

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 1263

By: Begley, Hutchison,  
Langmacher, Stites, Wells,  
Deutschendorf, Kirby,  
Beutler, Staggs, and Boyd  
of the House

7 and

8 Hobson, Morgan and Williams  
9 of the Senate

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11  
12 CONFERENCE COMMITTEE SUBSTITUTE

13 An Act relating to schools; amending 70 O.S. 1991,  
14 Section 7-101, as last amended by Section 1, Chapter  
332, O.S.L. 1997 (70 O.S. Supp. 1998, Section 7-101),  
15 which relates to annexation of school districts;  
16 clarifying which electors may petition for  
annexation; allowing certain electors to vote for  
17 annexation in certain affected areas; providing  
conditions for affected areas; limiting effect on  
18 certain incorporated areas within territory proposed  
to be annexed; providing an effective date; and  
declaring an emergency.

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

22 SECTION 1. AMENDATORY 70 O.S. 1991, Section 7-101, as  
23 last amended by Section 1, Chapter 332, O.S.L. 1997 (70 O.S. Supp.  
24 1998, Section 7-101), is amended to read as follows:

25 Section 70-101. A. Except as otherwise provided for in Section  
26 7-105 of this title for conditional consolidated school districts,  
27 the territory comprising all or part of a school district may be  
28 annexed to another school district or to two or more districts, when  
29 approved at an annexation election called by the State  
30 Superintendent of Public Instruction, but except as provided in  
31 subsection B of this section, an annexation election may not be held  
32 unless the boards of education of the affected districts concur

1 therein. Provided, that such concurrence of the boards of education  
2 affected shall not be required in cases of mandatory annexation by  
3 the State Board of Education:

4 1. In pursuance of a petition for annexation signed by a  
5 majority of the school district electors in the territory proposed  
6 to be annexed, hereinafter referred to as the area affected, said  
7 majority being applied to the highest number of voters voting in a  
8 regular school district election in the district in the preceding  
9 five (5) years as determined by the secretary of the county election  
10 board, who shall certify the adequacy of the number of signatures on  
11 the petition as provided in this section; or

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

14 B. An annexation election shall be called by the State  
15 Superintendent of Public Instruction without the concurrence of the  
16 board of education of the school district which is proposed to be  
17 annexed, upon the filing of a petition with the State Superintendent  
18 of Public Instruction for annexation that is signed by a majority of  
19 the school district electors in the ~~school district~~ territory  
20 proposed to be annexed, hereinafter referred to as the area  
21 affected, said majority being applied to the highest number of  
22 voters voting in a regular school district election in the district  
23 in the preceding five (5) years as determined by the secretary of  
24 the county election board, who shall certify the adequacy of the  
25 number of signatures on the petition. The petition shall contain  
26 such information as the State Superintendent of Public Instruction  
27 may require.

28 C. Annexation elections held pursuant to this section shall be  
29 conducted pursuant to the following procedures:

30 1. Such election shall be held not less than sixty (60) days  
31 nor more than ninety (90) days after the State Superintendent of  
32 Public Instruction receives such petition, at some public place in

1 the school district in which the area affected is situated, between  
2 the hours of 7 a.m. and 7 p.m., and notice thereof shall be given by  
3 the State Superintendent of Public Instruction in the same manner as  
4 notice of special elections of the school district electors of  
5 school districts is given, provided, that the State Superintendent  
6 of Public Instruction shall not be required to call an election for  
7 the purpose of annexing a part of a school district more than once  
8 during any twelve-month period. Such elections shall be conducted  
9 by the county election board;

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

12 a. of an entire school district, or

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

18 c. if the affected area is part of a school district with  
19 thirty thousand (30,000) or more average daily  
20 membership, if the boundaries of the affected area is  
21 not contiguous with the boundaries of the rest of the  
22 district, and if the boundary of the non-contiguous  
23 affected area is a least two (2) miles from the  
24 nearest boundary of the rest of the district, only the  
25 legal voters of the area so affected shall be eligible  
26 to vote at such election. Provided, if there is an  
27 incorporated city located wholly within the separate  
28 noncontiguous affected area, the annexation election  
29 being held shall not effect the area within the  
30 boundaries of the incorporated area unless a majority  
31 of the school district electors within the boundaries  
32 of the incorporated area also file a petition

1                   requesting annexation as required in subsection B of  
2                   this section.

3 If the area proposed to be annexed constitutes less than two percent  
4 (2%) of the total area of the school district in which such area is  
5 located, and there are no qualified electors residing in such area,  
6 no election shall be held. In such instance the board of education  
7 of the school district wherein the area proposed to be annexed is  
8 located and the board of education of the school district to which  
9 such area is proposed to be annexed shall each adopt a resolution  
10 approving such annexation and shall transmit certified copies of  
11 both resolutions to the State Superintendent of Public Instruction  
12 who shall, within five (5) days after receiving copies of such  
13 resolutions, make an order declaring the annexation as approved in  
14 the resolutions. Copies of the annexation order shall be  
15 transmitted to the State Board of Education, Oklahoma Tax  
16 Commission, county clerk, county treasurer, county assessor and to  
17 the boards of education of the school districts involved;

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

25           4. If the annexation of an entire district is approved, as  
26 provided for in this section, the State Superintendent of Public  
27 Instruction shall, within five (5) days after such election, issue  
28 an order declaring the annexation as requested in the petition or  
29 resolution for annexation to the State Board of Education, Oklahoma  
30 Tax Commission, county clerk, county treasurer and county assessor  
31 in each county in which any of the territory of the disorganized  
32 district lies, but the annexation shall not become effective until

1 the time for filing an appeal, as hereinafter provided, has expired.  
2 In the event a majority of the electors voting at such election do  
3 not vote for the annexation, the State Superintendent of Public  
4 Instruction shall, within five (5) days after such election, issue  
5 an order denying the annexation to the State Board of Education,  
6 Oklahoma Tax Commission, county clerk, county treasurer and county  
7 assessor in each county in which any of the territory of the  
8 disorganized district lies. Within ten (10) days after the order of  
9 the State Superintendent of Public Instruction is issued, twenty-  
10 five percent (25%) of the school district electors who were eligible  
11 to vote at the annexation election may appeal to the district court  
12 of the county in which the territory proposed to be annexed, or the  
13 largest part thereof if such territory lies in more than one county,  
14 is situated, and thereafter all proceedings shall be stayed until  
15 the district court has rendered judgment. The proceedings shall be  
16 given precedence over all other civil matters. In the event the  
17 court issues a final order upholding a partial annexation, the  
18 effective date of said partial annexation shall be July 1 following  
19 the final order. All pending annexation proceedings are hereby  
20 exempted from this act. The State Board of Education shall be  
21 required to change the boundary lines as described in the  
22 declaration after all litigation has expired;

23 5. Upon the effective date of the annexation of an entire  
24 school district to one or more school districts, the board of  
25 education of the school district whose territory was annexed shall  
26 be declared abolished by the State Superintendent of Public  
27 Instruction. If a school district to which the territory was  
28 annexed currently has a five-member board of education, that school  
29 district board of education shall have the option of forming a  
30 seven-member board of education pursuant to the provisions of  
31 Section 5-107A of this title upon the effective date of the  
32 annexation; and

1       6. If an independent district annexes to an elementary district  
2 not maintaining a high school, both boards of education are  
3 abolished. The Governor shall appoint three members of the newly  
4 formed district to the board of education and these members shall  
5 appoint the remaining two members.

6       SECTION 2. This act shall become effective July 1, 1999.

7       SECTION 3. It being immediately necessary for the preservation  
8 of the public peace, health and safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

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