

ENROLLED HOUSE JOINT RESOLUTION NUMBER 1048  
ENACTED BY THE SECOND REGULAR SESSION OF THE  
FORTIETH LEGISLATURE OF THE STATE OF OKLAHOMA

NUMBERED BY THE SECRETARY OF STATE

LEGISLATIVE REFERENDUM NUMBER 259

STATE QUESTION NUMBER 596

RECEIVED: April 9, 1986

# Resolution

ENROLLED HOUSE  
JOINT  
RESOLUTION NO. 1048

BY: HAMILTON (James), GEORGE,  
TALLEY, ADAIR and  
CUNNINGHAM of the HOUSE

and

JOHNSON 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 ARTICLE X OF THE CONSTITUTION OF THE STATE OF OKLAHOMA BY ADDING A NEW SECTION 9D; AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO PROVIDE SOLID WASTE MANAGEMENT SERVICES WHEN APPROVED BY THE REGISTERED VOTERS OF THE COUNTY VOTING AT AN ELECTION HELD FOR THAT PURPOSE; PROVIDING ELECTION PROCEDURES; 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 BALLOT TITLE; DIRECTING FILING; AND ORDERING A SPECIAL ELECTION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 40TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as in the manner provided by law, the following proposed amendment to Article X of the Constitution of the State of Oklahoma by adding a new Section 9D, to read as follows:

Section 9D. A. The board of county commissioners of any county may call a special election to determine whether or not the board shall provide solid waste management services for the county. An election shall also be called by the board upon petition signed by not less than ten percent (10%) of the registered voters of the county. All registered voters in such county shall be entitled to vote, as to whether or not such services shall be provided, and at the same time and in the same question authorize a tax levy of not to exceed three (3) mills for the purpose of providing funds for the purpose of support, organization, operation and maintenance of such services. If the provision of the services 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 county 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.

B. Upon passage of the question, the board of county commissioners shall provide solid waste management services for county residents and businesses. The board may provide for one or more disposal facilities and for solid waste collection services. The board may purchase landfill sites, construct and operate landfills and transfer stations and other solid waste disposal and handling facilities. The board shall provide a solid waste disposal

and collection system for the county, using the funds available from the millage levy and any service charges the board may assess. The board may purchase, operate, and maintain vehicles for curbside or roadside solid waste collection. In rural areas where curbside collection services may not be economically feasible, the board may construct and operate transfer stations for areawide collection and transfer of solid waste to ultimate disposal sites.

C. The board of county commissioners of a county in which the question has passed shall have the power and duty to promulgate and adopt such rules, procedures and contract provisions necessary to implement the purposes and objectives of this section. The board of county commissioners shall have the additional powers to hire a manager and appropriate personnel, contract, organize, maintain or otherwise operate the solid waste management services within said county and such additional powers as may be authorized by the Legislature.

D. Two or more counties in which the question has passed may enter into agreements with each other to provide solid waste management services in all counties involved in the most economical fashion, including agreements to provide collection and disposal services for each other where areas in one county may be more economically served by facilities located in another county.

E. In addition to other powers provided for pursuant to the provisions of this section, the board of county commissioners of any county in which the question has passed may issue bonds, if approved by a majority vote at a special election for such purpose. All registered voters within the county shall have the right to vote in said election. Such bonds may be issued for the purpose of:

1. acquiring vehicles, equipment and other necessary items;
2. purchasing landfill sites;
3. constructing landfills, transfer stations, or other facilities for solid waste management, disposal, and recycling; and
4. operating and maintaining all of the above listed items.

Landfill sites, equipment and other items, no longer needed, shall be disposed of as provided for by law for the sale of county-owned property.

F. The bonds authorized, pursuant to the provisions of subsection E of this section 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 of general circulation in the county. Any county may refund its bonds as is now provided by law for refunding municipal bonds.

G. Any board of county commissioners, upon issuing bonds as authorized in subsection E of this section, shall levy a special annual ad valorem tax upon the property within the county, payable annually, in a total amount not to exceed three (3) mills on the dollar, on the real and personal taxable property in such county, for the payment of principal and interest on outstanding bonds, until same are paid. However, the board may suspend, from time to time, the collection of such annual levy when not required for the payment of the bonds.

H. There may also be pledged to the payment of principal and interest of the bonds authorized to be issued:

1. any net proceeds from operation of the county solid waste management services that the board of county commissioners shall deem not necessary to the future operation, maintenance or closure of said solid waste management services and facilities; or

2. any monies available from other funds of the county not otherwise obligated.

I. Bonds shall be issued for designated sums with interest payable semiannually and with the principal maturing annually beginning not more than 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 board of county commissioners may in its discretion schedule the payment of principal over the period of maturity of the bond issue, so that when interest is added there will be approximately level annual payments of principal and interest.

J. In the event the mill levy as provided for in the original election proclamation is less than three (3) mills, the board of county commissioners may call a subsequent election to consider increasing the mill levy; provided, however, the total levy authorized by subsection A of this section shall not exceed three (3) mills.

K. The board of county commissioners shall have jurisdiction over the sale or refunding of any bonds issued by the county pursuant to the provisions hereof, and shall be responsible for the economical expenditure of the funds derived from the bonds.

L. The board of county commissioners 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 county shall be charged an amount equal to the actual costs for providing the service, not taking into account any income the county receives from millage or sources within the county. The board shall have legal authority to bring such 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 solid waste management operations of such counties.

M. Any county may cease providing solid waste management services, or cause the millage levy authorized by subsection G of this section to be changed, by a majority vote of the registered voters voting at an election called for that purpose by the board of county commissioners. Such an election shall not be called unless either two-thirds (2/3) of the board members vote to call such an election, or the board is presented a petition signed by not less than twenty percent (20%) of all registered voters in the county.

N. If a county ceases to provide solid waste management services, any mill levy used to support, organize, operate and maintain the services and facilities shall cease, provided that such mill levy shall not cease until all outstanding solid waste management services bonds of that county are retired, all other debts incurred by the county in providing solid waste management services have been satisfied, and all facilities have been properly closed as provided for by law.

O. All elections called pursuant to the provisions of this section shall be conducted by the county election board of each county involved, upon receipt of an election proclamation, issued by the board of county commissioners in the county affected. Said proclamation shall be published in one issue of a newspaper of general circulation in the county at least ten (10) days prior to said election. The proclamation shall set forth the purpose of the election, and the date thereof. The county election board shall certify the results of the election to the board issuing the proclamation.

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:

This measure would add a new Section 9D to Article X of the State Constitution. It would allow a county to provide solid waste management services. A new tax levy of not to exceed three mills would fund such services. Funding could come from other sources also. The services and tax levy would have to be approved by a majority vote at an election. The board of county commissioners could issue bonds. Bond proceeds would be used for landfill site and equipment purchases and solid waste management purposes. The bonds would have to be approved by a majority vote at an election. The bonds would be paid from the tax levy and other county sources. The county may suspend the tax levy when not needed for payment of the bonds.

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 passage 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 statewide 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 House of Representatives the 7th day of April, 1986.

L. Albert  
Speaker ~~Pro Tempore~~ of the House of  
Representatives

Passed the Senate the 8th day of April, 1986.

ACTING Herbert Reel  
President of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 9<sup>th</sup>  
day of April, 1986,  
at 3:05, o'clock P. M.

By: Esther M. Diggins