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THE STATE SENATE
Thursday, April 03, 2008

ENGROSSED
House Joint
Resolution No. 1014
As Amended

ENGROSSED HOUSE JOINT RESOLUTION NO. 1014 - By: Cox and Roan of the House and Wyrick of the Senate.

[Constitutional amendment - modifying requirement - tax restrictions for emergency medical districts -]

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 51ST 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 proposed amendment to Section 9C of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 9C. (a) The board of county commissioners, or boards if more than one county is involved, may call a special election to determine whether or not an ambulance service district shall be formed. An election shall also be called by the board or boards involved upon petition signed by not less than ten percent (10%) of the registered voters of the area affected. Said area may embrace a county, a part thereof, or more than one county or parts thereof, and in the event the area covers only a part or parts of one or more

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

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

1 Original members of the board of trustees shall hold office, as
2 follows: At the first meeting of said board, board members shall
3 draw lots to determine each trustee's original length of term in
4 office. The number of lots to be provided shall be equal to the
5 number of original members of the board, and lots shall be numbered
6 sequentially from one through five, with lots in excess of the fifth
7 lot being also numbered sequentially from one through five until all
8 lots are numbered. Each original member or members added by an
9 expansion area of the board shall hold office for the number of
10 years indicated on his or her lot. Each year, as necessary, the
11 board or boards of county commissioners shall appoint successors to
12 such members of the board of trustees whose terms have expired, and
13 such subsequent appointments shall be for terms of five (5) years.

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

20 The district board of trustees shall have the additional powers
21 to hire a manager and appropriate personnel, contract, organize,
22 maintain or otherwise operate the emergency medical services within

1 said district and such additional powers as may be authorized by the
2 Legislature.

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

9 (c) The bonds authorized above shall not bear interest at a
10 greater rate than that authorized by statute for the issuance of
11 city municipal bonds. Such bonds shall be sold only at public sale
12 after twenty (20) days' advertisement in a newspaper for publication
13 of legal notices with circulation in the district. Any district may
14 refund its bonds as is now provided by law for refunding municipal
15 bonds.

16 (d) Any district board of trustees, upon issuing bonds as
17 authorized in subsection (b) of this section, shall levy a special
18 annual ad valorem tax upon the property within the district, payable
19 annually, in a total amount not to exceed three (3) mills on the
20 dollar, on the real and personal taxable property in such district,
21 for the payment of principal and interest on outstanding bonds,
22 until same are paid. However, the trustees may, from time to time,
23 suspend the collection of such annual levy when not required for the

1 payment of the bonds. In no event shall the real and personal
2 taxable property in any city or town be subject to a special tax in
3 excess of three (3) mills for the payment of bonds issued hereunder.

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

10 (f) Bonds shall be issued for designated sums with serial
11 numbers thereon and maturing annually after three (3) years from
12 date of issue. All bonds and interest thereon shall be paid upon
13 maturity and no bonds shall be issued for a period longer than
14 thirty (30) years. Any district board of trustees may in its
15 discretion schedule the payment of principal over the thirty-year
16 period so that when interest is added there will be approximately
17 level annual payments of principal and interest.

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

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

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

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

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

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

1 (1) Any district may be dissolved, or the millage levy changed,
2 by a majority vote of the registered voters voting at an election
3 called for that purpose by the county commissioners of each county
4 or part thereof included within the district; provided that such an
5 election shall not be called unless either three-fifths (3/5) of the
6 trustees of such district request the county commissioners to call
7 such an election, or the respective county commissioners are
8 presented a petition signed by not less than twenty percent (20%) of
9 all registered voters in the district.

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

16 (n) All elections called under the provisions hereof shall be
17 conducted by the county election board or boards of each county or
18 counties involved, upon receipt of an election proclamation, issued
19 by a majority of the board or boards of county commissioners in the
20 area affected. In the event more than one county is involved, said
21 proclamation must be a joint proclamation from a majority of the
22 board of county commissioners of each county involved. Said
23 proclamation shall be published in one issue of a newspaper of

1 general circulation in each county involved in the area affected at
2 least ten (10) days prior to said election, and said proclamation
3 shall set forth the purpose of the election, and the date thereof.
4 The county election board or boards shall certify the results of an
5 election to the board or boards issuing such proclamation.

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

11 (p) In lieu of proceeding to establish a district as outlined
12 hereinabove through the county commissioners, the governing body of
13 any incorporated city or town may proceed to form a district, join
14 an existing district or join with other incorporated cities or towns
15 in forming a district. In such case, said governing body shall be
16 considered as being substituted as to the powers and duties of said
17 county commissioners as set forth hereinabove; provided, further,
18 said city or town shall be considered as being substituted as to the
19 powers and duties of a district formed, as set forth hereinabove.
20 All rights, duties, privileges and obligations of the residents and
21 voters in such city or town shall be the same as those outlined for
22 the district as set forth above.

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

14 SHALL THE PROPOSAL BE APPROVED?

15 FOR THE PROPOSAL - YES _____

16 AGAINST THE PROPOSAL - NO _____

17 SECTION 3. The Chief Clerk of the House of Representatives,
18 immediately after the passage of this resolution, shall prepare and
19 file one copy thereof, including the Ballot Title set forth in
20 SECTION 2 hereof, with the Secretary of State and one copy with the
21 Attorney General.

22 COMMITTEE REPORT BY: COMMITTEE ON FINANCE, dated 4-1-08 - DO PASS,
23 As Amended.