

1 STATE OF OKLAHOMA

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

3 HOUSE JOINT
4 RESOLUTION 1078

By: Dorman

5
6 AS INTRODUCED

7
8 A Joint Resolution directing the Secretary of State
9 to refer to the people for their approval or
10 rejection a proposed amendment to the Constitution of
11 the State of Oklahoma by adding a new Section 44 to
12 Article X; authorizing issuance of certain
13 obligations; specifying total amount of net proceeds
14 authorized; specifying maximum maturity of
15 obligations; providing for issuance of obligations by
16 Oklahoma Building Bonds Commission; providing for
17 enabling legislation to define authorized facilities;
18 requiring modification of franchise tax revenue
19 apportionment; authorizing use of franchise tax
20 revenues for certain grants; providing use of revenue
21 not to be deemed a gift; authorizing use of certain
22 revenues from the General Revenue Fund; providing for
23 effect of defeasance of obligations upon issuing
24 capacity; prescribing procedures for additional
issuance of obligations; providing for use of
proceeds to reduce or eliminate certain debt incurred
by common school districts or career technology
districts; providing for use of proceeds to make
reimbursements for expenditures from building funds
or expenditures from revenues derived from certain
millage; authorizing issuance of obligations in
series; providing proceeds from sale of obligations
authorized to be used and providing tax revenues
authorized to be used notwithstanding contrary
provisions of the Oklahoma Constitution; providing
for binding effect of certain administrative rules;
providing ballot title; and directing filing.

1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
2 2ND SESSION OF THE 54TH OKLAHOMA LEGISLATURE:

3 SECTION 1. The Secretary of State shall refer to the people for
4 their approval or rejection, as and in the manner provided by law,
5 the following proposed amendment to the Constitution of the State of
6 Oklahoma by adding a new Section 44 to Article X thereof, to read as
7 follows:

8 Section 44. A. The State of Oklahoma shall be authorized to
9 issue bonds or other evidence of indebtedness in order to provide
10 net proceeds equal to Five Hundred Million Dollars (\$500,000,000.00)
11 for the purpose of acquiring, constructing or improving facilities
12 to be used for the benefit of any common school district or career
13 technology district within the state to provide shelter from
14 dangerous weather conditions or to provide security to the students
15 and employees of the district related to personal safety or both
16 such purposes and for the purposes described by subsection I and
17 subsection J of this section.

18 B. The maximum maturity for any obligation issued pursuant to
19 subsection A of this section shall be twenty-five (25) years.

20 C. The Oklahoma Building Bonds Commission shall issue the
21 obligations authorized by this section.

22 D. The Legislature, pursuant to enabling legislation enacted
23 for such purpose, may define the types of facilities which may be
24 acquired, constructed or improved with proceeds from the sale of

1 obligations issued pursuant to this section in order to provide
2 shelter from dangerous weather conditions, to provide secure areas
3 and secure procedures to protect students and employees of common
4 school districts and career technology districts from the threat or
5 potential threat of violence or both such purposes.

6 E. The Legislature shall provide by law for the apportionment
7 of the revenues currently derived from the levy of the franchise tax
8 imposed for the privilege of doing business in the state as
9 authorized pursuant to Section 1201 et seq. of Title 68 of the
10 Oklahoma Statutes, as amended, so that one hundred percent (100%) of
11 such franchise tax revenue, or so much thereof as may be required on
12 an annual basis, is dedicated for the repayment of the obligations
13 issued pursuant to the provisions of this section.

14 F. The Legislature may provide by law for the use of revenues
15 derived from the levy of franchise tax which are not required for
16 repayment of obligations issued pursuant to the provisions of this
17 section in order to provide a grant program for construction of
18 storm shelters for individuals and business entities. Such program
19 shall be administered by the Office of Emergency Management or its
20 successor. The use of franchise tax revenues for storm shelters as
21 authorized by this subsection shall be deemed in furtherance of a
22 public purpose and shall not be deemed a gift of state tax revenues.

23 G. If the revenues described by subsection E of this section
24 are insufficient to repay the obligations issued pursuant to the

1 provisions of this section, the Legislature may use monies in the
2 General Revenue Fund of the state not otherwise obligated, committed
3 or appropriated in order to ensure the repayment of such
4 obligations.

5 H. If any obligations issued pursuant to the provisions of this
6 section are defeased, within the limit prescribed by subsection A of
7 this section, the principal amount of such obligation shall become
8 available for issuance by the state governmental entity designated
9 pursuant to subsection C of this section if authorized by an act of
10 the Legislature or authorized by an initiative petition approved in
11 the manner required for laws pursuant to Section 2 of Article V of
12 the Oklahoma Constitution. The act of the Legislature or the law
13 proposed by initiative petition shall specify the amount of any
14 additional issuance authorized by this subsection.

15 I. Pursuant to laws enacted by the Legislature for such
16 purpose, the proceeds from the obligations issued pursuant to this
17 section may be used to reduce or eliminate any debt incurred by a
18 school district or career technology district for the purpose of
19 acquiring or constructing a storm shelter or secure facility. The
20 debt must have been incurred not earlier than May 1, 2013, pursuant
21 to a vote of the eligible voters of the respective district. If the
22 debt was incurred prior to May 1, 2013, but not prior to July 1,
23 2007, the provisions of this subsection shall authorize the use of
24 the proceeds in order to reduce or eliminate such debt with respect

1 to construction of the eligible assets which begins on or after May
2 1, 2013.

3 J. Pursuant to laws enacted by the Legislature for such
4 purpose, the proceeds from the obligations issued pursuant to this
5 section may be used to reimburse a common school district or a
6 career technology district for expenditures made from a building
7 fund created pursuant to Section 10 of Article X of the Oklahoma
8 Constitution, with respect to a common school district, or for
9 expenditures made from the revenue derived from a millage levy
10 authorized pursuant to Section 9B of Article X of the Oklahoma
11 Constitution, with respect to a career technology district, to the
12 extent the expenditure was for the purpose of acquiring,
13 constructing or improving a storm shelter or secure facility. The
14 expenditure for such storm shelter or secure facility must have been
15 incurred no earlier than May 1, 2013.

16 K. The obligations authorized pursuant to the provisions of
17 this section may be issued in series, may be issued in either tax-
18 exempt or taxable status for purposes of the Internal Revenue Code
19 of 1986, as amended, and in such form as required in order to
20 promote the marketability of such obligations.

21 L. Pursuant to laws enacted by the Legislature for such
22 purpose, any administrative rule adopted by an agency of state
23 government that imposes a condition or requirement upon a common
24 school district or career technology district related to the use of

1 proceeds from sale of the obligations authorized by this section
2 shall be binding upon such school district or career technology
3 district.

4 M. The proceeds from the sale of obligations issued pursuant to
5 the provisions of this section may be made available to any common
6 school district or any career technology district for the purposes
7 authorized by this section and enabling legislation enacted pursuant
8 to this section notwithstanding any other provision of the Oklahoma
9 Constitution that would otherwise prohibit or restrict the use of
10 such proceeds or the use of tax revenue for the repayment of
11 principal, interest, reserves, issuing costs or other costs related
12 to the sale of the obligations authorized by this section. Any
13 provision of the Oklahoma Constitution that would otherwise restrict
14 the issuance of obligations pursuant to this section, restrict the
15 use of the proceeds from the sale of such obligations, restrict the
16 use of tax revenues for repayment of the obligations or in any way
17 restrict the operation of the provisions of this section shall be
18 deemed to have been amended in order to remove any such
19 restrictions.

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

23 BALLOT TITLE
24 Legislative Referendum No. _____ State Question No. _____

1 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

2 This measure amends the Oklahoma Constitution. It adds a new
3 Section 44 to Article 10. Bonds could be sold. Up to Five
4 Hundred Million Dollars (\$500,000,000.00) could be available.
5 Bond money would be used for school districts and career
6 technology districts. Bond money would be used for storm
7 shelters or secure areas. State franchise taxes would repay
8 these bonds. If money from franchise tax was not enough, the
9 Legislature could use the General Revenue Fund to repay the
10 bonds. State bond money could be used by school districts or
11 career technology districts to reduce local debt or eliminate
12 local debt incurred for storm shelters or secure areas. If
13 enough money from franchise tax remains after state bonds are
14 paid for, the balance of franchise tax could be used for grants
15 for storm shelters for people and businesses. When state bonds
16 are paid off, additional bonds could be sold to keep the
17 programs funded. Laws would be written for details about using
18 bond money. State agencies could make rules about state bond
19 money. These rules would have the effect of law. The Oklahoma
20 Constitution is being amended to allow state bond money to pay
21 for shelters and secure areas in schools.

22 SHALL THE PROPOSAL BE APPROVED?

23 FOR THE PROPOSAL - YES _____

24 AGAINST THE PROPOSAL - NO _____

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

6

7 54-2-8180 MAH 09/18/13

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24