

ENROLLED SENATE JOINT RESOLUTION NO. 29
ENACTED BY THE SECOND REGULAR SESSION OF
THE THIRTY-SEVENTH LEGISLATURE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE
LEGISLATIVE REFERENDUM NO. 232, STATE QUESTION NO. 552
RECEIVED: JUNE 5, 1980

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 29

BY: RANDLE of the SENATE
and
HOBSON of the HOUSE

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT TO ARTICLE X OF THE OKLAHOMA CONSTITUTION BY ADDING A NEW SECTION 27C; PROVIDING FOR THE INDEBTEDNESS OF CERTAIN POLITICAL SUBDIVISIONS FOR FINANCING PUBLIC UTILITIES; SPECIFYING PROCEDURE; PROVIDING FOR A JOINT AGENCY; PROVIDING FOR CERTAIN CONTRACTS OR AGREEMENTS; PROVIDING FOR APPLICATION OF CERTAIN LAW; PROVIDING BALLOT TITLE; AND DIRECTING FILING.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 37TH 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 amendment to Article X of the Constitution of the State of Oklahoma. Article X is hereby amended by the addition of Section 27C to read as follows:

Section 27C. A. Any incorporated city or town may borrow money or issue bonds, notes or other evidences of indebtedness, which debt shall be payable from and secured by revenues over a term of years, for the purpose of financing any public utility or combination thereof in the following manner:

1. The governing body of a city or town shall submit the question of undertaking a proposed public utility or combination thereof or a resolution to execute a joint agency agreement to the qualified electors at an election when:

Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Correctly Enrolled:

J. R. McCune

a. the proposed public utility or combination thereof has not been undertaken by the city or town at any time during a ten-year period preceding the date of the election or governing body ordinance to finance the proposed public utility, _____

b. the proposed public utility or combination thereof does not meet the requirements or come within the terms of paragraph 3 of subsection A of this section, or _____

c. the governing body adopts a resolution to execute a joint agency agreement as authorized herein; _____

2. If a public utility or combination thereof or a resolution to execute a joint agency agreement has been approved by a majority vote of the qualified electors voting on the question at an election or if a public utility or combination thereof is authorized pursuant to paragraph 3 of subsection A of this section, the governing body of a city or town or the board of directors of a joint agency may borrow money or issue bonds, notes or other evidences of indebtedness, which debt shall be payable from and secured by revenues over a term of years, upon an affirmative vote of at least three-fourths (3/4) of all the members of such governing body or board of directors as constituted; _____

3. Any additions, extensions, reconstruction, maintenance, operation, repairs or other improvement to any public utility or combination thereof may be financed as provided in paragraph 2 of subsection A of this section if the question of undertaking the public utility or the issuance of bonds therefor was approved by a majority vote of the qualified electors voting on the question at an election, or if the public utility or combination thereof was financed by bonds or other debt of a public trust, excluding an industrial trust, of which the city or town is a beneficiary. Any bonds or other debt issued by a public trust, excluding an industrial trust, of which the city or town is a beneficiary may be refunded by the governing body of the city or town in the manner provided in paragraph 2 of subsection A of this section. _____

John R. McLean

Correctly Enrolled.

B. Any two or more incorporated cities or towns, by resolution of the governing body of each such city or town to execute a joint agency agreement, may create a joint agency to exercise powers granted by this section and by law, which resolution shall not become effective until it is approved by majority vote of the qualified electors voting on the question in an election in each such city or town. The joint agency as authorized herein shall be a body politic and corporate of the State of Oklahoma and may exercise all powers necessary, appropriate or incidental to undertaking any public utility or combination thereof, including, without limitation, the planning, financing, acquiring, constructing, reconstructing, leasing, owning, operating, maintaining, repairing, improving, extending or other participation, individually or jointly with any person, in any facility, plant, works, systems, or real or personal property within or without the state, used or useful in the provision of a product or service of a public utility or combination thereof. The joint agency may borrow money or issue revenue bonds or other evidences of indebtedness upon an affirmative vote of at least three-fourths (3/4) of all the members of the board of directors as constituted. At least a majority of the cities or towns which are members of the joint agency, by action of the city or town governing body, shall approve the proposed bonds or debt prior to issuance by the joint agency. Such approval may be general and continuing in nature and need not specify specific maturity dates or interest rates. Any such indebtedness shall be a limited obligation payable from and secured by a lien and charge upon all or part of its revenues and shall not constitute an indebtedness of a participating city or town or joint agency for the purpose of any constitutional or statutory limitation.

C. Any city or town or joint agency may enter into and carry out any contracts or agreements for a period not to exceed fifty (50) years beyond the fiscal year in which the contract or agreement is made with any other city or town, the State of Oklahoma, the United

States of America, or any other governmental subdivision or agency of any of them, any public utility regulated by the state or United States governments, or any person, which are necessary, appropriate or incidental to carrying out the intent and purpose of this section, including, without limitation, any contracts or agreements for the organization or operation of a joint agency or for the purchase, acquisition, sale, exchange, interchange, generation, wheeling, pooling, production, transmission, transportation, distribution, treatment, collection, disposal, release or storage of the products or services of a public utility or combination thereof, or contracts or agreements which provide that the obligation of the city, town or joint agency thereunder is unconditional or that such city or town or joint agency will assume the obligations of, and receive the products and services which would have been derived by, a defaulting party.

D. The revenue indebtedness or contractual obligations of any city, town or joint agency as authorized by this section shall be a limited obligation payable from and secured by a lien and charge on revenues or funds so pledged for their payment by the governing body of the city or town, or board of directors of the joint agency and shall not constitute an indebtedness of the city or town or joint agency for the purpose of any constitutional or statutory limitation.

E. This section shall be independent and shall not be limited by or limit other provisions of the Oklahoma Constitution or statutes relating to financing public utilities or indebtedness of a city or town, nor shall it be exclusive as to other agencies of this state authorized by law to incur indebtedness. As used in this section, the words "public utility" shall have the same meaning as the words "public utilities" in Section 27 of Article X of the Constitution.

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:

Shall a Constitutional amendment amending Article X of the Oklahoma Constitution by adding a new Section 27C thereto; allowing public utilities to be financed by revenue bonds or other evidences of indebtedness issued by cities or towns or joint agencies, after approval of the utility has been obtained from a majority of voters in an election and from three-fourths (3/4) vote of the governing body be approved by the people?_____

SHALL THE PROPOSED AMENDMENT BE APPROVED?

- YES, FOR THE AMENDMENT
- NO, AGAINST THE AMENDMENT

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the effective date of this resolution, 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 Senate the 2nd day of June, 1980._____

ACTING Phil Watson
President of the Senate

Passed the House of Representatives the 4th day of June, 1980._____

David A. Strayer Jr.
Speaker of the House of Representatives

John R. McLane

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____

5th day of June, 1980,

at 12:50 o'clock P. M.

Jennette B. Edmondson

By: _____

BEFORE THE SECRETARY OF STATE, STATE OF OKLAHOMA

IN THE MATTER OF PROPOSED BALLOT)
TITLE OF STATE QUESTION NUMBER 552,)
LEGISLATIVE REFERENDUM NUMBER 232)

FILED
JUN 10 1980

TO: THE HONORABLE JEANETTE EDMONDSON,
SECRETARY OF STATE, STATE OF OKLAHOMA
State Capitol Building
Oklahoma City, Oklahoma 73105

OKLAHOMA SECRETARY
OF STATE

NOTICE OF NONCONFORMING BALLOT TITLE

You are hereby notified that pursuant to the provisions of 34 O.S. Supp. 1975, § 9, the Attorney General has examined and considered the proposed ballot title to State Question Number 552, as proposed in Legislative Referendum Number 232. The ballot title as proposed therein, reads as follows:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional amendment

AMENDING ARTICLE X OF THE OKLAHOMA CONSTITUTION BY ADDING A NEW SECTION 27C THERETO; ALLOWING PUBLIC UTILITIES TO BE FINANCED BY REVENUE BONDS OR OTHER EVIDENCES OF INDEBTEDNESS ISSUED BY CITIES OR TOWNS OR JOINT AGENCIES, AFTER APPROVAL OF THE UTILITY HAS BEEN OBTAINED FROM A MAJORITY OF VOTERS IN AN ELECTION AND FROM THREE-FOURTHS (3/4) VOTE OF THE GOVERNING BODY

be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES - FOR THE AMENDMENT

NO - AGAINST THE AMENDMENT

It is the opinion of the Attorney General that the Ballot Title to State Question Number 552, as proposed in Legislative Referendum Number 232, as above set forth, is defective and is not in harmony with the law of the State of Oklahoma; that the Ballot Title as proposed insufficiently sets forth the gist of the proposition in language that may be readily understood by persons not engaged in the practice of law.

Therefore, pursuant to 34 O.S. Supp. 1975, § 9(B), the Attorney General has prepared and hereby files the following

Ballot Title which conforms to and is in harmony with the law of this State, to-wit:

BALLOT TITLE

Legislative Referendum No. 232

State Question No. 552

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional amendment

ADDING § 27C TO ARTICLE 10 OF THE OKLAHOMA CONSTITUTION; AUTHORIZING MUNICIPALITIES OR JOINT AGENCIES FORMED BY TWO OR MORE MUNICIPALITIES TO ISSUE REVENUE BONDS OR INCUR OTHER DEBT TO FINANCE PUBLIC UTILITIES; PROVIDING THAT CONSTITUTIONAL AND STATUTORY LIMITATIONS SHALL NOT APPLY TO THE DEBT INCURRED; REQUIRING VOTER APPROVAL OF SUCH JOINT AGENCIES; AUTHORIZING THE GOVERNING BODY OF THE MUNICIPALITY, OR THE DIRECTORS OF SUCH AGENCIES AND THE GOVERNING BODIES OF THE PARTICIPATING MUNICIPALITIES, TO AUTHORIZE SUCH DEBT BY VOTE OF THEIR MEMBERSHIP; PROVIDING THE POWER TO CONTRACT; AND PROVIDING THAT SUCH DEBT AND CONTRACTUAL OBLIGATIONS SHALL BE A LIMITED OBLIGATION PAYABLE ONLY FROM THE REVENUES OR FUNDS PLEDGED FOR PAYMENT THEREOF AND SHALL NOT BE AN INDEBTEDNESS OF THE MUNICIPALITY OR JOINT AGENCY

be adopted by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES - FOR THE AMENDMENT

NO - AGAINST THE AMENDMENT

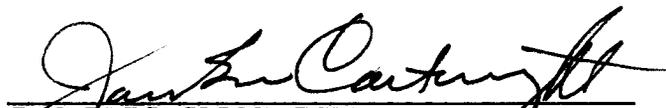
The Secretary of State is hereby directed to substitute the last above stated Ballot Title in lieu of the Ballot Title proposed by the party submitting State Question Number 552, as contained in Legislative Referendum Number 232.


JAN ERIC CARTWRIGHT
ATTORNEY GENERAL OF OKLAHOMA

CERTIFICATE OF MAILING

This is to certify that on this 10th day of June, 1980, a true and correct copy of the above and foregoing Notice of Non-conforming Ballot Title was mailed to:

Mr. Victor Thompson
Assistant Secretary
Oklahoma State Senate
State Capitol Building
Oklahoma City, OK 73105


JAN ERIC CARTWRIGHT