

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE JOINT
7 RESOLUTION NO. 1057

By: Newton

8
9 COMMITTEE SUBSTITUTE

10 A Joint Resolution directing the Secretary of State
11 to refer to the people for their approval or
12 rejection a proposed amendment to Section 9C of
13 Article X of the Constitution of the State of
14 Oklahoma; authorizing increase of millage rate for
15 operational expenses; authorizing increase of millage
16 rate for payment of bonds; providing ballot title;
17 and directing filing.

18 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
19 2ND SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

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

24 Section 9C. (a) The board of county commissioners, or boards if
more than one county is involved, may call a special election to

1 determine whether or not an ambulance service district shall be
2 formed. An election shall also be called by the board or boards
3 involved upon petition signed by not less than ten percent (10%) of
4 the registered voters of the area affected. Said area may embrace a
5 county, a part thereof, or more than one county or parts thereof,
6 and in the event the area covers only a part or parts of one or more
7 counties, the area must follow school district boundary lines. All
8 registered voters in such area shall be entitled to vote, as to
9 whether or not such district shall be formed, and at the same time
10 and in the same question authorize a tax levy not to exceed ~~three~~
11 ~~(3)~~ ten (10) mills for the purpose of providing funds for the
12 purpose of support, organization, operation and maintenance of
13 district ambulance services, known as emergency medical service
14 districts and hereinafter referred to as "districts." If the
15 formation of the district and the mill levy is approved by a
16 majority of the votes cast, a special annual recurring ad valorem
17 tax levy of not more than ~~three (3)~~ ten (10) mills on the dollar of
18 the assessed valuation of all taxable property in the district shall
19 be levied. The number of mills shall be set forth in the election
20 proclamation, and may be increased in a later election, not to
21 exceed a total levy of ~~three (3)~~ ten (10) mills. This special levy
22 shall be in addition to all other levies and when authorized shall
23 be made each fiscal year thereafter.

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

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

20 Such board of trustees shall have the power and duty to
21 promulgate and adopt such rules, procedures and contract provisions
22 necessary to carry out the purposes and objectives of these
23 provisions, and shall individually post such bond as required by the
24

1 county commissioners, which shall not be less than Ten Thousand
2 Dollars (\$10,000.00).

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

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

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

21 (d) Any district board of trustees, upon issuing bonds as
22 authorized in subsection (b) of this section, shall levy a special
23 annual ad valorem tax upon the property within the district, payable
24 annually, in a total amount not to exceed ~~three (3)~~ ten (10) mills

1 on the dollar, on the real and personal taxable property in such
2 district, for the payment of principal and interest on outstanding
3 bonds, until same are paid. However, the trustees may, from time to
4 time, suspend the collection of such annual levy when not required
5 for the payment of the bonds. In no event shall the real and
6 personal taxable property in any city or town be subject to a
7 special tax in excess of ~~three (3)~~ ten (10) mills for the payment of
8 bonds issued hereunder.

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

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

23 (g) In the event the mill levy as set forth in the original
24 election proclamation is less than ~~three (3)~~ ten (10) mills, the

1 board of trustees may request the county commissioners to call a
2 subsequent election to consider increasing the mill levy; provided,
3 however, the total levy authorized by subsection (a) hereof shall
4 not exceed ~~three (3)~~ ten (10) mills.

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

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

20 (j) Any emergency medical service district may expand to
21 include other counties or parts thereof, provided that an election
22 is called by the county commissioners whose county or counties, or
23 parts thereof, are to be added to in the established district; and
24 provided further, that the county commissioners in the original

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

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

1 result of the membership of the county or parts thereof in the
2 district.

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

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

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

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

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

12 (p) In lieu of proceeding to establish a district as outlined
13 hereinabove through the county commissioners, the governing body of
14 any incorporated city or town may proceed to form a district, join
15 an existing district or join with other incorporated cities or towns
16 in forming a district. In such case, said governing body shall be
17 considered as being substituted as to the powers and duties of said
18 county commissioners as set forth hereinabove; provided, further,
19 said city or town shall be considered as being substituted as to the
20 powers and duties of a district formed, as set forth hereinabove.
21 All rights, duties, privileges and obligations of the residents and
22 voters in such city or town shall be the same as those outlined for
23 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. This section authorizes the creation
9 of emergency medical service districts. Emergency medical
10 service districts are created for the purpose of supporting,
11 organizing, operating and maintaining district ambulance
12 services. Currently, districts are authorized to levy a tax not
13 to exceed three (3) mills of the assessed valuation of all
14 taxable property in the district to fund those services. This
15 measure would authorize the increase of the maximum millage rate
16 from three (3) mills to ten (10) mills for operational expenses.
17 This measure would also authorize the increase of the maximum
18 millage rate from three (3) mills to ten (10) mills for the
19 payment of interest and principal on bonds used to buy and
20 maintain emergency vehicles and other equipment. If this
21 measure passes, a subsequent election in each district would be
22 required to consider increasing the current mill levy for
23 operational expenses and payment of bonds up to the authorized
24 maximum ten (10) mills.

1 SHALL THE PROPOSAL BE APPROVED?

2 FOR THE PROPOSAL — YES _____

3 AGAINST THE PROPOSAL — NO _____

4 SECTION 3. The Chief Clerk of the House of Representatives,
5 immediately after the passage of this resolution, shall prepare and
6 file one copy thereof, including the Ballot Title set forth in
7 SECTION 2 hereof, with the Secretary of State and one copy with the
8 Attorney General.

9
10 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/16/2022 - DO PASS,
11 As Amended.