

EHJR 4204 - S AMD 457
By Senator Hargrove

NOT ADOPTED 04/12/2007

1 Strike everything after page 1, line 7, and insert the following:
2 "Article VII, section 2. Except as hereinafter provided and
3 notwithstanding any other provision of this Constitution, the aggregate
4 of all tax levies upon real and personal property by the state and all
5 taxing districts now existing or hereafter created, shall not in any
6 year exceed one percent of the true and fair value of such property in
7 money(~~(:—Provided, however, That)).~~ Nothing herein shall prevent
8 levies at the rates now provided by law by or for any port or public
9 utility district. The term "taxing district" for the purposes of this
10 section shall mean any political subdivision, municipal corporation,
11 district, or other governmental agency authorized by law to levy, or
12 have levied for it, ad valorem taxes on property, other than a port or
13 public utility district. Such aggregate limitation or any specific
14 limitation imposed by law in conformity therewith may be exceeded only
15 as follows:

16 (a) By any taxing district when specifically authorized so to do by
17 a majority of at least three-fifths of the voters of the taxing
18 district voting on the proposition to levy such additional tax
19 submitted not more than twelve months prior to the date on which the
20 proposed initial levy is to be made and not oftener than twice in such
21 twelve month period, either at a special election or at the regular
22 election of such taxing district, at which election the number of
23 voters voting "yes" on the proposition shall constitute three-fifths of
24 a number equal to forty percent of the total number of voters voting in
25 such taxing district at the last preceding general election when the
26 number of voters voting on the proposition does not exceed forty
27 percent of the total number of voters voting in such taxing district in
28 the last preceding general election; or by a majority of at least
29 three-fifths of the voters of the taxing district voting on the
30 proposition to levy when the number of voters voting on the proposition
31 exceeds forty percent of the number of voters voting in such taxing

1 district in the last preceding general election(~~(+ Provided, That)~~).
2 Notwithstanding any other provision of this Constitution, any
3 proposition pursuant to this subsection to levy additional tax for the
4 support of the common schools or fire protection districts may provide
5 such support for a period of up to four years and any proposition to
6 levy an additional tax to support the construction, modernization, or
7 ((remodelling)) remodeling of school facilities or fire facilities may
8 provide such support for a period not exceeding six years.
9 Notwithstanding any other provision of this subsection, a proposition
10 under this subsection to levy an additional tax for a school district
11 shall be authorized by a majority of the voters voting on the
12 proposition, regardless of the number of voters voting on the
13 proposition, if the proposition is approved at the general election, in
14 which case the proposition to levy such additional tax shall be
15 submitted not more than fourteen months before the date on which the
16 proposed initial levy is to be made and not oftener than twice during
17 the fourteen-month period beginning with the general election at which
18 the proposition was first submitted. However, a proposition to levy an
19 additional tax for a school district may be submitted at the 2008
20 general election if the proposition has been submitted no more than
21 three times in such fourteen-month period;

22 (b) By any taxing district otherwise authorized by law to issue
23 general obligation bonds for capital purposes, for the sole purpose of
24 making the required payments of principal and interest on general
25 obligation bonds issued solely for capital purposes, other than the
26 replacement of equipment, when authorized so to do by majority of at
27 least three-fifths of the voters of the taxing district voting on the
28 proposition to issue such bonds and to pay the principal and interest
29 thereon by annual tax levies in excess of the limitation herein
30 provided during the term of such bonds, submitted not oftener than
31 twice in any calendar year, at an election held in the manner provided
32 by law for bond elections in such taxing district, at which election
33 the total number of voters voting on the proposition shall constitute
34 not less than forty percent of the total number of voters voting in
35 such taxing district at the last preceding general election(~~(+ Provided, That)~~).
36 Any such taxing district shall have the right by
37 vote of its governing body to refund any general obligation bonds of
38 said district issued for capital purposes only, and to provide for the

1 interest thereon and amortization thereof by annual levies in excess of
2 the tax limitation provided for herein(~~(, And provided further, That)~~).
3 The provisions of this section shall also be subject to the limitations
4 contained in Article VIII, Section 6, of this Constitution;

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

8 BE IT FURTHER RESOLVED, That the secretary of state shall cause
9 notice of this constitutional amendment to be published at least four
10 times during the four weeks next preceding the election in every legal
11 newspaper in the state."

EFFECT: Allows simple majority for a school district levy when
the proposition is approved at the November general election. Changes
the window between levy passage and when the levy goes into effect from
twelve months to fourteen months. Because the conversion to the
November general election for simple majority might cause the need for
an additional levy election for a select group of school districts in
calendar year 2008, provisions are included to allow three elections
for calendar year 2008.

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