

SSJR 8202 - S AMD 392

By Senator Oke

NOT ADOPTED 03/16/2005

1 On page 1, line 6, after "2" strike "and Article VIII, section 6"

2 Strike everything after "follows:" on page 1, line 7, and insert
3 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 by
18 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 levy is to be made and not oftener than twice in such twelve
22 month period, either at a special election or at the regular election
23 of such taxing district, at which election the number of voters voting
24 "yes" on the proposition shall constitute three-fifths of a number
25 equal to forty percent of the total number of voters voting in such
26 taxing district at the last preceding general election when the number
27 of voters voting on the proposition does not exceed forty percent of
28 the total number of voters voting in such taxing district in the last
29 preceding general election; or by a majority of at least three-fifths
30 of the voters of the taxing district voting on the proposition to levy

1 when the number of voters voting on the proposition exceeds forty
2 percent of the number of voters voting in such taxing district in the
3 last preceding general election: *Provided*, That notwithstanding any
4 other provision of this Constitution, any proposition pursuant to this
5 subsection to levy additional tax for the support of the common schools
6 or fire protection districts may provide such support for a period of
7 up to four years and any proposition to levy an additional tax to
8 support the construction, modernization, or remodelling of school
9 facilities or fire facilities may provide such support for a period not
10 exceeding six years: *Provided further*, That a proposition under this
11 subsection to levy an additional tax for the maintenance and operation
12 of the common schools for a period of up to four years, not including
13 levies for transportation purposes, shall be authorized by a majority
14 of the voters voting on the proposition if the proposition is approved
15 at a general election;

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

37 (c) By the state or any taxing district for the purpose of

1 preventing the impairment of the obligation of a contract when ordered
2 so to do by a court of last resort.

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

EFFECT: This amendment would apply the simple majority requirement to maintenance and operations levies only, if the proposition is approved at a general election. Bond, capital, and transportation levies would continue to have the 60 percent approval requirement with 40 percent validation.

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