

ENROLLED HOUSE JOINT RESOLUTION NO. 1098
ENACTED BY THE SECOND REGULAR SESSION OF THE
46TH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE
STATE QUESTION NUMBER 678
LEGISLATIVE REFERENDUM NUMBER 308

Received: April 16, 1998

Resolution

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1098

By: Pope (Clay) of the House
and
Laughlin 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 Section 9C of Article X of the Constitution of the State of Oklahoma, which relates to emergency medical service districts; authorizing certain counties or parts thereof to withdraw from emergency medical services districts; providing for procedures; providing for payment of certain debts; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 46TH 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 Section 9C of Article X of the Constitution of the State of Oklahoma to read as follows:

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 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.

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provided that an election is called by the county commissioners of the county whose county or parts thereof is to be withdrawn from the district. The county or parts thereof shall be withdrawn from the district if approved by a majority vote of the voters in the county at an election called for such purpose.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

(l) 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)~~ (m) 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)~~ (n) 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)~~ (o) 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)~~ (p) In lieu of proceeding to establish a district as outlined hereinabove through the county commissioners, the governing body of 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. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It would make changes in Section 9C of Article 10. This section deals with emergency medical service districts. The changes would allow a county or parts thereof to withdraw from an established district. The amendment provides for the proportional payment of any debt incurred.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall 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.

Passed the House of Representatives the 5th day of March, 1998.

ACTING *Randy L. Smith*
Speaker of the House of Representatives

Passed the Senate the 15th day of April, 1998.

ACTING *Wesley F. Tucker*
President of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 16th
day of April, 1998,
at 3:28, o'clock P M.

By: *Samuel*



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 5, 1998

FILED

MAY 5 1998

OKLAHOMA SECRETARY
OF STATE

Mr. Tom Cole, Secretary of State
Office of the Secretary of State
101 State Capitol Building
Oklahoma City, Oklahoma 73105

Re: Ballot Title for State Question No. 678, Legislative Referendum No. 308

Dear Secretary Cole:

Having found that the suggested Ballot Title for the above-referenced State Question was not in harmony with the law, we have, in accordance with the provisions of 34 O.S. Supp. 1997, § 9(C)(1), prepared the following substitute Ballot Title for filing in your office. As a Title 34 Ballot Title review, the following does not constitute an Attorney General's Opinion on the merits or constitutionality of the underlying proposed change in the law. The substitute Ballot Title reads as follows:

BALLOT TITLE

The proposal amends the Oklahoma Constitution. It amends Section 9C of Article 10. That Section deals with ambulance service districts. These districts are also called emergency medical service districts. These districts are created by vote of the people. Such districts can include more than one county and/or parts of counties. These districts are funded by real property tax millages.

Mr. Tom Cole, Secretary of State
May 5, 1998
Page 2

The proposed amendment allows counties or parts of counties to withdraw from an existing district. Withdrawal from a district must be approved by the voters in the county. Withdrawing entities would remain responsible for their portion of the district's existing debt. Responsibility for such debt is apportioned. Such apportionment is based on assessed real property values.

SHALL THIS PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES _____

AGAINST THE PROPOSAL—NO _____

Respectfully submitted,



W.A. DREW EDMONDSON
ATTORNEY GENERAL



Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

November 9, 1998

The Honorable Tom Cole
Secretary of State
Room 101, State Capitol
Oklahoma City, Oklahoma 73105

FILED

NOV 9 1998

OKLAHOMA SECRETARY
OF STATE

Dear Mr. Cole:

Enclosed please find a copy of the official returns of the vote at the General Election on November 3, 1998, on the following measures, as certified to the Governor of the State of Oklahoma:

State Question No. 678, Legislative Referendum No. 308

State Question No. 679, Legislative Referendum No. 309

State Question No. 680, Legislative Referendum No. 310

State Question No. 681, Legislative Referendum No. 311

State Question No. 682, Legislative Referendum No. 312

State Question No. 683, Legislative Referendum No. 313

Sincerely,

A handwritten signature in cursive script, appearing to read "Lance Ward".

LANCE WARD, Secretary
State Election Board

LW/mf

Receipt of the above hereby is acknowledged on this 9th day of November, 1998.

By:

A handwritten signature in cursive script, appearing to read "Kathy Jekel".

Time:

9:44 AM



Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

November 9, 1998

The Honorable Frank Keating
Governor of the State of Oklahoma
Room 212, State Capitol
Oklahoma City, Oklahoma 73105

Dear Governor Keating:

Pursuant to the provisions of 26 O.S. 1991, §12-118, the State Election Board herewith certifies the results of the vote at the General Election on November 3, 1998, on the following measures:

STATE QUESTION No. 678
LEGISLATIVE REFERENDUM No. 308

YES: 471,696
NO: 315,386

STATE QUESTION No. 679
LEGISLATIVE REFERENDUM No. 309

YES: 346,102
NO: 446,883

STATE QUESTION No. 680
LEGISLATIVE REFERENDUM No. 310

YES: 509,001
NO: 288,585

Governor Keating
November 9, 1998
Page 2

STATE QUESTION NO. 681
LEGISLATIVE REFERENDUM NO. 311

YES: 490,596
NO: 306,734

STATE QUESTION NO. 682
LEGISLATIVE REFERENDUM NO. 312

YES: 422,512
NO: 367,862

STATE QUESTION NO. 683
LEGISLATIVE REFERENDUM NO. 313

YES: 381,095
NO: 407,033

Sincerely,



LANCE WARD, Secretary
State Election Board

LW/mf

Receipt of the above hereby is acknowledged on this _____ day of November, 1998.

By: _____

Time: _____