencies and the Oklahoma Industrial Finance
2 Authority, as set forth in Section 34 of Article X of the
3 Constitution, so as to supplement funds to be derived from these and
4 other sources, including federal aid available to economically
5 depressed areas, if any; and to the extent that federal requirements
6 shall require subordination of liens securing loans from the
7 Oklahoma Industrial Finance Authority or from other sources, as a
8 condition to the obtaining of such federal aid, the same is hereby
9 approved and authorized.

10 (f) The election on the proposed appropriation or the issuance
11 of such bonds shall be held at such time as the governing body of
12 the municipality may designate by ordinance, or as the county
13 commissioners of the county may designate by order, which ordinance
14 or order shall state the sum total of issue or appropriation, the
15 dates of the appropriations or maturities thereof, and shall fix the
16 date of election so that it shall not occur earlier than thirty (30)
17 days after the passage of the said ordinance or the granting of said
18 order. All elections called pursuant to this section shall be
19 conducted by the appropriate county election board or boards
20 pursuant to the general election laws of the state. The said
21 election shall be held and conducted, the vote thereof canvassed,
22 and the result thereof declared under the law and in the manner now
23 or hereafter provided for municipal elections when the election is
24 held by a municipality, and in the manner now or hereafter provided

1 for county elections when the election is held by a county, so far
2 as the same may be applicable, except as herein otherwise provided.
3 Notice of the election shall be given by the mayor of the
4 municipality or by the county commissioners of the county by
5 advertisement weekly for at least four times in some newspaper
6 having a bona fide circulation in the said municipality or county,
7 with the last publication to be not less than ten (10) days prior to
8 the date of the said election. Only registered voters of the said
9 municipality or county shall have a right to vote at the said
10 election. The result of the said election shall be proclaimed by
11 the mayor of the municipality or by the county commissioners of the
12 county, and the result as proclaimed shall be conclusive, unless
13 attacked in the courts within thirty (30) days after the date of
14 such proclamation.

15 (g) The tax levies or revenue apportionment associated with
16 bonds issued pursuant to this section and the pledge thereof, may
17 not be revoked during the term of such bonds; provided, however, the
18 municipality or county may, from time to time, suspend the
19 collection of such levy or apportioned revenues when not required
20 for the payment of its bonds.

21 (h) The Legislature may provide by law for the creation of
22 regional economic development districts, comprised of two or more
23 municipalities or counties, or a combination of one or more
24 municipalities and counties, and may specify the terms and

1 conditions under which the bonds or appropriations authorized in
2 this section may be issued by municipalities and counties located
3 within such districts. The provisions of paragraph (f) of this
4 section shall not apply to any appropriations or bonds issued in
5 accordance with this paragraph unless such provisions are made
6 expressly applicable by law.

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

10 BALLOT TITLE

11 Legislative Referendum No. _____ State Question No. _____

12 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

13 This measure amends Article 10, Section 35 of the Oklahoma
14 Constitution, which authorizes municipal and county levies of
15 tax to provide payments on the issuance of bonds for community
16 and economic development purposes. The amendment expands the
17 use of these levies to include appropriations funds for
18 community economic and development purposes including
19 appropriations to economic or industrial development authorities
20 or agencies. Approval of the appropriations are subject to the
21 same requirements as those for the issuance of bonds. The
22 amendment provides the same options for tax levies as those for
23 the issuance of bonds, except the levy for real and personal
24 property is limited to two mills on the dollar.

1 SHALL THE PROPOSAL BE APPROVED?

2 FOR THE PROPOSAL — YES _____

3 AGAINST THE PROPOSAL — NO _____

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

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