

ENROLLED HOUSE JOINT RESOLUTION NO. 1018
ENACTED BY THE FIRST REGULAR SESSION OF
THE THIRTY-SIXTH LEGISLATURE OF OKLAHOMA

NUMBERED BY THE SECRETARY OF STATE:
LEGISLATIVE REFERENDUM NO. 222, STATE QUESTION NO. 528

RECEIVED: June 8, 1977

Resolution

ENROLLED HOUSE JOINT
RESOLUTION NO. 1018

BY: McINTYRE and MONKS of the
HOUSE

and

RANDLE and SHATWELL of
the SENATE

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 9D; AUTHORIZING CERTAIN COUNTY COMMISSIONERS OR CERTAIN VOTERS TO PROVIDE FOR, ORGANIZE, MAINTAIN, OPERATE AND DISSOLVE HOSPITAL 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 HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 36TH 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 9D:

Correctly Enrolled: *Richard H. Henry*, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Section 9D. (a) The board of county commissioners or boards of county commissioners, if more than one county is involved, may call a special election to determine whether or not a hospital 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 hospital district services, hereinafter referred to as "district." If the formation of the district and the mill levy is approved by a three-fifths (3/5) 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 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, and as necessary to fill vacancies, the board or boards of county commissioners shall appoint successors to such members of the board of trustees and as to members whose terms have expired, 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 such hospital facilities 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 three-fifths (3/5) majority vote of the registered electors within the designated district at a special election called for such purpose. Such bonds shall be issued for the purpose of acquiring a hospital site, erecting or acquiring hospital housing, structures and facilities, procuring equipment and maintaining the same, or for the purpose of raising money to create a fund to be so used.

(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 county wherein property within the district lies shall, upon the issuance of bonds by the district board of trustees as is authorized by subsection (b) of this section, levy a special annual ad valorem tax upon the property within the district in an amount not excessive of three (3) mills on the dollar for the purposes of payment of principal and interest on bonded indebtedness created or to be created for such purposes and for creating a sinking fund to be used: First; for the payment of interest coupons as they fall due; second, for the payment of the bonds as they fall due; third, for the payment of such parts of judgments as by law may be required to be paid.

(e) Any district board of trustees is also authorized to pledge 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 district; 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.

(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.

(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 Auditor and Inspector shall conduct an annual audit of the operations of such districts.

(j) Any 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 9D, (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 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 hospital district shall cease, provided that such mill levy shall not cease until all outstanding hospital bonds of that district are retired and all other debts incurred by the hospital 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 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: *[Signature]*

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 except as to non-urban areas; provided, further, said city or town shall, as to property within its municipal limits, 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. _____ State Question No. _____

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 9D, which authorizes county commissioners or registered voters to provide for, organize, maintain, operate and dissolve hospital 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 and collection of fees; and providing city or town be authorized to form districts be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The Chief Clerk of the House of Representatives 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.

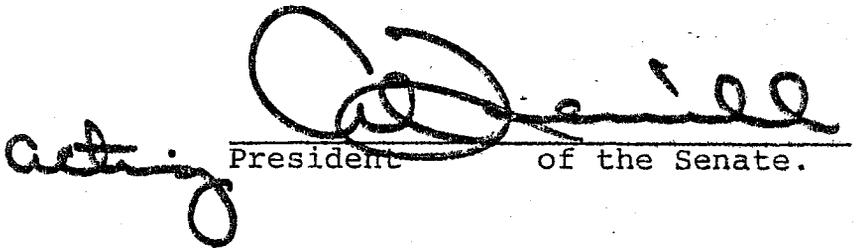
SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of the next primary election, at which time the proposed amendment to the Constitution of the State of Oklahoma, as set forth in SECTION 1 of this Resolution, shall be submitted to the people of Oklahoma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

Correctly Enrolled: *Robert A. Murray* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Passed the House of Representatives the 7th day of June, 1977.


Speaker Pro Tempore of the House of Representatives.

Passed the Senate the 2nd day of June, 1977.


acting President of the Senate.

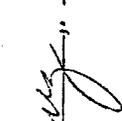
OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 8th

day of June, 1977,

at 3:00, o'clock P. M.

By: Jerome W. Byrd

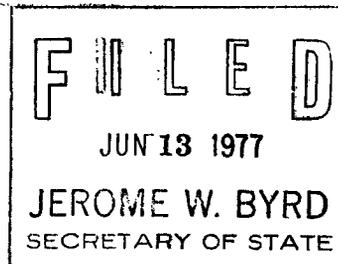
Correctly Enrolled:  Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

STATE
OF
OKLAHOMA
THE ATTORNEY GENERAL
LARRY DERRYBERRY

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



June 13, 1977



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. 1976, § 9, he has examined the proposed ballot title to Enrolled House Joint Resolution No. 1018 of the First Regular Session of the Thirty-Sixth 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 in harmony with the law.

BALLOT TITLE

State Question No. 528 Legislative Referendum No. 222

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 9D, by authorizing counties to provide by election for creation and dissolution of hospital districts; providing election to authorize annual recurring millage levy not exceeding three (3) mills on district property for district support, organization, operation and

The Honorable Jerome W. Byrd
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maintenance; providing election to authorize issuance of bonds for specified purposes to be retired from annual millage levy not exceeding three (3) mills on district property; providing for interest, selling procedures and refunding of bonds; providing election to expand districts; providing for appointment, duties and powers of trustees of district; authorizing certain legislation; authorizing fees for services; providing for legal status of board; and authorizing municipalities to form districts or join existing districts

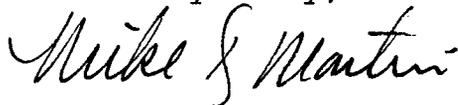
be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES - FOR THE AMENDMENT

NO - AGAINST THE AMENDMENT

Yours very truly,



MIKE D. MARTIN
ASSISTANT ATTORNEY GENERAL

MDM:sew