

ENROLLED SENATE JOINT RESOLUTION NO. 40
ENACTED BY THE SECOND REGULAR SESSION OF THE
THIRTY-NINTH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE
LEGISLATIVE REFERENDUM NUMBER 246, STATE QUESTION NUMBER 579
RECEIVED: May 23, 1984

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 40

BY: DENNIS of the SENATE
and
ATKINSON 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 ARTICLE X OF THE OKLAHOMA CONSTITUTION BY ADDING NEW SECTIONS 27B AND 27C; ALLOWING INCORPORATED MUNICIPALITIES AND COUNTIES TO CREATE TRANSPORTATION SERVICE DISTRICTS; REQUIRING ELECTIONS; STATING PURPOSE; LIMITING SERVICES TO BE PROVIDED; LIMITING TERRITORY OF CERTAIN DISTRICTS; MAKING DISTRICTS POLITICAL SUBDIVISION OF STATE; LISTING DISTRICT POWERS AND DUTIES; REQUIRING DISTRICT BOARD OF TRUSTEES; REQUIRING DISINTEREST OF TRUSTEES IN CONTRACTS; DESCRIBING BOARD POWERS AND DUTIES; AUTHORIZING TAX LEVY AND BOND ELECTIONS; ALLOWING THE ISSUANCE OF BONDS; PERMITTING CERTAIN ENTITIES TO PLEDGE REVENUES TO DISTRICTS; PROVIDING PROCEDURES FOR DISTRICT EXPANSION, WITHDRAWAL AND DISSOLUTION; PROHIBITING USE OF STATE FUNDS; PROVIDING A BALLOT TITLE; AND DIRECTING FILING.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 39TH 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 proposed amendment to Article X of the Constitution of the State of Oklahoma by adding new Sections 27B and 27C to read as follows:

Section 27B. A. 1. Any incorporated municipality or county may individually or jointly form a transportation service district after approval of the proposition by a majority of the qualified and eligible electors voting in an election called for that purpose. Said district shall be established for the purpose of providing transportation services directly or indirectly. A transportation service district shall engage solely in the transportation of passengers and shall not engage in the transportation of property or goods.

2. Any transportation service district which exists within a standard metropolitan statistical area (SMSA) or its equivalent, as defined by the Office of Management and Budget, shall not join with another transportation service district which also exists within a SMSA to provide motor vehicle transportation services between said districts when such services are currently provided by private motor carriers.

3. Any transportation service district, except those provided for in paragraph 2 of this subsection, may join with another such transportation district to provide motor vehicle transportation services between said districts when such services are not currently provided by private motor carriers. When private motor carriers are providing transportation services between such districts, the

districts may join and provide such services only when the Oklahoma Corporation Commission has determined the services currently provided do not adequately meet the needs of the citizens of the districts.

4. Any transportation service district may provide charter and special operation services only within the SMSA and/or district. In the absence of a private motor carrier being authorized by the Oklahoma Corporation Commission to provide charter or special operation services originating or terminating within a district, a transportation service district which does not exist within a SMSA may provide charter and special operation services which originate or terminate within said district.

5. A district formed by a county shall be limited to the unincorporated territory or any part thereof. Any election pertaining to creation or funding of a county transportation service district shall be called by the board of county commissioners on its own initiative or upon petition signed by not less than ten percent (10%) of the registered voters of the area affected. Only registered voters in such area shall be entitled to vote.

B. A transportation service district shall be a political subdivision of the state and shall have the powers to:

1. Sue and be sued;
2. Purchase, own and hold real and personal property both individually and jointly with other public entities, and sell, lease and convey any such real or personal property;
3. Purchase, construct, finance, maintain, administer and operate transportation services and facilities both individually and jointly with other public entities;
4. Enter into contracts with public or private entities for the benefit of the district;
5. Exercise the power of eminent domain;
6. Provide and charge fees for transportation services both inside and outside the district, provided that persons served outside the district shall be charged an amount not less than the actual costs for the service;
7. Accept gifts, funds and grants;
8. Cooperate with private and other public entities to provide transportation services within or between districts;
9. Do all other acts in relation to the property and affairs of the district necessary and appropriate to the good government and administration of the district and to the exercise of its powers; and
10. Exercise such other powers and functions as are conferred herein.

C. Each district shall have a board of trustees, which shall exercise the powers and authority of the district. The Board shall be composed of not less than five (5) members and shall be constituted in the manner provided by the proposition creating the district.

The board of trustees shall have power to adopt such rules and procedures necessary to carry out the purposes of the district. The board shall have additional power to hire a manager and appropriate

personnel and administer, contract, organize, maintain or otherwise operate the transportation services and facilities within the district. No board member shall be interested directly or indirectly and any contract with the district and all contracts made in violation of this provision shall be wholly void, provided that nothing herein shall prevent an officer of the entity creating the district from serving on the board.

The board of trustees shall prepare annually an estimated budget for the coming fiscal year and a financial statement at the close of each fiscal year and shall cause an annual audit of the district's fiscal affairs to be made and filed with the State Auditor and Inspector or his successor. In the event that a copy of such audit as herein required shall not be filed with the State Auditor and Inspector within the time herein provided, the State Auditor and Inspector hereby is authorized to employ, at the cost and expense of the trust, a certified public accountant, certified municipal accountant or licensed public accountant to make the audit herein required. The necessary expense of said audits, including the cost of typing, printing and binding, shall be paid from funds of the district.

D. 1. The registered voters of each district voting in an election in the manner provided for the creation of the district may authorize a tax levy not to exceed five (5) mills for the purposes of the district whereupon a special annual recurring ad valorem tax levy not to exceed five (5) mills on the dollar of the assessed valuation of all taxable property in the district shall be levied each fiscal year. This special levy shall be in addition to all other levies and shall continue until canceled by a majority of the votes cast on the proposition by the qualified electors of the district.

2. Each district may issue bonds upon approval by a majority of the votes cast on the proposition by the qualified electors in the district. Upon issuing bonds the district shall levy a special annual ad valorem tax upon the property within the district, payable annually, in a total amount not to exceed five (5) 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 the 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 taxable property in any city or town be subject to a special tax in excess of five (5) mills for the payment of the bonds issued hereunder.

3. Each district also may issue bonds secured by revenues received by the district. The district may pledge to the payment of principal and interest of the bonds herein authorized any monies or revenues from any source not otherwise obligated. The bonds shall be payable over a period not to exceed thirty (30) years and the district board of trustees may in its discretion schedule the payment of the principal over the thirty-year period so that when interest is added there will be approximately level annual payments of principal and interest. The board of trustees 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.

4. Each district may pledge any revenues received by the district to another district for a term of years after approval by a majority of the votes cast in an election by the qualified electors of the district. In addition, each such district may pay over to the other district from year to year monies available from any source not obligated.

E. 1. Each municipality may pledge revenues to and enter into contracts with the district for a term of years after approval by a majority of the votes cast in an election by the qualified electors of the municipality. Such revenues may be derived from any municipal operation, tax or other fund as set out to the electorate in the proposition. In addition, each such municipality may pay over to the district from year to year monies available from any source not otherwise obligated. Such municipality may construct, acquire, own, maintain or operate any property jointly with the district.

2. Each county may pledge revenues to and enter into contracts with the district for a term of years after approval by a majority of the votes cast in an election on the proposition by the qualified electors of the unincorporated area comprising the district. Such revenues may be derived from any county operation, tax or other fund as set out to the electorate in the proposition, provided that any tax or special assessment authorized by this paragraph shall be applicable only in the unincorporated territory of the county or part thereof included in the district. In addition, each such county may pay over to the district from year to year monies available from any source not otherwise obligated. Such county may construct, acquire, own, maintain or operate any property jointly with the district.

F. Any transportation service district may expand to include unincorporated territory in counties or parts thereof or other municipalities, provided that the expansion is approved by a majority of votes cast in the area to be added to the established district; and provided further, that the board of trustees of the established district concur in the expansion. The election shall be held in the manner provided for the creation of a district.

G. Any territory may withdraw from the district, provided that the withdrawal is approved by a majority of the votes cast in an election called by the governing body having jurisdiction to create a district for the territory or by a petition signed by ten percent (10%) of the registered voters of the transportation service district. In the event of withdrawal, any mill levy or pledge of revenues in the territory shall continue until the territory has satisfied all obligations existing on the effective date of withdrawal.

H. Any district may be dissolved by a majority vote of the registered voters voting at an election called for that purpose by each governing body having jurisdiction of territory included within the district or by a petition signed by ten percent (10%) of the registered voters of the transportation service district. In the event a district is dissolved, any mill levy or pledge of revenues used to support, organize, operate or maintain the district shall continue until all outstanding obligations existing on the effective date of dissolution have been satisfied.

Section 27C. The Oklahoma State Legislature is prohibited from providing any state funds for any transportation service districts created under this resolution.

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

adding new Sections 27B and 27C to Article X of the Constitution of the State of Oklahoma permitting incorporated municipalities and counties to form transportation service districts for the purpose of providing transportation; requiring voter approval to form each district; requiring voter approval for districts to issue bonds and levy taxes; allowing districts to pledge taxes for payment of bonded indebtedness; requiring voter approval for incorporated municipalities or counties to pledge revenues to or contract with districts; allowing district dissolution, expansion or withdrawal and specifying the powers and duties of a district's board of trustees; and prohibiting the provision of state funds to any district by the Oklahoma Legislature

be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

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.

Correctly Enrolled _____

John R. Welton

Passed the Senate the 16th day of May, 1984.

ACTING

[Signature]

President of the Senate

Passed the House of Representatives the 22d day of May, 1984.

Jim Barker

Speaker of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____

23rd day of May, 1984,
at 4:58 o'clock P.M.

By: Estelle M. Phipps



MICHAEL C. TURPEN
ATTORNEY GENERAL

STATE OF OKLAHOMA
STATE CAPITOL, OKLAHOMA CITY, OKLAHOMA 73105

September 6, 1984

The Honorable Jeannette B. Edmondson
Secretary of State
State Capitol Building
Oklahoma City, OK 73105

RE: Ballot Title for Legislative Referendum No.246,
State Question Number 579

Dear Secretary Edmondson:

The Attorney General has received your letter dated September 5, 1984, requesting review of the subject Ballot Title as required by 34 O.S.Supp.1983, § 9.

The Ballot Title as proposed by you and approved by the Superintendent of Public Instruction, the Speaker of the House of Representatives and the President Pro Tempore of the Senate, reads as follows:

BALLOT TITLE

This measure would amend the Oklahoma Constitution. It would add new sections 27B and 27C to Article X. It would permit incorporated cities, towns or counties to form transportation service districts. The purpose of the districts would be to provide transportation. The measure would require an election to form each district, to issue the bonds, and to levy the taxes. It would require an election to withdraw from a district. It would require an election to expand or dissolve a district to pledge taxes for payment of bonded indebtedness. It would specify the powers and duties of the board of trustees of the transportation service districts. It would require an election for incorporated cities, towns or counties within a district to contract with or pledge taxes to the district. The Legislature could not provide state funds for any transportation district.

SHALL THE PROPOSED AMENDMENT BE APPROVED BY THE PEOPLE?

- (1) Yes, for the amendment
- (2) No, against the amendment

The Attorney General has reviewed your proposed official ballot title for Legislative Referendum No.246, State Question No.579 and certifies that the proposed ballot title is in legal form and harmony with the law.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Turpen". The signature is written in a cursive style with a large, sweeping initial "M".

MICHAEL C. TURPEN
ATTORNEY GENERAL OF OKLAHOMA

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