

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE  
4 FOR HOUSE JOINT  
5 RESOLUTION NO. 1017

6 By: Roach

7 COMMITTEE SUBSTITUTE

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 Article X of the  
11 Constitution of the State of Oklahoma by adding a new  
12 Section 27C; allowing incorporated municipalities and  
13 counties to create recreational trail districts;  
14 requiring elections; stating purpose; limiting  
15 services to be provided; limiting territory of  
16 certain districts; making districts political  
17 subdivision of state; listing district powers and  
18 duties; requiring district board of trustees;  
19 requiring disinterest of trustees in contracts;  
20 describing board powers and duties; authorizing tax  
21 levy and bond elections; allowing the issuance of  
22 bonds; permitting certain entities to pledge revenues  
23 to districts; providing procedures for district  
24 expansion, withdrawal and dissolution; prohibiting  
25 use of state funds; providing ballot title; and  
26 directing filing.

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1 paths, walking trails or such other trails or paths for use by  
2 nonmotorized vehicles as may be specified in the question creating  
3 the district. A recreational trail district shall be established  
4 solely for recreational use by natural persons or for noncommercial  
5 use by natural persons, such as pedestrian and nonmotorized traffic,  
6 and shall not be formed for the commercial transportation of  
7 property or goods.

8 2. A recreational trail district formed by a county shall be  
9 limited to the unincorporated territory or any part thereof. Any  
10 election pertaining to creation or funding of a county recreational  
11 trail district shall be called by the board of county commissioners  
12 on its own initiative or upon petition signed by not less than ten  
13 percent (10%) of the registered voters of the area affected. Only  
14 registered voters in such area shall be entitled to vote.

15 3. If a recreational trail district is to consist of an entire  
16 county, prior to the election to form the recreational trail  
17 district, a majority of the governing board of each incorporated  
18 city or town located within, or partially within, the boundary of  
19 the county must adopt a resolution or other instrument with binding  
20 effect upon the municipality to participate in the recreational  
21 trail district and a majority of the board of county commissioners  
22 must adopt a resolution or other instrument with binding effect upon  
23 the county to participate in the recreational trail district. After  
24 the adoption of all required instruments of consent by the  
25 participating governmental entities, an election shall be called for  
26 the purpose of forming the recreational trail district. If a  
27 majority of all of the qualified and eligible electors of the  
28 county, including the qualified electors who are residents of the  
29 participating municipalities and who are residents of the  
30 participating county, approve of the proposition, then the  
31 recreational trail district shall consist of the entire county.  
32

1 B. A recreational trail district shall be a political  
2 subdivision of the state and shall have the powers to:

3 1. Sue and be sued;

4 2. Purchase, own and hold real and personal property both  
5 individually and jointly with other public entities, and sell, lease  
6 and convey any such real or personal property;

7 3. Purchase, construct, finance, maintain, administer and  
8 operate recreational trails and recreational trail facilities both  
9 individually and jointly with other public entities;

10 4. Enter into contracts with public or private entities for the  
11 benefit of the district;

12 5. Exercise the power of eminent domain;

13 6. Provide and charge fees for recreational trail usage both  
14 inside and outside the district, provided that persons served  
15 outside the district shall be charged an amount not less than the  
16 actual costs for the service;

17 7. Accept gifts, funds and grants;

18 8. Cooperate with private and other public entities to provide  
19 recreational trail services within or between districts;

20 9. Do all other acts in relation to the property and affairs of  
21 the district necessary and appropriate to the good government and  
22 administration of the district and to the exercise of its powers;

23 and

24 10. Exercise such other powers and functions as are conferred  
25 herein.

26 C. Each recreational trail district shall have a board of  
27 trustees which shall exercise the powers and authority of the  
28 district. The board shall be composed of not less than five (5)  
29 members and shall be constituted in the manner provided by the  
30 proposition creating the district.

31 D. The board of trustees shall have power to adopt such rules  
32 and procedures necessary to carry out the purposes of the district.

1 The board shall have additional power to hire a manager and  
2 appropriate personnel and administer, contract, organize, maintain  
3 or otherwise operate the recreational trail services and facilities  
4 within the district. No board member shall be interested directly  
5 or indirectly in any contract with the district and all contracts  
6 made in violation of this provision shall be wholly void, provided  
7 that nothing herein shall prevent an officer of the entity creating  
8 the district from serving on the board.

9 E. The board of trustees shall prepare annually an estimated  
10 budget for the coming fiscal year and a financial statement at the  
11 close of each fiscal year and shall cause an annual audit of the  
12 district's fiscal affairs to be made and filed with the State  
13 Auditor and Inspector or his successor. In the event that a copy of  
14 such audit as herein required shall not be filed with the State  
15 Auditor and Inspector within the time herein provided, the State  
16 Auditor and Inspector hereby is authorized to employ, at the cost  
17 and expense of the recreational trail district, a certified public  
18 accountant, certified municipal accountant or licensed public  
19 accountant to make the audit herein required. The necessary expense  
20 of said audits, including the cost of typing, printing and binding,  
21 shall be paid from funds of the district.

22 F. 1. The registered voters of each district voting in an  
23 election in the manner provided for the creation of the district may  
24 authorize a tax levy not to exceed two (2) mills for the purposes of  
25 the district whereupon a special annual recurring ad valorem tax  
26 levy not to exceed two (2) mills on the dollar of the assessed  
27 valuation of all taxable property in the district shall be levied  
28 each fiscal year. This special levy shall be in addition to all  
29 other levies and shall continue until canceled by a majority of the  
30 votes cast on the proposition by the qualified electors of the  
31 district.

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1           2. After approval of the levy authorized by paragraph 1 of this  
2 subsection, each district may issue bonds for the purpose of  
3 financing permanent improvements or structures. Upon issuing bonds  
4 the district shall provide for the payment of principal and interest  
5 on outstanding bonds, until the same are paid using available  
6 proceeds from the levy authorized by paragraph 1 of this subsection.  
7 However, the trustees may from time to time suspend the collection  
8 of such annual levy when not required for the payment of the bonds.  
9 In no event shall the real and taxable property in any city or town  
10 be subject to a special tax in excess of two (2) mills for the  
11 payment of operational expenses of the district or for the repayment  
12 of principal and interest of the bonds issued hereunder.

13           3. Each district also may issue bonds secured by revenues  
14 received by the district. The district may pledge to the payment of  
15 principal and interest of the bonds herein authorized any monies or  
16 revenues from any source not otherwise obligated. The bonds shall  
17 be payable over a period not to exceed thirty (30) years and the  
18 district board of trustees may in its discretion schedule the  
19 payment of the principal over the thirty-year period so that when  
20 interest is added there will be approximately level annual payments  
21 of principal and interest. The board of trustees shall have  
22 jurisdiction over the sale or refunding of any bonds issued by the  
23 district and shall be responsible for the economical expenditure of  
24 the funds derived from the bonds.

25           G. 1. Each municipality may pledge revenues to and enter into  
26 contracts with the recreational trail district for a term of years  
27 after approval by a majority of the votes cast in an election by the  
28 qualified electors of the municipality. Such revenues may be  
29 derived from any municipal operation, tax or other fund as set out  
30 to the electorate in the proposition. In addition, each such  
31 municipality may pay over to the district from year to year monies  
32 available from any source not otherwise obligated. Such

1 municipality may construct, acquire, own, maintain or operate any  
2 property jointly with the district.

3       2. Each county may pledge revenues to and enter into contracts  
4 with the recreational trail district for a term of years after  
5 approval by a majority of the votes cast in an election on the  
6 proposition by the qualified electors of the unincorporated area  
7 comprising the district. Such revenues may be derived from any  
8 county operation, tax or other fund as set out to the electorate in  
9 the proposition, provided that any tax or special assessment  
10 authorized by this paragraph shall be applicable only in the  
11 unincorporated territory of the county or part thereof included in  
12 the district. In addition, each such county may pay over to the  
13 district from year to year monies available from any source not  
14 otherwise obligated. Such county may construct, acquire, own,  
15 maintain or operate any property jointly with the district.

16       H. Any recreational trail district may expand to include  
17 unincorporated territory in counties or parts thereof or other  
18 municipalities, provided that the expansion is approved by a  
19 majority of votes cast in the area to be added to the established  
20 district; and provided further, that the board of trustees of the  
21 established district concur in the expansion. The election shall be  
22 held in the manner provided for the creation of a district.

23       I. Any territory may withdraw from the recreational trail  
24 district, provided that the withdrawal is approved by a majority of  
25 the votes cast in an election called by the governing body having  
26 jurisdiction to create a district for the territory or by a petition  
27 signed by ten percent (10%) of the registered voters of the  
28 recreational trail district. In the event of withdrawal, any mill  
29 levy or pledge of revenues in the territory shall continue until the  
30 territory has satisfied all obligations existing on the effective  
31 date of withdrawal.

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1 J. Any recreational trail district may be dissolved by a  
2 majority vote of the registered voters voting at an election called  
3 for that purpose by each governing body having jurisdiction of  
4 territory included within the district or by a petition signed by  
5 ten percent (10%) of the registered voters of the recreational trail  
6 district. In the event a district is dissolved, any mill levy or  
7 pledge of revenues used to support, organize, operate or maintain  
8 the district shall continue until all outstanding obligations  
9 existing on the effective date of dissolution have been satisfied.

10 SECTION 2. The Ballot Title for the proposed Constitutional  
11 amendment as set forth in SECTION 1 of this act shall be in the  
12 following form:

13 BALLOT TITLE

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

15 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

16 This measure amends the Oklahoma Constitution. It  
17 would add a new section 27C to Article 10. It allows  
18 cities, towns and counties to create special  
19 districts. The districts could provide for use of  
20 recreational trails. The trails could not be used  
21 for transporting property or goods for money. These  
22 districts could be created after approval by a  
23 majority of qualified voters. The districts would  
24 have a board of trustees to manage and operate the  
25 district. Voters in the district could approve a tax  
26 of no more than two (2) mills. The tax would be  
27 levied upon taxable property in the district.  
28 Districts could issue bonds if approved by a majority  
29 of the voters in the district. The tax levy to repay  
30 bonds would be included in the total levy of two (2)  
31 mills. Districts could issue revenue bonds. Cities  
32 and towns and counties could use their public funds

1 to enter into contracts with these districts. Once a  
2 district was created, voters could vote to withdraw  
3 from the district. Districts could be dissolved by a  
4 majority vote of the voters in the district.

5 SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

6  YES, FOR THE AMENDMENT

7  NO, AGAINST THE AMENDMENT

8 SECTION 3. The Chief Clerk of the House of Representatives,  
9 immediately after the passage of this act, shall prepare and file  
10 one copy thereof, including the Ballot Title set forth in SECTION 2  
11 hereof, with the Secretary of State and one copy with the Attorney  
12 General.

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