

THE HOUSE OF REPRESENTATIVES  
Wednesday, March 7, 2007

House Joint  
Resolution No. 1014

HOUSE JOINT RESOLUTION NO. 1014 - By: COX of the House and WYRICK of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 9C of Article X of the Constitution of the State of Oklahoma; modifying boundary requirements for emergency medial districts; eliminating restriction on maximum amount of certain tax levy; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

1 SECTION 1. The Secretary of State shall refer to the people for their approval or  
2 rejection, as and in the manner provided by law, the following proposed amendment to  
3 Section 9C of Article X of the Constitution of the State of Oklahoma to read as follows:  
4 Section 9C. (a) The board of county commissioners, or boards if more than one  
5 county is involved, may call a special election to determine whether or not an ambulance  
6 service district shall be formed. An election shall also be called by the board or boards  
7 involved upon petition signed by not less than ten percent (10%) of the registered voters  
8 of the area affected. Said area may embrace a county, a part thereof, or more than one  
9 county or parts thereof, ~~and in the event the area covers only a part or parts of one or~~

1 ~~more counties, the area must follow school district boundary lines~~ as defined by the  
2 petition for special election. All registered voters in such area shall be entitled to vote, as  
3 to whether or not such district shall be formed, and at the same time and in the same  
4 question authorize a tax levy ~~not to exceed three (3) mills~~ for the purpose of providing  
5 funds for the purpose of support, organization, operation and maintenance of district  
6 ambulance services, known as emergency medical service districts and hereinafter  
7 referred to as "districts." If the formation of the district and the mill levy is approved by  
8 a majority of the votes cast, a special annual recurring ad valorem tax levy ~~of not more~~  
9 ~~than three (3) mills on the dollar of the assessed valuation of all taxable property in the~~  
10 ~~district~~ shall be levied. The number of mills shall be set forth in the election  
11 proclamation, and may be increased in a later election, ~~not to exceed a total levy of three~~  
12 ~~(3) mills.~~ This special levy shall be in addition to all other levies and when authorized  
13 shall be made each fiscal year thereafter.

14 Each district which is herein authorized, or established, shall have a board of  
15 trustees composed of not less than five members. Such trustees shall be chosen jointly by  
16 the board or boards of county commissioners, provided that such membership shall be  
17 composed of not less than one individual from each county or part thereof which is  
18 included in said district.

19 Original members of the board of trustees shall hold office, as follows: At the first  
20 meeting of said board, board members shall draw lots to determine each trustee's  
21 original length of term in office. The number of lots to be provided shall be equal to the  
22 number of original members of the board, and lots shall be numbered sequentially from

1 one through five, with lots in excess of the fifth lot being also numbered sequentially  
2 from one through five until all lots are numbered. Each original member or members  
3 added by an expansion area of the board shall hold office for the number of years  
4 indicated on his or her lot. Each year, as necessary, the board or boards of county  
5 commissioners shall appoint successors to such members of the board of trustees whose  
6 terms have expired, and such subsequent appointments shall be for terms of five (5)  
7 years.

8 Such board of trustees shall have the power and duty to promulgate and adopt such  
9 rules, procedures and contract provisions necessary to carry out the purposes and  
10 objectives of these provisions, and shall individually post such bond as required by the  
11 county commissioners, which shall not be less than Ten Thousand Dollars (\$10,000.00).

12 The district board of trustees shall have the additional powers to hire a manager  
13 and appropriate personnel, contract, organize, maintain or otherwise operate the  
14 emergency medical services within said district and such additional powers as may be  
15 authorized by the Legislature.

16 (b) Any district board of trustees may issue bonds, if approved by a majority vote at  
17 a special election for such purpose. All registered voters within the designated district  
18 shall have the right to vote in said election. Such bonds shall be issued for the purpose of  
19 acquiring emergency vehicles and other equipment and maintaining and housing the  
20 same.

21 (c) The bonds authorized above shall not bear interest at a greater rate than that  
22 authorized by statute for the issuance of city municipal bonds. Such bonds shall be sold

1 only at public sale after twenty (20) days' advertisement in a newspaper for publication  
2 of legal notices with circulation in the district. Any district may refund its bonds as is  
3 now provided by law for refunding municipal bonds.

4 (d) Any district board of trustees, upon issuing bonds as authorized in subsection  
5 (b) of this section, shall levy a special annual ad valorem tax upon the property within  
6 the district, payable annually, in a total amount not to exceed three (3) mills on the  
7 dollar, on the real and personal taxable property in such district, for the payment of  
8 principal and interest on outstanding bonds, until same are paid. However, the trustees  
9 may, from time to time, suspend the collection of such annual levy when not required for  
10 the payment of the bonds. In no event shall the real and personal taxable property in  
11 any city or town be subject to a special tax in excess of three (3) mills for the payment of  
12 bonds issued hereunder.

13 (e) There may also be pledged to the payment of principal and interest of the bonds  
14 herein authorized to be issued: (1) any net proceeds from operation of the district that  
15 the board of trustees of the district shall deem not necessary to the future operation and  
16 maintenance of said emergency medical service; or (2) any monies available from other  
17 funds of the district not otherwise obligated.

18 (f) Bonds shall be issued for designated sums with serial numbers thereon and  
19 maturing annually after three (3) years from date of issue. All bonds and interest  
20 thereon shall be paid upon maturity and no bonds shall be issued for a period longer than  
21 thirty (30) years. Any district board of trustees may in its discretion schedule the

1 payment of principal over the thirty-year period so that when interest is added there will  
2 be approximately level annual payments of principal and interest.

3 (g) ~~In the event the mill levy as set forth in the original election proclamation is~~  
4 ~~less than three (3) mills, the~~ The board of trustees may request the county commissioners  
5 to call a subsequent election to consider increasing the mill levy; ~~provided, however, the~~  
6 ~~total levy authorized by subsection (a) hereof shall not exceed three (3) mills.~~

7 (h) The board of trustees of any district shall have jurisdiction over the sale or  
8 refunding of any bonds issued by the district and shall be responsible for the economical  
9 expenditure of the funds derived from the bonds.

10 (i) Such districts shall be empowered to charge fees for services, and accept gifts,  
11 funds or grants from sources other than the mill levy, which shall be used and accounted  
12 for in a like manner. Persons served outside the district shall be charged an amount  
13 equal to the actual costs for the service, not taking into account any income the district  
14 receives from millage or sources within the district. The board of trustees shall have  
15 legal authority to bring suits necessary to collect accounts owed and to sue and defend as  
16 necessary for the protection of the board. The State Auditor and Inspector shall conduct  
17 an annual audit of the operations of such districts.

18 (j) Any emergency medical service district may expand to include other counties or  
19 parts thereof, provided that an election is called by the county commissioners whose  
20 county or counties, or parts thereof, are to be added to in the established district; and  
21 provided further, that the county commissioners in the original district concur in the  
22 calling of said election. The proposed expansion area shall only be added to the original

1 district if approved separately by a majority vote, by the voters in both the original  
2 district and in the expansion area, at an election called for that purpose. The county in  
3 which the expansion area is located shall have not less than one member on the board of  
4 trustees. Appropriate millage or other approved method of financial support shall be  
5 levied in the expansion area, when said area is added to the original district which  
6 millage shall be levied at the rate used to cover operational costs and outstanding bonded  
7 indebtedness as provided in Section 9C, (d) and (e), Article X.

8 (k) Any county or parts thereof may withdraw from a district provided that an  
9 election is called by the county commissioners of the county whose county or parts  
10 thereof is to be withdrawn from the district. The county or parts thereof shall be  
11 withdrawn from the district if approved by a majority vote of the voters in the county at  
12 an election called for such purpose. If the county commissioners are presented a petition  
13 signed by not less than twenty percent (20%) of all registered voters in the county, the  
14 county commissioners shall call an election. The petition for an election for a county or  
15 parts thereof to withdraw from a district and the ballot shall provide for the payment of  
16 any debt for operational costs and outstanding bonded indebtedness in proportional  
17 shares, for which the county or parts thereof would be responsible as a result of the  
18 membership of the county or parts thereof in the district.

19 (l) Any district may be dissolved, or the millage levy changed, by a majority vote of  
20 the registered voters voting at an election called for that purpose by the county  
21 commissioners of each county or part thereof included within the district; provided that  
22 such an election shall not be called unless either three-fifths (3/5) of the trustees of such

1 district request the county commissioners to call such an election, or the respective  
2 county commissioners are presented a petition signed by not less than twenty percent  
3 (20%) of all registered voters in the district.

4 (m) In the event a district is dissolved, any mill levy used to support, organize,  
5 operate and maintain the emergency medical service district shall cease, provided that  
6 such mill levy shall not cease until all outstanding emergency medical service bonds of  
7 that district are retired and all other debts incurred by the emergency medical service  
8 district have been satisfied.

9 (n) All elections called under the provisions hereof shall be conducted by the county  
10 election board or boards of each county or counties involved, upon receipt of an election  
11 proclamation, issued by a majority of the board or boards of county commissioners in the  
12 area affected. In the event more than one county is involved, said proclamation must be  
13 a joint proclamation from a majority of the board of county commissioners of each county  
14 involved. Said proclamation shall be published in one issue of a newspaper of general  
15 circulation in each county involved in the area affected at least ten (10) days prior to said  
16 election, and said proclamation shall set forth the purpose of the election, and the date  
17 thereof. The county election board or boards shall certify the results of an election to the  
18 board or boards issuing such proclamation.

19 (o) The board of any district shall have capacity to sue and be sued. Provided,  
20 however, the board shall enjoy immunity from civil suit for actions or omissions arising  
21 from the operation of the district, so long as, and to the same extent as, municipalities  
22 and counties within the state enjoy such immunity.

1 (p) In lieu of proceeding to establish a district as outlined hereinabove through the  
2 county commissioners, the governing body of any incorporated city or town may proceed  
3 to form a district, join an existing district or join with other incorporated cities or towns  
4 in forming a district. In such case, said governing body shall be considered as being  
5 substituted as to the powers and duties of said county commissioners as set forth  
6 hereinabove; provided, further, said city or town shall be considered as being substituted  
7 as to the powers and duties of a district formed, as set forth hereinabove. All rights,  
8 duties, privileges and obligations of the residents and voters in such city or town shall be  
9 the same as those outlined for the district as set forth above.

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

12 BALLOT TITLE

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

14 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

15 This measure amends the Oklahoma Constitution. It amends Section 9C of Article  
16 10. At present, the maximum tax for emergency medical service districts is three  
17 (3) mills. A mill is a unit of money. This measure would remove the three-mill tax  
18 maximum. This measure would also remove the requirement that emergency  
19 medical districts follow school district boundary lines.

20 SHALL THE PROPOSAL BE APPROVED?

21 FOR THE PROPOSAL — YES \_\_\_\_\_

22 AGAINST THE PROPOSAL — NO \_\_\_\_\_

1           SECTION 3. The Chief Clerk of the House of Representatives, immediately after  
2 the passage of this resolution, shall prepare and file one copy thereof, including the  
3 Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with  
4 the Attorney General.  
5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03-06-07 - DO PASS, As  
6 Coauthored.