

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE JOINT
4 RESOLUTION 1028

By: Roberts (Dustin)

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7 AS INTRODUCED

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 Section 9C of
11 Article X of the Constitution of the State of
Oklahoma; modifying certain maximum authorized
millage rate; providing ballot title; and directing
filing.

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14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
15 1ST SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

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

20 Section 9C. Emergency Medical Service Districts

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

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

22 Each district which is herein authorized, or established, shall
23 have a board of trustees composed of not less than five members.
24 Such trustees shall be chosen jointly by the board or boards of

1 county commissioners, provided that such membership shall be
2 composed of not less than one individual from each county or part
3 thereof which is included in said district.

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

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

23 The district board of trustees shall have the additional powers
24 to hire a manager and appropriate personnel, contract, organize,

1 maintain or otherwise operate the emergency medical services within
2 said district and such additional powers as may be authorized by the
3 Legislature.

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

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

17 (d) Any district board of trustees, upon issuing bonds as
18 authorized in subsection (b) of this section, shall levy a special
19 annual ad valorem tax upon the property within the district, payable
20 annually, in a total amount not to exceed three (3) mills on the
21 dollar, on the real and personal taxable property in such district,
22 for the payment of principal and interest on outstanding bonds,
23 until same are paid. However, the trustees may, from time to time,
24 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 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)~~ ten (10) mills.

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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
24 original district and in the expansion area, at an election called

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

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

23 (l) Any district may be dissolved, or the millage levy changed,
24 by a majority vote of the registered voters voting at an election

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

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

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

1 The county election board or boards shall certify the results of an
2 election to the board or boards issuing such proclamation.

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

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

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

23 BALLOT TITLE

24 Legislative Referendum No. _____ State Question No. _____

1 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

2 This measure amends the Oklahoma Constitution. It amends Section
3 9C of Article 10. Emergency medical service districts can levy
4 ad valorem taxes for operations expenses. The millage rate for
5 this purpose is currently limited to a maximum of three (3)
6 mills. This measure would change the maximum amount of mills
7 that the emergency medical service district could levy for
8 operations expenses to a maximum of ten (10) mills.

9 SHALL THE PROPOSAL BE APPROVED?

10 FOR THE PROPOSAL - YES _____

11 AGAINST THE PROPOSAL - NO _____

12 SECTION 3. The Chief Clerk of the House of Representatives,
13 immediately after the passage of this resolution, shall prepare and
14 file one copy thereof, including the Ballot Title set forth in
15 SECTION 2 hereof, with the Secretary of State and one copy with the
16 Attorney General.

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