

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT RESOLUTION NO. 2

BY EDUCATION COMMITTEE

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE LIMITATIONS OF COUNTY AND MUNICIPAL INDEBTEDNESS; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

Be It Resolved by the Legislature of the State of Idaho:

SECTION 1. That Section 3, Article VIII of the Constitution of the State of Idaho be amended to read as follows:

Section 3. LIMITATIONS ON COUNTY AND MUNICIPAL INDEBTEDNESS. (1) No county, city, board of education, ~~or~~ school district, or other subdivision of the state, shall incur any indebtedness, or liability, in any manner, or for any purpose, exceeding in that year, the income and revenue provided for it for such year, without the assent of ~~two-thirds~~ of the qualified electors thereof voting at an election to be held for that purpose, ~~nor unless, before~~ as follows:

(a) If the election is held in a year in which statewide elections are not held, a two-thirds majority approval shall be necessary to approve such indebtedness; and

(b) If the election is held in a year in which statewide elections are held, including presidential election years, a fifty-five percent majority approval shall be necessary to approve such indebtedness.

(2) Before or at the time of incurring such indebtedness, provisions shall be made 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 thirty years from the time of contracting the same.

(3) Any indebtedness or liability incurred contrary to this provision section shall be void.

(4) Provided, that this section shall not be construed to apply to the ordinary and necessary expenses authorized by the general laws of the state ~~and provided.~~

(5) Provided further, that any city may own, purchase, construct, extend, or equip, within and without the corporate limits of such city, off street parking facilities, public recreation facilities, and air navigation facilities, and for the purpose of paying the cost thereof may, without regard to any limitation herein imposed, with the assent of two-thirds of the qualified electors voting at an election to be held for that purpose, issue revenue bonds therefor,

1 the principal and interest of which to be paid solely from revenue
2 derived from rates and charges for the use of, and the service ren-
3 dered by, such facilities as may be prescribed by law, ~~and provided.~~

4 (6) Provided further, that any city or other political subdivision
5 of the state may own, purchase, construct, extend, or equip, within
6 and without the corporate limits of such city or political subdivi-
7 sion, water systems, sewage collection systems, water treatment
8 plants, sewage treatment plants, and may rehabilitate existing
9 electrical generating facilities, and for the purpose of paying the
10 cost thereof, may, without regard to any limitation herein imposed,
11 with the assent of a majority of the qualified electors voting at an
12 election to be held for that purpose, issue revenue bonds therefor,
13 the principal and interest of which to be paid solely from revenue
14 derived from rates and charges for the use of, and the service ren-
15 dered by such systems, plants and facilities, as may be prescribed
16 by law; ~~and provided.~~

17 (7) Provided further, that any port district, for the purpose
18 of carrying into effect all or any of the powers now or hereafter
19 granted to port districts by the laws of this state, may contract
20 indebtedness and issue revenue bonds evidencing such indebtedness,
21 without the necessity of the voters of the port district autho-
22 rizing the same, such revenue bonds to be payable solely from all
23 or such part of the revenues of the port district derived from any
24 source whatsoever excepting only those revenues derived from ad
25 valorem taxes, as the port commission thereof may determine, and
26 such revenue bonds not to be in any manner or to any extent a general
27 obligation of the port district issuing the same, nor a charge upon
28 the ad valorem tax revenue of such port district.

29 SECTION 2. The question to be submitted to the electors of the State of
30 Idaho at the next general election shall be as follows:

31 "Shall Section 3, Article VIII of the Constitution of the State of
32 Idaho be amended to adjust the required approval for a county, city, board
33 of education, or school district or other subdivision of the state to incur
34 certain indebtedness to a two-thirds majority voter approval in a year when
35 statewide elections are not held or a fifty-five percent majority voter ap-
36 proval in a year when statewide elections are to be held?"

37 SECTION 3. The Legislative Council is directed to prepare the state-
38 ments required by Section 67-453, Idaho Code, and file the same.

39 SECTION 4. The Secretary of State is hereby directed to publish this
40 proposed constitutional amendment and arguments as required by law.