ENROLLED SENATE JOINT RESOLUTION NO. 54

ENACTED BY THE SECOND REGULAR SESSION OF

THE THIRTY-FIFTH LEGISLATURE OF OKLAHOMA

NUMBERED BY THE SECRETARY OF STATE

LEGISLATIVE REFERENDUM NO. 217, STATE QUESTION NO. 522

RECEIVED: May 3, 1976

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 54

BY: HAMILTON of the SENATE

and

JOHNSON (Joe), RIGGS and
NANCE of the HOUSE

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF OKLAHOMA BY ADDING A NEW SECTION TO ARTICLE X THEREOF TO BE DESIGNATED AS ARTICLE X, SECTION 9C; AUTHORIZING CERTAIN COUNTY COMMISSIONERS OR CERTAIN VOTERS TO PROVIDE FOR, ORGANIZE, MAINTAIN, OPERATE AND DISSOLVE EMERGENCY MEDICAL SERVICE DISTRICTS BY WAY OF AN ELECTION; PROVIDING ELECTION PROCEDURES; PROVIDING FOR EXPANSION OF DISTRICTS; PROVIDING FOR APPOINTMENT, MANNER OF APPOINTMENT, DUTIES AND POWERS OF THE TRUSTEES; PROVIDING FOR CERTAIN CONTROLS BY THE LEGISLATURE AND AUTHORIZING CERTAIN LEGISLATION; PROVIDING FOR CERTAIN CHARGES AND AUDITS; PROVIDING FOR SPECIAL ANNUAL RECURRING AD VALOREM TAXES AND ISSUANCE OF BONDS UPON APPROVAL AT AN ELECTION FOR SUCH PURPOSES; PROVIDING FOR INTEREST, SELLING PROCEDURES AND REFUNDING OF BONDS; PROVIDING FOR CANCELLATION OF THE MILLAGE LEVY UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR LEGAL STATUS OF BOARD, COLLECTION OF FEES; PROVIDING CITY OR TOWN BE AUTHORIZED TO FORM DISTRICTS; PROVIDING BALLOT TITLE; DIRECTING FILING; AND ORDERING A SPECIAL ELECTION.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 35TH 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 amendment to the Constitution of Oklahoma. Article X of the Constitution of the State of Oklahoma is hereby amended by the addition of Section 9C:

Correctly Enrolled: John R. McCure, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

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

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

Original members of the board of trustees shall hold office, as follows: At the first meeting of said board, board members shall draw lots to determine each trustee's original length of term in

Correctly Enrolled: _____, *Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS*

Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Correctly Enrolled: Joe R. McCune

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

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

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

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

(c) The bonds authorized above shall not bear interest at a greater rate than that authorized by statute for the issuance of city municipal bonds. Such bonds shall be sold only at public sale after twenty (20) days' advertisement in a newspaper for publication of legal notices with circulation in the district. Any district may

refund its bonds as is now provided by law for refunding municipal bonds.

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

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

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

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

Correctly Enrolled: _____, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

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

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

(j) Any emergency medical service district may expand to include other counties or parts thereof, provided that an election is called by the county commissioners whose county or counties, or parts thereof, are to be added to in the established district; and provided further, that the county commissioners in the original district concur in the calling of said election. The proposed expansion area shall only be added to the original district if approved separately by a majority vote, by the voters in both the original district and in the expansion area, at an election called for that purpose. The county in which the expansion area is located shall have not less than one member on the board of trustees. Appropriate millage or other approved method of financial support shall be levied in the expansion area, when said area is added to the original district which millage shall be levied at the rate used to cover operational costs and outstanding bonded indebtedness as provided in Section 9C, (d) and (e), Article X.

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

Correctly Enrolled: Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

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

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

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

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

(o) In lieu of proceeding to establish a district as outlined hereinabove through the county commissioners, the governing body of

Correctly Enrolled: _____, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

any incorporated city or town may proceed to form a district, join an existing district or join with other incorporated cities or towns in forming a district. In such case, said governing body shall be considered as being substituted as to the powers and duties of said county commissioners as set forth hereinabove; provided, further, said city or town shall be considered as being substituted as to the powers and duties of a district formed, as set forth hereinabove. All rights, duties, privileges and obligations of the residents and voters in such city or town shall be the same as those outlined for the district as set forth above.

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

BALLOT TITLE

Legislative Referendum No. 217 State Question No. 522

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional amendment

amending Article X of the Constitution of the State of Oklahoma by adding a new section to be designated as Section 9C, which authorizes county commissioners or registered voters to provide for, organize, maintain, operate and dissolve emergency medical service districts by way of an election; providing election procedures; providing for expansion of districts; providing for appointment, manner of appointment, duties and powers of the trustees; providing for certain controls by the Legislature and authorizing certain legislation; providing for certain charges and audits; providing for special annual recurring ad valorem taxes and issuance of bonds upon approval at an election for such purposes; providing for interest, selling procedures and refunding of bonds; providing for cancellation of the millage levy under certain

Correctly Enrolled: John R. McCune, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

circumstances; providing for legal status of board and collection of fees; and providing city or town be authorized to form districts

be approved by the people?

☐ YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

☐ NO

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the effective date of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of the next primary election, at which time the proposed amendment to the Constitution of the State of Oklahoma, as set forth in SECTION 1 of this resolution, shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

Passed the Senate the 28th day of April, 1976.

Edna Walker
acting President of the Senate

Passed the House of Representatives the 21st day of April, 1976.

Wm P. Willis
Speaker of the House of Representatives

Correctly Enrolled: John R. McCune, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Correctly Enrolled: John R. McCure, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 3rd

day of May, 1976,

at 1:45, o'clock P. M.

Jerome W. Byrd

By:

STATE
OF
OKLAHOMA

THE ATTORNEY GENERAL
LARRY DERRYBERRY

STATE CAPITOL, OKLAHOMA CITY, OKLAHOMA 73105, TELEPHONE 405/521-3921

May 6, 1976

FILED
MAY 6 1976
JEROME W. BYRD
SECRETARY OF STATE

The Honorable Jerome W. Byrd
Secretary of State
State Capitol Building
Oklahoma City, Oklahoma 73105

Dear Mr. Byrd:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by 34 O.S. Supp. 1975, §9, he has examined the proposed ballot title to Enrolled Senate Joint Resolution No. 54 of the Second Regular Session of the Thirty-fifth Oklahoma Legislature, and from said examination finds that said ballot title is not in legal form and harmony with the law. Therefore, the Attorney General submits the following ballot title which, in his opinion, is in legal form and harmony with the law.

BALLOT TITLE

State Question No. 522 Legislative Referendum No. 217

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a constitutional amendment

amending Article X of the Constitution of the State of Oklahoma by adding Section 9C, providing for manner of calling elections to authorize creation or dissolution of emergency medical districts and to provide funds for

support, organization, operation and maintenance of such districts with annual recurring tax levy not exceeding three mills; providing for appointment, manner of appointment, duties and powers of trustees of such districts; providing for election to authorize issuance of bonds to acquire equipment and to house and maintain same; authorizing annual recurring tax levy not exceeding three mills to retire bonds; providing procedure for sale of bonds; providing for interest on and refunding of bonds; providing for fee charges and annual audit; providing for election to expand districts; providing election procedures; providing trustees immunity from civil suit; authorizing cities and towns to form or join a district

be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

/____/ YES - FOR THE AMENDMENT

/____/ NO - AGAINST THE AMENDMENT

Yours very truly,

Mike D Martin

MIKE D. MARTIN
ASSISTANT ATTORNEY GENERAL

MDM:cw