

THE HOUSE OF REPRESENTATIVES
Wednesday, February 27, 2008

House Bill No. 3024

HOUSE BILL NO. 3024 - By: MURPHEY of the House and JOLLEY of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2001, Sections 902.12 and 902.16, which relate to the Oklahoma Rural Road Improvement District Act; imposing restriction on certain bond election; authorizing imposition of assessment for operating purposes without respect to other assessment; authorizing prepayment of assessments; authorizing acceptance of cash, cash equivalents and real or personal property; providing for applicability of provisions for management of district to donated cash and property; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 19 O.S. 2001, Section 902.12, is amended to read
2 as follows:

3 Section 902.12 A. ~~When~~ Except as otherwise provided by subsection H of this
4 section, when the board of directors shall have estimated the cost of purchases and
5 construction work, it shall call an election at which shall be submitted to the registered
6 voters of the district, or if there are no registered voters of the district, the owners of real
7 property in the district who are registered voters, the question of whether the bonds of
8 the district shall be issued in the amount so determined. However, the bonds shall not
9 be issued for more than the actual estimated cost of such purchase and construction.

10 B. The resolution of the board calling such election shall divide the district into
11 voting precincts of convenient size and a map thereof shall be filed with the district

1 secretary. The precincts so formed may be changed by the board any time thereafter,
2 except that no change shall be made within thirty (30) days next preceding any election.
3 The resolution shall appoint for each precinct, from the owners of real property in and
4 residents of the district who are registered voters, or if there are no residents of the
5 district, the owners of real property in the district who are registered voters, one clerk
6 and two judges, who shall constitute a board of election for the precinct. If the members
7 appointed do not attend at the opening of the polls on the morning of the election, the
8 board may appoint other owners of real property in and residents of the district who are
9 registered voters, or if there are no residents of the district, owners of real property in
10 the district who are registered voters, to supply the place or places of those absent. The
11 resolution shall designate the date, hour and place in the precincts where the election
12 will be held.

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

18 The notice shall specify:

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

1 D. One of the judges of each precinct shall be chairman of the election board of the
2 precinct and may administer all oaths required in the progress of the election, and
3 appoint another judge or clerk, if during the progress of the election any judge or clerk
4 ceases to act.

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

7 F. The election shall be held as nearly as may be in conformity with the provisions
8 governing the election for the formation of the district. However, no county election
9 board nor precinct election board shall be involved in conducting the election. No
10 informalities in conducting the election shall invalidate the election if the election shall
11 have been otherwise fairly conducted.

12 G. The board of directors shall meet as soon as practicable after the election and
13 canvass the returns. If a majority of the ballots cast are "Bonds - Yes", the board shall
14 cause negotiable bonds in the amount to be issued.

15 H. No election otherwise authorized by this section or any other provisions of the
16 Oklahoma Rural Road Improvement District Act that authorize the imposition of an
17 assessment shall be conducted if the assessment imposed pursuant to Section 902.16 of
18 this title is in excess of three (3) mills.

19 SECTION 2. AMENDATORY 19 O.S. 2001, Section 902.16, is amended to read
20 as follows:

21 Section 902.16 A. The board may also levy an additional annual assessment
22 sufficient to care for the cost of operation of the district and the maintenance of its roads,

1 equipment and for payment of the salaries of employees of the district, provided that no
2 such annual assessment for operations, maintenance and salaries shall exceed three (3)
3 mills on the dollar of the assessed valuation of the property in the district. The
4 assessment may be increased to five (5) mills if the district has no assessment for
5 repayment of debt incurred pursuant to Section 902.12 of this title.

6 B. The board may call an election of the registered voters of the district, or if there
7 are no registered voters of the district, the owners of real property in the district who are
8 registered voters, in the manner provided for in Section 902.12 of this title, to determine
9 whether or not the board shall levy an annual assessment not to exceed three (3) mills on
10 the dollar of the assessed valuation of the property in the district for the purpose of
11 providing additional funds for the operation of the district, the maintenance of its roads,
12 equipment and salaries of the employees of the district. Such annual assessment shall
13 be in addition to the annual assessment provided for in subsection A of this section. The
14 assessment may be increased to five (5) mills if the district has no assessment for
15 repayment of debt incurred pursuant to Section 902.12 of this title. The number of mills
16 shall be set forth in the resolution calling the election and, if approved, shall remain in
17 effect until increased or decreased in a later election called in the manner provided for in
18 Section 902.12 of this title, but the total additional annual levy shall not exceed three (3)
19 mills or five (5) mills as otherwise required by this section.

20 C. If an assessment authorized by subsection A or B of this section is imposed, the
21 proceeds from the assessment shall be used to pay for authorized expenditures of the
22 district and may be accumulated over such period of time as may be required in order to

1 pay for such authorized expenditures as sufficient funds become available on a project by
2 project basis.

3 D. An owner of property subject to an assessment imposed pursuant to subsection
4 A or B of this section may pay the assessment for the current year and as many future
5 years as the owner may elect. The district shall keep accurate records of any
6 prepayments authorized by this subsection.

7 E. In addition to the assessment authorized by subsection A or B of this section, a
8 rural road improvement district shall be authorized to accept gifts and donations,
9 whether in cash, cash equivalents, or real or personal property subject to such conditions
10 as may be imposed by the district. Any funds or property transferred to a rural road
11 improvement district pursuant to this subsection shall be administered as other funds
12 and property of the district.

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

16 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND
17 TRANSPORTATION, dated 02-26-08 - DO PASS, As Coauthored.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.