

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE JOINT  
6 RESOLUTION NO. 1057

By: Newton

7  
8 COMMITTEE SUBSTITUTE

9 A Joint Resolution directing the Secretary of State  
10 to refer to the people for their approval or  
11 rejection a proposed amendment to Section 9C of  
12 Article X of the Constitution of the State of  
13 Oklahoma; authorizing increase of millage rate for  
14 operational expenses; authorizing increase of millage  
15 rate for payment of bonds; providing ballot title;  
16 and directing filing.

17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
18 2ND SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

19 SECTION 1. The Secretary of State shall refer to the people for  
20 their approval or rejection, as and in the manner provided by law,  
21 the following proposed amendment to Section 9C of Article X of the  
22 Constitution of the State of Oklahoma to read as follows:

23 Section 9C. (a) The board of county commissioners, or boards if  
24 more than one county is involved, may call a special election to  
determine whether or not an ambulance service district shall be

1 formed. An election shall also be called by the board or boards  
2 involved upon petition signed by not less than ten percent (10%) of  
3 the registered voters of the area affected. Said area may embrace a  
4 county, a part thereof, or more than one county or parts thereof,  
5 and in the event the area covers only a part or parts of one or more  
6 counties, the area must follow school district boundary lines. All  
7 registered voters in such area shall be entitled to vote, as to  
8 whether or not such district shall be formed, and at the same time  
9 and in the same question authorize a tax levy not to exceed ~~three~~  
10 ~~(3)~~ ten (10) mills for the purpose of providing funds for the  
11 purpose of support, organization, operation and maintenance of  
12 district ambulance services, known as emergency medical service  
13 districts and hereinafter referred to as "districts." If the  
14 formation of the district and the mill levy is approved by a  
15 majority of the votes cast, a special annual recurring ad valorem  
16 tax levy of not more than ~~three (3)~~ ten (10) mills on the dollar of  
17 the assessed valuation of all taxable property in the district shall  
18 be levied. The number of mills shall be set forth in the election  
19 proclamation, and may be increased in a later election, not to  
20 exceed a total levy of ~~three (3)~~ ten (10) mills. This special levy  
21 shall be in addition to all other levies and when authorized shall  
22 be made each fiscal year thereafter.

23 Each district which is herein authorized, or established, shall  
24 have a board of trustees composed of not less than five members.

1 Such trustees shall be chosen jointly by the board or boards of  
2 county commissioners, provided that such membership shall be  
3 composed of not less than one individual from each county or part  
4 thereof which is included in said district.

5 Original members of the board of trustees shall hold office, as  
6 follows: At the first meeting of said board, board members shall  
7 draw lots to determine each trustee's original length of term in  
8 office. The number of lots to be provided shall be equal to the  
9 number of original members of the board, and lots shall be numbered  
10 sequentially from one through five, with lots in excess of the fifth  
11 lot being also numbered sequentially from one through five until all  
12 lots are numbered. Each original member or members added by an  
13 expansion area of the board shall hold office for the number of  
14 years indicated on his or her lot. Each year, as necessary, the  
15 board or boards of county commissioners shall appoint successors to  
16 such members of the board of trustees whose terms have expired, and  
17 such subsequent appointments shall be for terms of five (5) years.

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

24

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

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

12 (c) The bonds authorized above shall not bear interest at a  
13 greater rate than that authorized by statute for the issuance of  
14 city municipal bonds. Such bonds shall be sold only at public sale  
15 after twenty (20) days' advertisement in a newspaper for publication  
16 of legal notices with circulation in the district. Any district may  
17 refund its bonds as is now provided by law for refunding municipal  
18 bonds.

19 (d) Any district board of trustees, upon issuing bonds as  
20 authorized in subsection (b) of this section, shall levy a special  
21 annual ad valorem tax upon the property within the district, payable  
22 annually, in a total amount not to exceed ~~three (3)~~ ten (10) mills  
23 on the dollar, on the real and personal taxable property in such  
24 district, for the payment of principal and interest on outstanding

1 bonds, until same are paid. However, the trustees may, from time to  
2 time, suspend the collection of such annual levy when not required  
3 for the payment of the bonds. In no event shall the real and  
4 personal taxable property in any city or town be subject to a  
5 special tax in excess of ~~three (3)~~ ten (10) mills for the payment of  
6 bonds issued hereunder.

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

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

21 (g) In the event the mill levy as set forth in the original  
22 election proclamation is less than ~~three (3)~~ ten (10) mills, the  
23 board of trustees may request the county commissioners to call a  
24 subsequent election to consider increasing the mill levy; provided,

1 however, the total levy authorized by subsection (a) hereof shall  
2 not exceed ~~three (3)~~ ten (10) mills.

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

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

18 (j) Any emergency medical service district may expand to  
19 include other counties or parts thereof, provided that an election  
20 is called by the county commissioners whose county or counties, or  
21 parts thereof, are to be added to in the established district; and  
22 provided further, that the county commissioners in the original  
23 district concur in the calling of said election. The proposed  
24 expansion area shall only be added to the original district if

1 approved separately by a majority vote, by the voters in both the  
2 original district and in the expansion area, at an election called  
3 for that purpose. The county in which the expansion area is located  
4 shall have not less than one member on the board of trustees.  
5 Appropriate millage or other approved method of financial support  
6 shall be levied in the expansion area, when said area is added to  
7 the original district which millage shall be levied at the rate used  
8 to cover operational costs and outstanding bonded indebtedness as  
9 provided in Section 9C, (d) and (e), Article X.

10 (k) Any county or parts thereof may withdraw from a district  
11 provided that an election is called by the county commissioners of  
12 the county whose county or parts thereof is to be withdrawn from the  
13 district. The county or parts thereof shall be withdrawn from the  
14 district if approved by a majority vote of the voters in the county  
15 at an election called for such purpose. If the county commissioners  
16 are presented a petition signed by not less than twenty percent  
17 (20%) of all registered voters in the county, the county  
18 commissioners shall call an election. The petition for an election  
19 for a county or parts thereof to withdraw from a district and the  
20 ballot shall provide for the payment of any debt for operational  
21 costs and outstanding bonded indebtedness in proportional shares,  
22 for which the county or parts thereof would be responsible as a  
23 result of the membership of the county or parts thereof in the  
24 district.

1 (l) Any district may be dissolved, or the millage levy changed,  
2 by a majority vote of the registered voters voting at an election  
3 called for that purpose by the county commissioners of each county  
4 or part thereof included within the district; provided that such an  
5 election shall not be called unless either three-fifths (3/5) of the  
6 trustees of such district request the county commissioners to call  
7 such an election, or the respective county commissioners are  
8 presented a petition signed by not less than twenty percent (20%) of  
9 all registered voters in the district.

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

16 (n) All elections called under the provisions hereof shall be  
17 conducted by the county election board or boards of each county or  
18 counties involved, upon receipt of an election proclamation, issued  
19 by a majority of the board or boards of county commissioners in the  
20 area affected. In the event more than one county is involved, said  
21 proclamation must be a joint proclamation from a majority of the  
22 board of county commissioners of each county involved. Said  
23 proclamation shall be published in one issue of a newspaper of  
24 general circulation in each county involved in the area affected at



1 least ten (10) days prior to said election, and said proclamation  
2 shall set forth the purpose of the election, and the date thereof.  
3 The county election board or boards shall certify the results of an  
4 election to the board or boards issuing such proclamation.

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

10 (p) In lieu of proceeding to establish a district as outlined  
11 hereinabove through the county commissioners, the governing body of  
12 any incorporated city or town may proceed to form a district, join  
13 an existing district or join with other incorporated cities or towns  
14 in forming a district. In such case, said governing body shall be  
15 considered as being substituted as to the powers and duties of said  
16 county commissioners as set forth hereinabove; provided, further,  
17 said city or town shall be considered as being substituted as to the  
18 powers and duties of a district formed, as set forth hereinabove.  
19 All rights, duties, privileges and obligations of the residents and  
20 voters in such city or town shall be the same as those outlined for  
21 the district as set forth above.

22 SECTION 2. The Ballot Title for the proposed Constitutional  
23 amendment as set forth in SECTION 1 of this resolution shall be in  
24 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 amends Section 9C of Article 10. This section authorizes the creation of emergency medical service districts. Emergency medical service districts are created for the purpose of supporting, organizing, operating and maintaining district ambulance services. Currently, districts are authorized to levy a tax not to exceed three (3) mills of the assessed valuation of all taxable property in the district to fund those services. This measure would authorize the increase of the maximum millage rate from three (3) mills to ten (10) mills for operational expenses. This measure would also authorize the increase of the maximum millage rate from three (3) mills to ten (10) mills for the payment of interest and principal on bonds used to buy and maintain emergency vehicles and other equipment. If this measure passes, a subsequent election in each district would be required to consider increasing the current mill levy for operational expenses and payment of bonds up to the authorized maximum ten (10) mills.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES \_\_\_\_\_

AGAINST THE PROPOSAL - NO \_\_\_\_\_

1           SECTION 3. The Chief Clerk of the House of Representatives,  
2 immediately after the passage of this resolution, shall prepare and  
3 file one copy thereof, including the Ballot Title set forth in  
4 SECTION 2 hereof, with the Secretary of State and one copy with the  
5 Attorney General.

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7           58-2-10563           AQH           02/15/22

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