

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE JOINT
4 RESOLUTION 1031

By: Roan

5
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State
8 to refer to the people for their approval or
9 rejection a proposed amendment to Section 9C of
10 Article X of the Constitution of the State of
11 Oklahoma; modifying boundary requirements for
12 emergency medical districts; modifying maximum
13 millage rate for certain purposes; providing ballot
14 title; and directing filing.

15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
16 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

17 SECTION 1. The Secretary of State shall refer to the people for
18 their approval or rejection, as and in the manner provided by law,
19 the following proposed amendment to Section 9C of Article X of the
20 Constitution of the State of Oklahoma to read as follows:

21 Section 9C. (a) The board of county commissioners, or boards
22 if more than one county is involved, may call a special election to
23 determine whether or not an ambulance service district shall be
24 formed. An election shall also be called by the board or boards
involved upon petition signed by not less than ten percent (10%) of

1 the registered voters of the area affected. Said area may embrace a
2 county, a part thereof, or more than one county or parts thereof,
3 ~~and in the event the area covers only a part or parts of one or more~~
4 ~~counties, the area must follow school district boundary lines as~~
5 defined by the petition for special election. All registered voters
6 in such area shall be entitled to vote, as to whether or not such
7 district shall be formed, and at the same time and in the same
8 question authorize a tax levy not to exceed ~~three (3) mills~~ the
9 amount prescribed by this subsection for the purpose of providing
10 funds for the purpose of support, organization, operation and
11 maintenance of district ambulance services, known as emergency
12 medical service districts and hereinafter referred to as
13 "districts." ~~¶~~ For any emergency medical service district formed
14 on or after January 1, 2011, if the formation of the district and
15 the mill levy is approved by a majority of the votes cast, a special
16 annual recurring ad valorem tax levy of not more than three (3)
17 mills on the dollar of the assessed valuation of all taxable
18 property in the district shall be levied. If such district imposes
19 a levy of three (3) mills for at least one (1) fiscal year after its
20 formation, the district may levy a total millage not to exceed six
21 (6) mills subject to the approval of the voters of the district for
22 any increase in the millage rate as required by this section. For
23 an emergency medical service district in existence on November 1,
24 2010, if the millage rate authorized by this subsection has been

1 levied at the rate of three (3) mills for at least one (1) fiscal
2 year, the district may levy a total millage not to exceed six (6)
3 mills subject to the approval of the voters of the district for any
4 increase in the millage rate as required by this section. If an
5 emergency medical service district in existence on November 1, 2010,
6 has not levied the maximum three (3) mills for at least one (1)
7 fiscal year, the district shall be required to levy a millage of
8 three (3) mills for at least one (1) fiscal year before causing any
9 election to be conducted for a millage rate increase which shall not
10 exceed a cumulative total millage rate of six (6) mills and which
11 shall be subject to the approval of the voters of the district for
12 any increase as required by this section. The number of mills shall
13 be set forth in the election proclamation, and may be increased in a
14 later election, not to exceed a total levy of ~~three (3)~~ six (6)
15 mills. This special levy shall be in addition to all other levies
16 and when authorized shall be made each fiscal year thereafter.

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

23 Original members of the board of trustees shall hold office, as
24 follows: At the first meeting of said board, board members shall

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

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

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

23 (b) Any district board of trustees may issue bonds, if approved
24 by a majority vote at a special election for such purpose. All

1 registered voters within the designated district shall have the
2 right to vote in said election. Such bonds shall be issued for the
3 purpose of acquiring emergency vehicles and other equipment and
4 maintaining and housing the same.

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

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

23 (e) There may also be pledged to the payment of principal and
24 interest of the bonds herein authorized to be issued: (1) any net

1 proceeds from operation of the district that the board of trustees
2 of the district shall deem not necessary to the future operation and
3 maintenance of said emergency medical service; or (2) any monies
4 available from other funds of the district not otherwise obligated.

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

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

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

23 (i) Such districts shall be empowered to charge fees for
24 services, and accept gifts, funds or grants from sources other than

1 the mill levy, which shall be used and accounted for in a like
2 manner. Persons served outside the district shall be charged an
3 amount equal to the actual costs for the service, not taking into
4 account any income the district receives from millage or sources
5 within the district. The board of trustees shall have legal
6 authority to bring suits necessary to collect accounts owed and to
7 sue and defend as necessary for the protection of the board. The
8 State Auditor and Inspector shall conduct an annual audit of the
9 operations of such districts.

10 (j) Any emergency medical service district may expand to
11 include other counties or parts thereof, provided that an election
12 is called by the county commissioners whose county or counties, or
13 parts thereof, are to be added to in the established district; and
14 provided further, that the county commissioners in the original
15 district concur in the calling of said election. The proposed
16 expansion area shall only be added to the original district if
17 approved separately by a majority vote, by the voters in both the
18 original district and in the expansion area, at an election called
19 for that purpose. The county in which the expansion area is located
20 shall have not less than one member on the board of trustees.
21 Appropriate millage or other approved method of financial support
22 shall be levied in the expansion area, when said area is added to
23 the original district which millage shall be levied at the rate used
24

1 to cover operational costs and outstanding bonded indebtedness as
2 provided in Section 9C, (d) and (e), Article X.

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

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

1 presented a petition signed by not less than twenty percent (20%) of
2 all registered voters in the district.

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

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

22 (o) The board of any district shall have capacity to sue and be
23 sued. Provided, however, the board shall enjoy immunity from civil
24 suit for actions or omissions arising from the operation of the

1 district, so long as, and to the same extent as, municipalities and
2 counties within the state enjoy such immunity.

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

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

18 BALLOT TITLE

19 Legislative Referendum No. _____ State Question No. _____

20 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

21 This measure amends the Oklahoma Constitution. It amends
22 Section 9C of Article 10. This section relates to emergency
23 medical service districts. These districts can levy a property
24 tax. The rate of the tax is three mills. This measure would

1 change the maximum number of mills that could be levied. An
2 emergency medical service district that is already formed as of
3 November 1, 2010, would be required to levy the current maximum
4 of three mills for one fiscal year before that millage rate
5 could be increased. If that happened, this district could
6 increase its millage rate to six mills. The increase in millage
7 would have to be approved by the voters of the district.

8 Emergency medical service districts formed on January 1, 2011,
9 or later could levy up to three mills. These districts would be
10 required to levy three mills for at least one fiscal year before
11 increasing the millage rate. After that, if voters approved an
12 increase, the total millage rate could be six mills. The
13 measure also changes the way in which emergency medical service
14 district boundaries are established.

15 SHALL THE PROPOSAL BE APPROVED?

16 FOR THE PROPOSAL - YES _____

17 AGAINST THE PROPOSAL - NO _____

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

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24 52-1-5217 MAH 12/19/08