

SHORT TITLE: Counties and county officers; allows rural road improvement districts to elect their directors at the first regular meetings.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 603

By: Fisher of the Senate

and

Tyler of the House

AS INTRODUCED

An Act relating to counties and county officers;
amending 19 O.S. 1991, Sections 902.3, 902.4,
902.5, 902.6, 902.12 and 902.16, as amended by
Section 1, Chapter 23, O.S.L. 1992 (19 O.S. Supp.
1993, Section 902.16), which relate to rural road
improvement districts; modifying election of
directors and providing procedure therefor;
requiring board of directors to meet during certain
time period; modifying statutory reference; and
declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 902.3, is
amended to read as follows:

Section 902.3 The petition shall set forth and particularly
describe the proposed boundaries of such district and shall be
accompanied by a map of such proposed district. The petitioners
shall accompany such petition with a cash deposit, the amount of
which shall be approved by the board of county commissioners. The
cash shall be deposited with the county treasurer in a special fund
which shall be used for the purposes of defraying the costs of the
publications and of the election for the organization of the
district. Any unused portion of the amount deposited shall be
refunded to the petitioners upon request.

Such petition shall be filed with the county clerk of such county who shall present it to the board of county commissioners at their next regular or special meeting. Upon the presentation of such petition, the board of county commissioners shall set the same for hearing at a time not less than twenty (20) days nor more than forty (40) days from the date of presentation and shall direct the county clerk to give notice of such hearing by publication in a newspaper of general circulation in the county in which such proposed district is located. Such notice shall be published one (1) day a week for two (2) consecutive weeks preceding the date of such hearing. Such notice shall describe the boundaries of the proposed district, shall state the time and place of the hearing, and shall state that any person may appear and protest the organization of the district or the proposed boundaries thereof.

The board of county commissioners shall hold the hearing described in said notice, and it shall have jurisdiction to hear and determine all protests to the creation of such district and all matters pertaining to the same. It may amend the plan of such district by excluding from within its boundaries any lands which it may deem will not be benefited by the formation of such district, or by including other lands as a part thereof upon application of the owners of such land; provided, however, it shall not exclude from such district any lands which are completely surrounded by lands which are included in the proposed district.

At the conclusion of such hearing, the board of county commissioners shall make an order determining the boundaries of the proposed district, particularly describing them, and shall determine whether the formation of such district will be conducive to the improvement of safe travel in the incorporated area. If said board determines that such district will be conducive to safe travel in the area incorporated therein and will be in the best interests of the people residing therein, then said board may give such proposed

district a name and call an election of the registered voters in the territory comprising such proposed district on the question of whether said district shall be organized. ~~In proclaiming the election, the board of county commissioners shall provide descriptions of the boundaries of the proposed district and maps of the proposed district in sufficient quantities to provide one for each polling place to be open during the election.~~

SECTION 2. AMENDATORY 19 O.S. 1991, Section 902.4, is amended to read as follows:

Section 902.4 The county clerk shall cause notice of the election to be given one (1) day a week for two (2) consecutive weeks by publication in a newspaper of general circulation in the territory comprising the proposed district. Such notice shall state the time and place of holding the election and set forth the description of the boundaries of the proposed district and its general purpose and intention. ~~Such notice shall require the electors to cast ballots which contain the words: "Rural Road Improvement District - Yes", and "Rural Road Improvement District - No", or words equivalent thereto. All persons resident of such proposed district, who are registered voters in their respective precincts, shall be qualified to vote on such proposition.~~

SECTION 3. AMENDATORY 19 O.S. 1991, Section 902.5, is amended to read as follows:

Section 902.5 ~~Such elections~~ The election shall be conducted ~~in accordance with the general election laws of the state and the regular election officials shall be in charge at the usual polling place of each regular precinct, or part of a precinct, which shall include lands within the boundaries of such proposed district. The county election board shall certify results of the election to the board of county commissioners who shall meet on the second Monday next following such election and proceed to determine the percentages of the vote cast~~ at a mass meeting or convention of the

qualified electors who are qualified to vote. The chairman of the board of county commissioners or his designee shall preside at said meeting and the voting may be viva voce, or otherwise, as may at said meeting be determined by the electors there assembled. The presiding officer shall have the authority to appoint a secretary of said meeting and the commissioner and secretary shall certify to the county clerk of said county the total votes cast for and against the formation of the rural road improvement district.

If, upon such determination, it appears that at least three-fifths (3/5) of all the votes cast are "Rural Road Improvement District - Yes", the board shall, by order declare such territory duly organized as a Rural Road Improvement District under the name theretofore designated. Such order shall be filed for record in the office of the county clerk and from that date such district shall be complete.

SECTION 4. AMENDATORY 19 O.S. 1991, Section 902.6, is amended to read as follows:

Section 902.6 Directors of a Rural Road Improvement District shall be the owners of real property in and residents of said district. At the time of making its order organizing the district, the board of county commissioners shall set a first meeting of property owners of said district and direct the manner of giving notice by publication thereof. The owners of property within the district present at such meeting shall elect nine (9) directors who shall hold their office until the ~~next General Election~~ second Saturday in January of each even-numbered year, at which time their successors shall be elected. The property owners present at such first meeting shall adopt the bylaws of the district. At the first ~~General Election~~ regular election after organization of the district called for the purpose of electing members of the board of directors, the three qualified persons receiving the highest number of votes for member of board of directors of the district shall hold

their respective offices for ~~the~~ a term of six (6) years. The three qualified persons receiving the next highest number of votes shall be elected for four (4) years, and the three qualified persons having the next highest number of votes shall be elected for two (2) years. Each two (2) years thereafter, there shall be elected for a term of six (6) years three members of said board of directors.

Notice of the mass meeting or convention called for the purpose of electing directors of a Rural Road Improvement District shall be given by publishing notice of the meeting stating the time, place and agenda in a newspaper of general circulation in the county in which such district is located once a week for three (3) consecutive weeks next preceding the date of such election, and by posting such notice in three public places in the district for at least twenty (20) days prior to the date of such election. The notice shall list the offices to be filled and the questions to be voted on, if any.

~~The board of directors of the district shall submit, within fifteen (15) days before the filing period of any district election, a resolution to the secretary of the county election board conducting said election. The resolution shall contain the following:~~

- ~~1. The date of the election; and~~
- ~~2. The offices to be filled or the questions to be voted upon at the election; and~~
- ~~3. Qualifications for the offices; and~~
- ~~4. Any other information necessary for conducting said election.~~

~~The regular election in the district shall be held at the same time as the General Election in this state. All polling places of precincts, all or any part of which include areas within the boundaries of the district, shall be supplied ballots for the purpose of permitting electors of the district to vote for members of the board of directors of the district. Filing for the office of~~

~~member of the board of directors shall be with the county election board on a nonpartisan basis during the regular filing period for state and county offices and shall be done without the payment of a filing fee and without filing of a petition in support of the candidate's candidacy. Vacancies on the board shall be filled, for the unexpired term thereof, by the board of directors.~~

SECTION 5. AMENDATORY 19 O.S. 1991, Section 902.12, is amended to read as follows:

Section 902.12 When the board of directors shall have estimated the cost of purchases and construction work, it shall call an election at which shall be submitted to the registered voters of the district the question of whether or not the bonds of the district shall be issued in the amount so determined; provided, such bonds shall not be issued for more than the actual estimated cost of such purchase and construction.

~~The resolution of the board calling such election shall divide the district into voting precincts of convenient size and a map thereof shall be filed with the district secretary. Such precincts so formed may be changed by the board any time thereafter, except that no change shall be made within thirty (30) days next preceding any election. The said resolution shall appoint for each precinct, from the electors of the district, one clerk and two judges, who shall constitute a board of election for such precinct. If the members appointed do not attend at the opening of the polls on the morning of the election, the board may appoint other electors of the district to supply the place or places of those absent. Said resolution shall designate the date, hour and place in the precincts where the election will be held.~~

~~Notice of such election shall be given by publication in some newspaper of general circulation in the county in which such district is located once a week for three (3) consecutive weeks next preceding the date of such election, and by posting such notice in~~

~~three public places in each election precinct, as established by said board of directors, for at least twenty (20) days prior to the date of such election.~~

~~Such notice shall specify:~~

- ~~1. The date of the election.~~
- ~~2. The location of the polling places.~~
- ~~3. The time that the polls will open and close.~~
- ~~4. The amount of bonds proposed to be issued.~~

~~One of the judges of each precinct shall be chairman of the election board of the precinct and may: First, administer all oaths required in the progress of the election; second, appoint another judge or clerk, if during the progress of the election any judge or clerk ceases to act.~~

~~At such election, the ballots shall contain the words: "Bonds - Yes", and "Bonds - No", or words equivalent thereto.~~

~~The said election shall be held as nearly as may be in conformity with the provisions governing the election for the formation of the district; provided that no county election board nor precinct election board shall be involved in conducting the election; provided, no informalities in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted.~~

~~The board of directors shall meet as soon as practicable after the election and canvass the returns. If a majority of the ballots cast are "Bonds - Yes", the board shall cause negotiable bonds in said amount to be issued~~ The said election shall be held in conformity with the provisions governing the election for the formation of the district. If upon determination by the board that a majority of votes cast are "Bonds - Yes", the board shall cause negotiable bonds in said amount to be issued.

SECTION 6. AMENDATORY 19 O.S. 1991, Section 902.16, as amended by Section 1, Chapter 23, O.S.L. 1992 (19 O.S. Supp. 1993, Section 902.16), is amended to read as follows:

Section 902.16 A. The board may also levy an additional annual assessment sufficient to care for the cost of operation of the district and the maintenance of its roads, equipment and for payment of the salaries of employees of the district, provided that no such annual assessment for operations, maintenance and salaries shall exceed three (3) mills on the dollar of the assessed valuation of the property in the district.

B. The board may call an election of the registered voters of the district, in the manner provided for in Section ~~902.12~~ 902.6 of this title, to determine whether or not the board shall levy an annual assessment not to exceed three (3) mills on the dollar of the assessed valuation of the property in the district for the purpose of providing additional funds for the operation of the district, the maintenance of its roads, equipment and salaries of the employees of the district. Such annual assessment shall be in addition to the annual assessment provided for in subsection A of this section. The number of mills shall be set forth in the resolution calling the election and, if approved, shall remain in effect until increased or decreased in a later election called in the manner provided for in Section 902.12 of this title, but the total additional annual levy shall not exceed three (3) mills.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.