

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 425

By: Fisher of the Senate
and
Tyler of the House

COMMITTEE SUBSTITUTE

An Act relating to counties and county officers;

amending 19 O.S. 1991, Sections 902.2, as amended by Section 1, Chapter 291, O.S.L. 1994, 902.3, 902.4, as amended by Section 2, Chapter 291, O.S.L. 1994, 902.6, 902.12, 902.16, as amended by Section 1, Chapter 23, O.S.L. 1992, Section 3, Chapter 291, O.S.L. 1994 and Section 4, Chapter 291, O.S.L. 1994 (19 O.S. Supp. 1996, Sections 902.2, 902.4, 902.16, 902.20 and 902.21), which relate to the Oklahoma Rural Road Improvement District Act; modifying requirements for creating new rural road improvement districts; providing for certain owners of real property to create rural road improvement district and become directors thereof; permitting certain owners of real property to vote in certain elections; updating certain reference; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 902.2, as amended by Section 1, Chapter 291, O.S.L. 1994 (19 O.S. Supp. 1996, Section 902.2), is amended to read as follows:

Section 902.2 A. Whenever ten persons who are holders of title to lands in a county located outside of the corporate limits of any incorporated city or town, or fifty-one percent (51%) of the property owners in the proposed district, shall petition the board of county commissioners of the county in which such area owned by them is located for the formation of a rural road improvement district, and the petitioners comply with the provisions of ~~Section 902.1 et seq. of this title~~ the Oklahoma Rural Road Improvement District Act, the ~~said~~ board of county commissioners may enter its order organizing such district, and when so organized such district shall have the powers conferred herein or such as hereafter may be conferred by law upon such rural road improvement districts.

B. 1. The board of county commissioners is authorized to determine whether the election for organization of a rural road improvement district shall be conducted pursuant to the procedures set out in Section 902.5 of this title or pursuant to the procedures set out in Section 4 902.20 of this ~~act~~ title.

2. The board of county commissioners is authorized to determine whether the elections for directors of a duly organized rural road improvement district shall be conducted pursuant to the provisions of Section 902.6 of this title or pursuant to the procedures set out in Section 5 902.21 of this ~~act~~ title.

SECTION 2. 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~~ The 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~~ the petition, the board of county commissioners shall set the ~~same~~ petition 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~~ the hearing by publication in a newspaper of general circulation in the county in which ~~such~~ the proposed district is located. ~~Such~~ The notice shall be published one (1) day a week for two (2) consecutive weeks preceding the date of such hearing. ~~Such~~ The 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~~ of the district.

The board of county commissioners shall hold the hearing described in ~~said~~ the 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~~ the 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.~~ 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~~ the 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~~ the board determines that ~~such~~ the district will be conducive to safe travel in the area incorporated ~~therein~~ in the district and will be in the best interests of the people residing ~~therein~~ or owning real property in the district, then ~~said~~ the board may give ~~such~~ the proposed district a name and call an election of the registered voters in the territory comprising such proposed district, or if there are no registered voters in the territory comprising the proposed district, call an election of the owners of real property in the territory comprising the proposed district who are registered voters, on the question of whether ~~said~~ the 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 3. AMENDATORY 19 O.S. 1991, Section 902.4, as amended by Section 2, Chapter 291, O.S.L. 1994 (19 O.S. Supp. 1996, 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~~ The 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. All persons ~~resident~~ who are residents of ~~such~~ the proposed district, and who are registered voters in their respective precincts, shall be qualified to vote on

~~such~~ the proposition. If there are no persons who are residents of the proposed district, all persons owning real property within the proposed district who are registered voters shall be qualified to vote on the proposition.

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~~ the district, or if there are no residents of the district, the directors shall be the owners of real property in the 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~~ the 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, at which time their successors shall be elected. The property owners present at ~~such~~ the first meeting shall adopt the bylaws of the district. At the first general election after organization of the district 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 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~~ the board of directors. 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~~ the 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~~ the 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~~ owners of real property in and residents of the district who are registered voters, or if there are no residents of the district, the owners of real property in the district who are registered voters, 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 A. 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, or if there are no registered voters of the district, the owners of real property in the district who are registered voters, the question of whether ~~or not~~ the bonds of the district shall be issued in the amount so determined; ~~provided, such.~~ However, the bonds shall not be issued for more than the actual estimated cost of such purchase and construction.

B. 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~~ The 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~~ owners of real property in and residents of the district who are registered voters, or if there are no residents of the district, the owners of real property in the district who are registered voters, one clerk and two judges, who shall constitute a board of election for ~~such~~ the 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~~ owners of real property in and residents of the district who are registered voters, or if there are no residents of the district, owners of real property in the district who are registered voters, to supply the place or places of those absent. ~~Said~~ The resolution shall designate the date, hour and place in the precincts where the election will be held.

C. Notice of ~~such~~ the election shall be given by publication in some newspaper of general circulation in the county in which ~~such~~ the district is located once a week for three (3) consecutive weeks next preceding the date of ~~such~~ the election, and by posting ~~such~~ the notice in three public places in each election precinct, as established by ~~said~~ the board of directors, for at least twenty (20) days prior to the date of ~~such~~ the election.

~~Such~~ The 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-; and
4. The amount of bonds proposed to be issued.

D. 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,~~ and appoint another judge or clerk, if during the progress of the election any judge or clerk ceases to act.

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

F. 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.~~ However, no county election board nor precinct election board shall be involved in conducting the election;~~provided, no.~~ No informalities in conducting ~~such~~ the election shall invalidate the ~~same~~ election if the election shall have been otherwise fairly conducted.

G. 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~~ the 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. 1996, 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, or if there are no registered voters of the district, the owners of real property in the district who are registered voters, in the manner provided for in Section 902.12 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. AMENDATORY Section 3, Chapter 291, O.S.L. 1994 (19 O.S. Supp. 1996, Section 902.20), is amended to read as follows:

Section 902.20 Elections to determine whether ~~or not~~ a rural road improvement district will be organized may be conducted ~~pursuant to the following conditions:~~

~~At~~ at a mass meeting or convention of the ~~qualified electors~~ owners of real property in and residents of the district, or if there are no residents of the district, the owners of real property in the district, who are qualified to vote. The chair of the board of county commissioners or his or her designee shall preside at ~~said~~ the meeting and the voting shall be by secret ballot. The presiding officer shall have the authority to appoint a secretary of ~~said~~ the meeting and the commissioner and secretary shall certify results of the election to the board of county commissioners who shall meet on the second Monday next following ~~such~~ the election and proceed to determine the percentage of votes cast. If, upon such determination, 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~~ The order shall be filed for record in the office of the county clerk and from that date ~~such~~ the district shall be complete.

SECTION 8. AMENDATORY Section 4, Chapter 291, O.S.L. 1994 (19 O.S. Supp. 1996, Section 902.21), is amended to read as follows:

Section 902.21 Directors of a rural road improvement district shall be the owners of real property in and residents of ~~said~~ the district or, if there are no residents of the district, the owners of real property in the 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~~ the 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 second Saturday in January of each even-numbered year, at which time their successors shall be elected. The property owners present at ~~such~~ the first meeting shall adopt the bylaws of the district.

Subsequent elections for directors of the district may be held at a mass meeting or convention of the ~~qualified electors~~ owners of real property in and residents of the district, or if there are no residents of the district, the owners of real property in the district, who are qualified to vote. The voting shall be by secret ballot. At the first 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 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~~ the 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~~ the election, and by posting ~~such~~ the notice in three public places in the district for at least twenty (20) days prior to the date of ~~such~~ the election. The notice shall list the offices to be filled and the questions to be voted on, if any.

SECTION 9. This act shall become effective November 1, 1997.

46-1-7306

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