

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE JOINT  
7 RESOLUTION NO. 1092

By: McBride, Echols and Turner  
of the House

and

Treat of the Senate

12                                   COMMITTEE SUBSTITUTE

13                   A Joint Resolution directing the Secretary of State  
14                   to refer to the people for their approval or  
15                   rejection a proposed amendment to Section 26 of  
16                   Article X of the Constitution of the State of  
17                   Oklahoma; authorizing school districts to issue bonds  
18                   for secure facilities; prescribing procedures for  
19                   voter approval; prescribing method for determination  
20                   of sinking fund millage rate; providing indebtedness  
21                   incurred pursuant to specific provisions not to be  
22                   computed in other indebtedness limitation;  
23                   prescribing maximum maturity of obligations;  
24                   prohibiting submission of question pursuant to  
                 specified provision more than one time; 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:

1 SECTION 1. The Secretary of State shall refer to the people for  
2 their approval or rejection, as and in the manner provided by law,  
3 the following proposed amendment to Section 26 of Article X of the  
4 Constitution of the State of Oklahoma to read as follows:

5 Section 26. (a) Except as herein otherwise provided, no  
6 county, city, town, township, school district, or other political  
7 corporation, or subdivision of the state, shall be allowed to become  
8 indebted, in any manner, or for any purpose, to an amount exceeding,  
9 in any year, the income and revenue provided for such year without  
10 the assent of three-fifths of the voters thereof, voting at an  
11 election, to be held for that purpose, nor, in cases requiring such  
12 assent, shall any indebtedness be allowed to be incurred to an  
13 amount, including existing indebtedness, in the aggregate exceeding  
14 five percent (5%) of the valuation of the taxable property therein,  
15 to be ascertained from the last assessment for state and county  
16 purposes previous to the incurring of such indebtedness: Provided,  
17 that if a school district has an absolute need therefor, such  
18 district may, with the assent of three-fifths of the voters thereof  
19 voting at an election to be held for that purpose, incur  
20 indebtedness to an amount, including existing indebtedness, in the  
21 aggregate exceeding five percent (5%) but not exceeding ten percent  
22 (10%) of the valuation of the taxable property therein, to be  
23 ascertained from the last assessment for state and county purposes  
24 previous to the incurring of such indebtedness, for the purpose of

1 acquiring or improving school sites, constructing, repairing,  
2 remodeling or equipping buildings, or acquiring school furniture,  
3 fixtures or equipment; and such assent to such indebtedness shall be  
4 deemed to be a sufficient showing of such absolute need, unless  
5 otherwise provided by law. Provided further, that if a city or town  
6 has an absolute need therefor, such city or town may, with the  
7 assent of three-fifths of the voters thereof voting at an election  
8 to be held for that purpose, incur indebtedness to an amount,  
9 including existing indebtedness, in the aggregate exceeding five  
10 percent (5%) but not exceeding ten percent (10%) of the valuation of  
11 the taxable property therein, to be ascertained from the last  
12 assessment for state and county purposes previous to the incurring  
13 of such indebtedness, and such assent to such indebtedness shall be  
14 deemed to be a sufficient showing of such absolute need unless  
15 otherwise provided by law. Provided, further, that any county,  
16 city, town, school district, or other political corporation, or  
17 subdivision of the state, incurring any indebtedness requiring the  
18 assent of the voters as aforesaid, shall, before or at the time of  
19 doing so, provide for the collection of an annual tax sufficient to  
20 pay the interest on such indebtedness as it falls due, and also to  
21 constitute a sinking fund for the payment of the principal thereof  
22 within twenty-five (25) years from the time of contracting the same,  
23 and provided further that nothing in this section shall prevent,

24

1 under such conditions and limitations as shall be prescribed by law,  
2 any school district from contracting with:

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

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

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

18 (c) ~~If approved by the people, the amendment to this section~~  
19 ~~shall become effective January 1, 1993~~ Effective January 1, 2015, a  
20 school district may submit to the voters of such district a question  
21 for approval of the issuance of obligations the proceeds from sale  
22 of which shall be used to acquire, construct, improve and maintain  
23 such facilities as may be required to provide secure areas within,  
24 below or near schools for personal safety. If the issuance of the

1 obligations is approved by three-fifths (3/5) of the voters casting  
2 votes in such election, the district shall establish a sinking fund  
3 to make payment of principal, interest, reserve amounts and other  
4 costs associated with the issuance of such obligations. Such  
5 sinking fund millage rate shall be in addition to any other sinking  
6 fund millage levied by such district. The principal amount of  
7 indebtedness incurred by a school district pursuant to the  
8 provisions of this subsection shall not be limited based upon the  
9 net assessed valuation of the school district. The principal amount  
10 of such indebtedness shall be governed exclusively by the terms of  
11 the question submitted to the voters of the district for their  
12 approval or rejection. The principal amount of any indebtedness  
13 incurred pursuant to the provisions of this subsection shall not be  
14 used in determining the total principal amount of indebtedness that  
15 the school district is authorized to incur pursuant to any other  
16 provisions of this section. The maximum maturity of any obligation  
17 issued pursuant to this subsection shall not exceed twenty-five (25)  
18 years. No school district may submit a question to the voters of  
19 the district pursuant to the provisions of this subsection more than  
20 one time.

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

24 BALLOT TITLE

1 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

2 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

3 This measure amends the Oklahoma Constitution. It amends  
4 Section 26 of Article 10. School districts could issue bonds or  
5 other obligations to pay for personal safety facilities. The  
6 bonds would have to be approved by three-fifths (3/5) of the  
7 voters of the school district. The bonds would have to be  
8 repaid within a maximum of twenty-five (25) years. The amount  
9 of debt for these personal safety facilities would not be based  
10 on the taxable value of the school district. The amount of debt  
11 for these bonds would be separate and apart from other general  
12 obligation debt of the school district. If three-fifths (3/5)  
13 of the voters of the district approved this type of bond issue,  
14 then the district would issue the amount of bonds required for  
15 the project. The annual sinking fund millage rate would be  
16 determined each year in order to repay the principal, interest  
17 and other costs for the bonds. A school district would only be  
18 allowed to vote on this type of bond issue one time.

19 SHALL THE PROPOSAL BE APPROVED?

20 FOR THE PROPOSAL - YES \_\_\_\_\_

21 AGAINST THE PROPOSAL - NO \_\_\_\_\_

22 SECTION 3. The Chief Clerk of the House of Representatives,  
23 immediately after the passage of this resolution, shall prepare and  
24 file one copy thereof, including the Ballot Title set forth in

1 SECTION 2 hereof, with the Secretary of State and one copy with the  
2 Attorney General.

3

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
5 02/17/2014 - DO PASS, As Amended and Coauthored.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24