

1 **HJR 4219** - H AMD

2 By Representative Alexander

3 Strike everything after page 1, line 7, and insert the following:

4 "Article VII, section 2. Except as hereinafter provided and
5 notwithstanding any other provision of this Constitution, the aggregate
6 of all tax levies upon real and personal property by the state and all
7 taxing districts now existing or hereafter created, shall not in any
8 year exceed one percent of the true and fair value of such property in
9 money: *Provided, however,* That nothing herein shall prevent levies at
10 the rates now provided by law by or for any port or public utility
11 district. The term "taxing district" for the purposes of this section
12 shall mean any political subdivision, municipal corporation, district,
13 or other governmental agency authorized by law to levy, or have levied
14 for it, ad valorem taxes on property, other than a port or public
15 utility district. Such aggregate limitation or any specific limitation
16 imposed by law in conformity therewith may be exceeded only as follows:

17 (a) By any taxing district when specifically authorized so to do
18 by a majority of at least three-fifths of the voters of the taxing
19 district voting on the proposition to levy such additional tax
20 submitted not more than twelve months prior to the date on which the
21 proposed initial levy is to be made and not oftener than twice in such
22 twelve month period, either at a special election or at the regular
23 election of such taxing district, at which election the number of
24 voters voting "yes" on the proposition shall constitute three-fifths of
25 a number equal to forty percent of the total number of voters voting in
26 such taxing district at the last preceding general election when the
27 number of voters voting on the proposition does not exceed forty
28 percent of the total number of voters voting in such taxing district in
29 the last preceding general election; or by a majority of at least
30 three-fifths of the voters of the taxing district voting on the
31 proposition to levy when the number of voters voting on the proposition
32 exceeds forty percent of the number of voters voting in such taxing
33 district in the last preceding general election: *Provided,* That
34 notwithstanding any other provision of this Constitution, any
35 proposition pursuant to this subsection to levy additional tax for the
36 support of the common schools may provide such support for a period of
37 up to four years and any proposition to levy an additional tax to

1 support the construction, modernization, or remodeling of school
2 facilities may provide such support for a period not exceeding six
3 years: PROVIDED FURTHER, That a proposition under this subsection to
4 levy an additional tax for a school district shall be authorized by a
5 majority of the voters voting on the proposition when the proposition
6 is submitted at a primary or general election;

7 (b) By any taxing district otherwise authorized by law to issue
8 general obligation bonds for capital purposes, for the sole purpose of
9 making the required payments of principal and interest on general
10 obligation bonds issued solely for capital purposes, other than the
11 replacement of equipment, when authorized so to do by majority of at
12 least three-fifths of the voters of the taxing district voting on the
13 proposition to issue such bonds and to pay the principal and interest
14 thereon by annual tax levies in excess of the limitation herein
15 provided during the term of such bonds, submitted not oftener than
16 twice in any calendar year, at an election held in the manner provided
17 by law for bond elections in such taxing district, at which election
18 the total number of voters voting on the proposition shall constitute
19 not less than forty percent of the total number of voters voting in
20 such taxing district at the last preceding general election: *Provided,*
21 *That any such taxing district shall have the right by vote of its*
22 *governing body to refund any general obligation bonds of said district*
23 *issued for capital purposes only, and to provide for the interest*
24 *thereon and amortization thereof by annual levies in excess of the tax*
25 *limitation provided for herein, And provided further, That the*
26 *provisions of this section shall also be subject to the limitations*
27 *contained in Article VIII, Section 6, of this Constitution;*

28 (c) By the state or any taxing district for the purpose of
29 preventing the impairment of the obligation of a contract when ordered
30 so to do by a court of last resort.

31 Article VIII, section 6. No county, city, town, school district,
32 or other municipal corporation shall for any purpose become indebted in
33 any manner to an amount exceeding one and one-half per centum of the
34 taxable property in such county, city, town, school district, or other
35 municipal corporation, without the assent of three-fifths of the voters
36 therein voting at an election to be held for that purpose, nor in cases
37 requiring such assent shall the total indebtedness at any time exceed
38 five per centum on the value of the taxable property therein, to be

1 ascertained by the last assessment for state and county purposes
2 previous to the incurring of such indebtedness, except that in
3 incorporated cities the assessment shall be taken from the last
4 assessment for city purposes: *Provided, That the assent necessary to*
5 authorize a school district to incur such debt shall be by a majority
6 of the voters voting on the proposition when the proposition is
7 submitted at a primary or general election: PROVIDED FURTHER, That no
8 part of the indebtedness allowed in this section shall be incurred for
9 any purpose other than strictly county, city, town, school district, or
10 other municipal purposes: *Provided further, That (a) any city or town,*
11 *with such assent, may be allowed to become indebted to a larger amount,*
12 *but not exceeding five per centum additional for supplying such city or*
13 *town with water, artificial light, and sewers, when the works for*
14 *supplying such water, light, and sewers shall be owned and controlled*
15 *by the municipality and (b) any school district with such assent, may*
16 *be allowed to become indebted to a larger amount but not exceeding five*
17 *per centum additional for capital outlays.*

18 BE IT FURTHER RESOLVED, That the secretary of state shall cause
19 notice of this constitutional amendment to be published at least four
20 times during the four weeks next preceding the election in every legal
21 newspaper in the state.

22 BE IT FURTHER RESOLVED, That the foregoing amendment shall be
23 construed as a single amendment within the meaning of Article XXIII,
24 section 1 of the state Constitution.

25 The legislature finds that the changes contained in the foregoing
26 amendment constitute a single integrated plan providing for a simple
27 majority of voters voting to authorize school district levies. If the
28 foregoing amendment is held to be separate amendments, this joint
29 resolution shall be void in its entirety and shall be of no further
30 force and effect."

EFFECT: A simple majority is needed for approval of school debt propositions, except for bonds, if the measure is voted on at a primary or general election. For bonds and for special elections, current law applies (60% approval and a validation requirement for levies and bonds). School district debt limitations under current law are maintained.