

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE JOINT
RESOLUTION NO. 1049

By: Steidley

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution by adding a new section to Article X to be designated as Section 40; authorizing indebtedness not to exceed specified amount; authorizing issuance of debt pursuant to action by Legislature; providing procedures for issuance of debt; prescribing purposes for which issuance of debt authorized; requiring analysis of funding needs; requiring filing of projection; prohibiting issuance of debt in excess of specified amount; requiring report by State Auditor and Inspector; requiring measure authorizing issuance of debt to contain method for repayment of indebtedness; authorizing issuance of bonds by Oklahoma Building Bonds Commission; providing maximum duration of bonded debt; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
2ND SESSION OF THE 44TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article X of the Constitution of the State of Oklahoma by adding a new Section 40 to read as follows:

Section 40. A. For purposes of this section, the State of Oklahoma shall be authorized to incur indebtedness in an amount not to exceed Five Hundred Million Dollars (\$500,000,000.00), including any costs of issuance associated with the indebtedness, for the construction, repair and maintenance of any and all facilities required by:

1. The Department of Corrections, or any successor entity, to execute sentences imposed upon persons convicted of crime; and

2. The Department of Human Services as determined by the Office of Juvenile Justice, or any successor entity, to provide for the care and supervision of children in the custody of the state who are adjudicated to be delinquent.

B. Indebtedness may be incurred in any amount, subject to the maximum amount specified by this section, and in the manner provided by this section pursuant to action by the Legislature and the effectiveness of the measure authorizing the indebtedness, as otherwise provided by the Oklahoma Constitution.

C. By law, either with the express approval of the Governor, failure of the Governor to approve a measure or by overriding a gubernatorial veto, as otherwise provided by the Oklahoma Constitution, the Legislature may authorize any required indebtedness, subject to the maximum indebtedness authorized by this section, in any increment which is necessary in order to provide funds for the construction, repair and maintenance of a required facility or facilities based upon the projected need for such funds as certified by the Department of Corrections, the Department of Human Services, the Office of Juvenile Justice or any successor entity. Upon the date that a measure authorizing the issuance of obligations evidencing the debt to be incurred becomes effective as law, the State of Oklahoma may become indebted in the amount and in the manner specified by the measure authorizing the debt.

D. The Department of Corrections, the Department of Human Services and the Office of Juvenile Justice, or any successor entity, shall analyze the projected need for facilities required to execute sentences of incarceration imposed upon persons convicted of crime pursuant to state law or to provide for the care and supervision of children adjudicated to be delinquent. Such projection shall be made initially for the first full fiscal year

ending after the date upon which this section is approved by the people and shall include an estimate of the total funding requirement for construction, repair or maintenance of the facilities. The initial projection shall be filed with the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives not later than the last day of February, 1995.

E. For each fiscal year after the Department of Corrections, the Department of Human Services or the Office of Juvenile Justice, or any successor entity, makes the initial certification of need for correctional or other required facilities, such entity shall analyze the projected need for additional facilities or maintenance or repair of then existing facilities. The projected requirement for funding shall be filed not later than the end of February each year with the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

F. The Legislature may authorize the State of Oklahoma to become indebted in any amount and in any increment subject to the maximum amount of Five Hundred Million Dollars (\$500,000,000.00) as provided by this section. Notwithstanding any other provision of this section or of any law enacted pursuant to authority of this section, the State of Oklahoma shall not become indebted in an amount in excess of the amount specified by this subsection for the purposes authorized by this section. The State Auditor and Inspector shall provide a report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives not later than December 31 of each year which sets out the total amount of indebtedness incurred pursuant to authority of this section.

G. Any measure authorizing the State of Oklahoma to become indebted pursuant to the provisions of this section shall provide for the repayment of the indebtedness incurred. The payment and

discharge of the principal of such debt, together with principal and interest on such indebtedness, shall be paid from a source of state income to be specified in the same measure as the one authorizing the issuance of the indebtedness.

H. The bonds evidencing the indebtedness herein authorized may be issued by the Oklahoma Building Bonds Commission as provided for by law and may be issued in one or more series, for a term or terms not to exceed thirty (30) years from their date, and may contain any and all provisions which the Legislature may deem necessary or expedient to make such bonds marketable as general obligations of the State of Oklahoma with the full faith and credit of the state pledged thereto.

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

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It allows the state to go into debt. The debt cannot be greater than \$500,000,000.00. It allows the Legislature to permit the issuance of bonds. Money from the bonds would be used to build and maintain prisons or other buildings used by the Department of Corrections, the Department of Human Services or the Office of Juvenile Justice. The buildings would be used to house convicted felons or to house children determined by a court to be delinquent. The bonds would be repaid in 30 years or less. The bonds would be repaid with monies authorized by law. Each year an estimate would be made of how much money will be needed for construction or maintenance. Bonds could be issued based on the amount of money needed. The Legislature could not issue more bonds than the limit of \$500,000,000.00.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

 / YES, FOR THE AMENDMENT

 / NO, AGAINST THE AMENDMENT

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

44-2-7631 MAH