05/20/2014 08:14:40 PM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HJR1092

By: McBride of the House and Sykes of the Senate

Title: Oklahoma Constitution; school bond issues for secure facilities; indebtedness; ballot title; filing.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment.

Respectfully submitted,

HJR1092 CCR (A)

HOUSE CONFEREES

Armes, Don		Billy, Lisa J.	
Brown, Mike		Christian, Mike	
Coody, Ann		Cox, Doug	
Denney, Lee		Dorman, Joe	
Hoskin, Chuck		Kern, Sally	
Martin, Scott		McCullough, Mark	
McDaniel, Jeannie		McNiel, Skye	
McPeak, Jerry		Morrissette, Richard	
Nelson, Jason		Newell, Tom	
Osborn, Leslie		Ownbey, Pat	
Proctor, Eric		Ritze, Mike	
Roberts, Sean		Sanders, Mike	
Schwartz, Colby		Sears, Earl	
Sherrer, Ben		Watson, Weldon	
Wesselhoft, Paul			

HJR1092 CCR A

SENATE CONFEREES

Sykes _____

Griffin _____

Treat _____

Sharp _____

Sparks _____

Ivester _____

House Action _____ Date _____ Senate Action _____ Date _____

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1092

By: McBride, Echols, Turner and Wesselhoft of the House

and

Sykes of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 26 of Article X of the Constitution of the State of Oklahoma; authorizing school districts to issue bonds for secure facilities; prescribing procedures for voter approval; prescribing method for determination of sinking fund millage rate; providing indebtedness incurred pursuant to specific provisions included within indebtedness limitation; providing exception; prescribing maximum maturity of obligations; prohibiting submission of question pursuant to specified provision more than one time; setting time limit for submission of question; providing ballot title; and directing filing.

AUTHOR: Add the following Senate Coauthor: Sharp

AMENDMENT NO. 1. Page 1, strike the title to read

"[proposed amendment - school districts to issue bonds for secure facilities - ballot title - filing]"

Passed the Senate the 23rd day of April, 2014.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2014.

_____
Presiding Officer of the House
of Representatives

ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1092

By: McBride, Echols, Turner and Wesselhoft of the House

and

Sykes of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 26 of Article X of the Constitution of the State of Oklahoma; authorizing school districts to issue bonds for secure facilities; prescribing procedures for voter approval; prescribing method for determination of sinking fund millage rate; providing indebtedness incurred pursuant to specific provisions included within indebtedness limitation; providing exception; prescribing maximum maturity of obligations; prohibiting submission of question pursuant to specified provision more than one time; setting time limit for submission of question; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 54TH 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 Section 26 of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 26. (a) Except as herein otherwise provided, no county, city, town, township, school district, or other political corporation, or subdivision of the state, shall be allowed to become indebted, in any manner, or for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year without the assent of three-fifths of the voters thereof, voting at an election, to be held for that purpose, nor, in cases requiring such assent, shall any indebtedness be allowed to be incurred to an amount, including existing indebtedness, in the aggregate exceeding five percent (5%) of the valuation of the taxable property therein, to be ascertained from the last assessment for state and county purposes previous to the incurring of such indebtedness: Provided, that if a school district has an absolute need therefor, such district may, with the assent of three-fifths of the voters thereof voting at an election to be held for that purpose, incur indebtedness to an amount, including existing indebtedness, in the aggregate exceeding five percent (5%) but not exceeding ten percent (10%) of the valuation of the taxable property therein, to be ascertained from the last assessment for state and county purposes previous to the incurring of such indebtedness, for the purpose of acquiring or improving school sites, constructing, repairing, remodeling or equipping buildings, or acquiring school furniture, fixtures or equipment; and such assent to such indebtedness shall be deemed to be a sufficient showing of such absolute need, unless

otherwise provided by law. Provided further, that if a city or town has an absolute need therefor, such city or town may, with the assent of three-fifths of the voters thereof voting at an election to be held for that purpose, incur indebtedness to an amount, including existing indebtedness, in the aggregate exceeding five percent (5%) but not exceeding ten percent (10%) of the valuation of the taxable property therein, to be ascertained from the last assessment for state and county purposes previous to the incurring of such indebtedness, and such assent to such indebtedness shall be deemed to be a sufficient showing of such absolute need unless otherwise provided by law. Provided, further, that any county, city, town, school district, or other political corporation, or subdivision of the state, incurring any indebtedness requiring the assent of the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five (25) years from the time of contracting the same, and provided further that nothing in this section shall prevent, under such conditions and limitations as shall be prescribed by law, any school district from contracting with:

(1) certificated personnel for periods extending one (1) year beyond the current fiscal year; or

(2) a school superintendent for periods extending more than one (1) year, but not to exceed three (3) years beyond the current fiscal year.

(b) If a county approves an exemption of household goods of the heads of families and livestock employed in support of the family from ad valorem taxation pursuant to the provisions of subsection (b) of Section 6 of this article, the percentage limitations on indebtedness as specified in subsection (a) of this section for political subdivisions or political corporations located in any such county shall be adjusted by multiplying the percentage levels specified in subsection (a) of this section by the millage adjustment factor as specified in subsection (b) of Section 8A of this article.

(c) ~~If approved by the people, the amendment to this section shall become effective January 1, 1993~~ (1) Effective January 1, 2015, a school district may submit to the voters of such district a question for approval of the issuance of obligations the proceeds from sale of which shall be used to acquire, construct, improve and maintain such facilities as may be required to provide secure areas within, below or near schools for personal safety. If the issuance of the obligations is approved by three-fifths (3/5) of the voters casting votes in such election, the district shall establish a sinking fund to make payment of principal, interest, reserve amounts and other costs associated with the issuance of such obligations.

Such sinking fund millage rate shall be in addition to any other sinking fund millage levied by such district. The maximum maturity of any obligation issued pursuant to this subsection shall not exceed twenty-five (25) years. No school district may submit a question to the voters of the district pursuant to the provisions of this subsection more than one time and such question may not be submitted by any school district later than November 4, 2019.

(2) The principal amount of any indebtedness incurred pursuant to the provisions of this subsection shall be included within the limitation on total indebtedness authorized by the provisions of this section; however, if the voters of a school district approve an issuance of obligations pursuant to the provisions of this subsection and at the time as of which such issuance is approved the school district indebtedness is equal to or greater than ten percent (10%) of its net assessed valuation, or if at the time such issuance is approved the school district indebtedness is less than ten percent (10%) of its net assessed valuation, but the issuance of the additional obligations would cause the school district to be indebted in excess of ten percent (10%) of its net assessed valuation, the obligations authorized by this subsection may be issued, but the school district shall not thereafter authorize any other indebtedness until the total principal amount of indebtedness of the district, including any indebtedness incurred pursuant to the provisions of this subsection, has been reduced and the school

district may thereafter only incur indebtedness subject to the limitations otherwise imposed pursuant to the provisions of this section which shall not exceed ten percent (10%) of the net assessed valuation of the school district.

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 amends Section 26 of Article 10. School districts could issue bonds or other obligations to pay for personal safety facilities. The bonds would have to be approved by three-fifths (3/5) of the voters of the school district. The amount of debt for these bonds would be counted in the total debt that a school district is allowed to incur; however, if a school district voted to approve these bonds, even if the bonds would be in excess of the maximum amount of debt, the district could still issue these bonds. Once these bonds were issued, the school district would have to reduce its total debt below ten percent (10%) of its net assessed value in order to issue any additional debt. The bonds would have to be repaid within twenty-five (25) years. The annual sinking fund millage rate would be determined each year

in order to repay the principal, interest and other costs for the bonds. A school district would only be allowed to vote on this type of bond issue one time. A school district would have to approve this type of bond issue not later than November 4, 2019.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

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.

Passed the House of Representatives the 13th day of March, 2014.

_____
Presiding Officer of the House of Representatives

Passed the Senate the ___ day of _____, 2014.

_____
Presiding Officer of the Senate