

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE JOINT  
4 RESOLUTION 40

By: Brecheen

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6  
7 AS INTRODUCED

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 Oklahoma  
11 Constitution by adding a new Section 44 to Article X;  
12 prohibiting the state from exceeding certain limit on  
indebtedness; excluding certain types of obligations;  
allowing the limit on debt to be overridden by a  
super majority of the Legislature; providing ballot  
title; and directing filing.

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14 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
15 2ND SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

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

20 Section 44. A. The State of Oklahoma shall not become indebted  
21 in an amount that causes total annual debt service payments to  
22 exceed four and one-half percent (4.5%) of the average of the  
23 general fund revenue, as certified by the State Board of  
24 Equalization in December of each calendar year, for the preceding

1 five (5) fiscal years. The Legislature, upon an affirmative vote of  
2 two-thirds of the members of both houses, may declare an emergency  
3 and permit the total indebtedness of the state to exceed the amount  
4 provided in this section.

5 B. The state shall not be in violation of the provisions of  
6 this section if a decline in the average of the general fund  
7 revenue, as certified by the State Board of Equalization in December  
8 of each calendar year, for the preceding (5) fiscal years, results  
9 in annual debt service payments exceeding the limit provided in  
10 subsection A of this section; provided, that the state shall not  
11 incur any additional debt service payments so long as the amount of  
12 debt service payments continue to exceed four and one-half percent  
13 (4.5%) of the average of the general fund revenue, as certified by  
14 the State Board of Equalization in December of each calendar year  
15 for the preceding five (5) fiscal years.

16 C. For purposes of calculating this total amount of  
17 indebtedness as provided in subsection A of this section, annual  
18 debt service payments shall not include any indebtedness incurred  
19 through the master lease program as provided in Section 3206.6 of  
20 Title 70 of the Oklahoma Statutes, pursuant to a declaration of an  
21 emergency as provided in subsection A of this section or any general  
22 obligation bonds issued pursuant to Section 39A of Article X of the  
23 Oklahoma Constitution.

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

4 BALLOT TITLE

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

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This measure adds a new section of law to the State  
8 Constitution. It adds Section 44 to Article 10. This measure  
9 limits the amount of debt service payments of the state to four  
10 and one-half percent (4.5%) of general revenue. It allows for  
11 the Legislature to exceed the limit if they declare an  
12 emergency. It excludes debt for the master lease program and  
13 debt authorized by a legislatively declared emergency or the  
14 Oklahoma Water Resources Board. A decrease in revenue will not  
15 cause the Constitution to be violated.

16 SHALL THE PROPOSAL BE APPROVED?

17 FOR THE PROPOSAL - YES \_\_\_\_\_

18 AGAINST THE PROPOSAL - NO \_\_\_\_\_

19 SECTION 3. The President Pro Tempore of the Senate shall,  
20 immediately after the passage of this resolution, prepare and file  
21 one copy thereof, including the Ballot Title set forth in SECTION 2  
22 hereof, with the Secretary of State and one copy with the Attorney  
23 General.

24 55-2-1993 JCR 12/17/2015 2:07:39 PM