

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3024

By: Murphey

4
5 AS INTRODUCED

6
7 An Act relating to counties and county officers;
8 amending 19 O.S. 2001, Sections 902.12 and 902.16,
9 which relate to the Oklahoma Rural Road Improvement
10 District Act; imposing restriction on certain bond
11 election; authorizing imposition of assessment for
12 operating purposes without respect to other
13 assessment; authorizing prepayment of assessments;
14 authorizing acceptance of cash, cash equivalents and
15 real or personal property; providing for
16 applicability of provisions for management of
17 district to donated cash and property; and declaring
18 an emergency.

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

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

22 Section 902.12 A. ~~When~~ Except as otherwise provided by
23 subsection H of this section, when the board of directors shall have
24 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 the bonds of the district shall be

1 issued in the amount so determined. However, the bonds shall not be
2 issued for more than the actual estimated cost of such purchase and
3 construction.

4 B. The resolution of the board calling such election shall
5 divide the district into voting precincts of convenient size and a
6 map thereof shall be filed with the district secretary. The
7 precincts so formed may be changed by the board any time thereafter,
8 except that no change shall be made within thirty (30) days next
9 preceding any election. The resolution shall appoint for each
10 precinct, from the owners of real property in and residents of the
11 district who are registered voters, or if there are no residents of
12 the district, the owners of real property in the district who are
13 registered voters, one clerk and two judges, who shall constitute a
14 board of election for the precinct. If the members appointed do not
15 attend at the opening of the polls on the morning of the election,
16 the board may appoint other owners of real property in and residents
17 of the district who are registered voters, or if there are no
18 residents of the district, owners of real property in the district
19 who are registered voters, to supply the place or places of those
20 absent. The resolution shall designate the date, hour and place in
21 the precincts where the election will be held.

22 C. Notice of the election shall be given by publication in some
23 newspaper of general circulation in the county in which the district
24 is located once a week for three (3) consecutive weeks next

1 preceding the date of the election, and by posting the notice in
2 three public places in each election precinct, as established by the
3 board of directors, for at least twenty (20) days prior to the date
4 of the election.

5 The notice shall specify:

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

10 D. One of the judges of each precinct shall be chairman of the
11 election board of the precinct and may administer all oaths required
12 in the progress of the election, and appoint another judge or clerk,
13 if during the progress of the election any judge or clerk ceases to
14 act.

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

17 F. The election shall be held as nearly as may be in conformity
18 with the provisions governing the election for the formation of the
19 district. However, no county election board nor precinct election
20 board shall be involved in conducting the election. No
21 informalities in conducting the election shall invalidate the
22 election if the election shall have been otherwise fairly conducted.

23 G. The board of directors shall meet as soon as practicable
24 after the election and canvass the returns. If a majority of the

1 ballots cast are "Bonds - Yes", the board shall cause negotiable
2 bonds in the amount to be issued.

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

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

10 Section 902.16 A. The board may also levy an additional annual
11 assessment sufficient to care for the cost of operation of the
12 district and the maintenance of its roads, equipment and for payment
13 of the salaries of employees of the district, provided that no such
14 annual assessment for operations, maintenance and salaries shall
15 exceed three (3) mills on the dollar of the assessed valuation of
16 the property in the district. The assessment may be increased to
17 five (5) mills if the district has no assessment for repayment of
18 debt incurred pursuant to Section 902.12 of this title.

19 B. The board may call an election of the registered voters of
20 the district, or if there are no registered voters of the district,
21 the owners of real property in the district who are registered
22 voters, in the manner provided for in Section 902.12 of this title,
23 to determine whether or not the board shall levy an annual
24 assessment not to exceed three (3) mills on the dollar of the

1 assessed valuation of the property in the district for the purpose
2 of providing additional funds for the operation of the district, the
3 maintenance of its roads, equipment and salaries of the employees of
4 the district. Such annual assessment shall be in addition to the
5 annual assessment provided for in subsection A of this section. The
6 assessment may be increased to five (5) mills if the district has no
7 assessment for repayment of debt incurred pursuant to Section 902.12
8 of this title. The number of mills shall be set forth in the
9 resolution calling the election and, if approved, shall remain in
10 effect until increased or decreased in a later election called in
11 the manner provided for in Section 902.12 of this title, but the
12 total additional annual levy shall not exceed three (3) mills or
13 five (5) mills as otherwise required by this section.

14 C. If an assessment authorized by subsection A or B of this
15 section is imposed, the proceeds from the assessment shall be used
16 to pay for authorized expenditures of the district and may be
17 accumulated over such period of time as may be required in order to
18 pay for such authorized expenditures as sufficient funds become
19 available on a project by project basis.

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

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

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

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14 51-2-9766 MAH 01/17/08