STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 56 BY: BROWN

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1981, SECTION 7-101, AS LAST AMENDED BY SECTION 7, CHAPTER 257, O.S.L. 1990 (70 O.S. SUPP. 1990, SECTION 7-101), WHICH RELATES TO ANNEXATION; PROVIDING FOR CERTAIN ANNEXATION; DELETING OBSOLETE PROVISIONS; AND PROVIDING FOR CERTAIN ELECTION.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 1981, Section 7-101, as last amended by Section 7, Chapter 257, O.S.L. 1990 (70 O.S. Supp. 1990, Section 7-101), is amended to read as follows:

Section 7-101. A. The territory comprising all or part of a school district may be annexed to an adjacent school district, or to a school district in the same transportation area authorized to furnish transportation, or to two or more such districts, when approved at an annexation election called by the county superintendent of schools, but except as provided in subsection B of this section, an annexation election may not be held unless the boards of education of the affected districts concur therein. Provided, that such concurrence of the boards of education affected

shall not be required in cases of mandatory annexation by the State Board of Education:

1. In pursuance of a petition for annexation signed by a majority of the school district electors in the territory proposed to be annexed, hereinafter referred to as the area affected, as provided in this section; or

2. In pursuance of a resolution adopted by the board of education of the district in which the area affected is situated.

B. An annexation election shall be called by the county or state superintendent of schools without the concurrence of the board of education of the school district which is proposed to be annexed, upon the filing of a petition with the county or state superintendent of schools for annexation that is signed by a majority of the school district electors in the school district proposed to be annexed. The county or state superintendent of schools shall certify that the petition meets the requirements of this subsection. The petition shall contain such information as the county or state superintendent of schools may require.

C. Provisions of subsections A and B of this section notwithstanding, territory comprising part of a school district shall be annexed to an adjacent school district if all of the following conditions are met:

1. The territory does not surround any areas not included in it;

2. The territory does not render any excluded areas inaccessible by road or street without crossing the territory;

3. The territory consists entirely of property listed on the tax rolls as residential;

4. The action is approved by resolution of the board of the adjacent district; and

5. The action is approved at an annexation election called by the county superintendent of schools pursuant to a petition for

annexation signed by at least thirty percent (30%) of the school district electors who reside in the territory proposed to be annexed. Such election shall be conducted pursuant to subsection D of this section; provided, only the legal voters of the territory under consideration shall vote at such election.

D. Annexation elections held pursuant to this section shall be conducted pursuant to the following procedures:

1. Such election shall be held within sixty (60) days after the county superintendent of schools receives such petition, at some public place in the school district in which the area affected is situated, between the hours of 7 a.m. and 7 p.m., and notice thereof shall be given by the county superintendent of schools in the same manner as notice of special elections of the school district electors of school districts is given, provided, that the county superintendent of schools shall not be required to call an election for the purpose of annexing a part of a school district more than once during any twelve-month period. Such elections shall be conducted by the county election board~~.~~;

2. The annexation shall be approved by a majority of the school district electors voting at such election:

a. Of an entire school district; or

b. If a majority of the members of a board of education of a school district losing the territory concur with the petitioners, or resolution, only the legal voters of the area so affected shall be eligible to vote at such election.

Provided that, if the area proposed to be annexed constitutes less than two percent (2%) of the total area of the school district in which such area is located, and there are no qualified electors residing in such area, no election shall be held. In such instance the board of education of the school district wherein the area proposed to be annexed is located and the board of education of the

school district to which such area is proposed to be annexed shall each adopt a resolution approving such annexation and shall transmit certified copies of both resolutions to the county superintendent of schools who shall, within five (5) days after receiving copies of such resolutions, make an order declaring the annexation as approved in the resolutions. Copies of the annexation order shall be transmitted to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer, county assessor and to the boards of education of the school districts involved~~.~~;

3. The annexation shall be approved by a majority of the school district electors of the area affected, voting at such election, if the area affected is an area within a school district in which, as a result of condemnation proceedings by the federal government, a majority of the pupils of said area have attended school, for at least one school term, in the adjoining district to which the petition requests annexation~~.~~;

4. If the annexation of an entire district is approved, as hereinbefore provided, the county superintendent of schools shall, within five (5) days after such election, issue an order declaring the annexation as requested in the petition or resolution for annexation to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer and county assessor in each county in which any of the territory of the disorganized district lies, but the annexation shall not become effective until the time for filing an appeal, as hereinafter provided, has expired. In the event a majority of the electors voting at such election do not vote for the annexation, the county superintendent of schools shall, within five (5) days after such election, issue an order denying the annexation to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer and county assessor in each county in which any of the territory of the disorganized district lies. Within ten (10) days after the order of the county superintendent of schools is

issued, twenty-five percent (25%) of the school district electors who were eligible to vote at the annexation election may appeal to the district court of the county in which the territory proposed to be annexed, or the largest part thereof if such territory lies in more than one county, is situated, and thereafter all proceedings shall be stayed until the district court has rendered judgment. The proceedings shall be given precedence over all other civil matters. In the event the court issues a final order upholding a partial annexation, the effective date of said partial annexation shall be July 1 following the final order. ~~All pending annexation proceedings are hereby exempted from this act.~~ The State Board of Education shall be required to change the boundary lines as described in the declaration after all litigation has expired~~.~~;

5. Upon the effective date of the annexation of an entire school district to one or more school districts, the board of education of the school district whose territory was annexed shall be declared abolished by the county superintendent of schools. If a school district to which the territory was annexed currently has a five-member board of education, that school district board of education shall have the option of forming a seven-member board of education pursuant to the provisions of Section 5-107A of this title upon the effective date of the annexation~~.~~;

6. If an independent district annexes to a dependent district not maintaining a high school, both boards of education are abolished. The Governor shall appoint three members of the newly formed district to the board of education and these members shall appoint the remaining two members~~.~~; and

7. If the territory proposed to be annexed is situated in more than one county, the petition or resolution shall be filed with the county superintendent of schools of the county in which the largest part of such territory lies, and he shall call the annexation

election and perform the other duties required herein of the county superintendent of schools.

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