

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 479

By: Burns

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Rural Road
8 Improvement District Act; amending 19 O.S. 2011,
9 Sections 902.3, 902.4, 902.5, 902.6, 902.12, 902.20
10 and 902.21, which relate to the notice and conduct of
11 county elections; requiring county commissioners to
12 provide public notice under certain circumstances;
13 granting county commissioners authority to determine
14 districts; establishing how vacancies are filled
15 under certain circumstances; providing an effective
16 date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 19 O.S. 2011, Section 902.3, is
19 amended to read as follows:

20 Section 902.3. The petition shall set forth and particularly
21 describe the proposed boundaries of such district and shall be
22 accompanied by a map of such proposed district. The petitioners
23 shall accompany such petition with a cash deposit, the amount of
24 which shall be approved by the board of county commissioners. The
25 cash shall be deposited with the county treasurer in a special fund
26 which shall be used for the purposes of defraying the costs of the
27 publications and of the election for the organization of the

1 district. Any unused portion of the amount deposited shall be
2 refunded to the petitioners upon request.

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

17 The board of county commissioners shall hold the hearing
18 described in the notice, and it shall have jurisdiction to hear and
19 determine all protests to the creation of such district and all
20 matters pertaining to the same. It may amend the plan of the
21 district by excluding from within its boundaries any lands which it
22 may deem will not be benefited by the formation of such district, or
23 by including other lands as a part thereof upon application of the
24 owners of such land. However, it shall not exclude from such

1 district any lands which are completely surrounded by lands which
2 are included in the proposed district.

3 At the conclusion of the hearing, the board of county
4 commissioners shall make an order determining the boundaries of the
5 proposed district, particularly describing them, and shall determine
6 whether the formation of such district will be conducive to the
7 improvement of safe travel in the incorporated area. If the board
8 determines that the district will be conducive to safe travel in the
9 area incorporated in the district and will be in the best interests
10 of the people residing or owning real property in the district, then
11 the board may give the proposed district a name and call an election
12 of the registered voters in the territory comprising such proposed
13 district, or if there are no registered voters or fewer than five
14 (5) registered voters in the territory comprising the proposed
15 district, ~~call an election of the owners of real property in the~~
16 ~~territory comprising the proposed district who are registered~~
17 ~~voters,~~ no election shall be held and the county commissioners shall
18 give sufficient public notice for a public comment period on the
19 question of whether the district shall be organized. In proclaiming
20 the election, the board of county commissioners shall provide
21 descriptions of the boundaries of the proposed district and maps of
22 the proposed district in sufficient quantities to provide one for
23 each polling place to be open during the election.

1 SECTION 2. AMENDATORY 19 O.S. 2011, Section 902.4, is
2 amended to read as follows:

3 Section 902.4. The county clerk shall cause notice of the
4 election to be given one (1) day a week for two (2) consecutive
5 weeks by publication in a newspaper of general circulation in the
6 territory comprising the proposed district. The notice shall state
7 the time and place of holding the election and set forth the
8 description of the boundaries of the proposed district and its
9 general purpose and intention. All persons who are residents of the
10 proposed district and who are registered voters in their respective
11 precincts shall be qualified to vote on the proposition. If there
12 are no persons who are residents of the proposed district, all
13 persons owning real property within the proposed district who are
14 registered voters shall be qualified to vote on the proposition. If
15 fewer than five (5) registered voters reside within the proposed
16 district, no election shall be held and the board of county
17 commissioners shall determine whether the district will be
18 conductive to safe travel in the area and will be in the best
19 interest of the people residing or owning real property in the
20 district.

21 SECTION 3. AMENDATORY 19 O.S. 2011, Section 902.5, is
22 amended to read as follows:

23 Section 902.5. Such elections, if required, shall be conducted
24 in accordance with the general election laws of the state and the

1 regular election officials shall be in charge at the usual polling
2 place of each regular precinct, or part of a precinct, which shall
3 include lands within the boundaries of such proposed district. The
4 county election board shall certify results of the election to the
5 board of county commissioners who shall meet on the second Monday
6 next following such election and proceed to determine the
7 percentages of the vote cast.

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

15 SECTION 4. AMENDATORY 19 O.S. 2011, Section 902.6, is
16 amended to read as follows:

17 Section 902.6. Directors of a rural road improvement district
18 shall be the owners of real property in and residents of ~~said~~ the
19 district. If the rural road improvement district has fewer than
20 five (5) residents, any vacancies shall be filled by appointment.
21 First vacancies are appointed by the county commissioners in which
22 the road district is established. Second vacancies shall be
23 appointed by the district judge for the county. Third vacancies
24 shall be appointed by the senator for the county. At the time of

1 making its order organizing the district, the board of county
2 commissioners shall set a first meeting of property owners of said
3 district and direct the manner of giving notice by publication
4 thereof. The owners of property within the district present at such
5 meeting shall elect ~~nine (9)~~ three (3) directors or more who shall
6 hold their office until the next general election, at which time
7 their successors shall be elected. Vacancies unfilled by the
8 election shall be filled in accordance to this section. The
9 property owners present at such first meeting shall adopt the bylaws
10 of the district. At the first general election after organization
11 of the district the three qualified persons receiving the highest
12 number of votes for member of board of directors of the district
13 shall hold their respective offices for the term of six (6) years.
14 The three qualified persons receiving the next highest number of
15 votes shall be elected for four (4) years, and the three qualified
16 persons having the next highest number of votes shall be elected for
17 two (2) years. Each two (2) years thereafter, there shall be
18 elected for a term of six (6) years three members of said board of
19 directors. The board of directors of the district shall submit,
20 within fifteen (15) days before the filing period of any district
21 election, a resolution to the secretary of the county election board
22 conducting said election. The resolution shall contain the
23 following:

- 24 1. The date of the election; and

1 2. The offices to be filled or the questions to be voted upon
2 at the election; and

3 3. Qualifications for the offices; and

4 4. Any other information necessary for conducting said
5 election.

6 The regular election in the district shall be held at the same time
7 as the general election in this state. All polling places of
8 precincts, all or any part of which include areas within the
9 boundaries of the district, shall be supplied ballots for the
10 purpose of permitting electors of the district to vote for members
11 of the board of directors of the district. Filing for the office of
12 member of the board of directors shall be with the county election
13 board on a nonpartisan basis during the regular filing period for
14 state and county offices and shall be done without the payment of a
15 filing fee and without filing of a petition in support of the
16 candidate's candidacy. Vacancies on the board shall be filled, for
17 the unexpired term thereof, by the board of directors.

18 SECTION 5. AMENDATORY 19 O.S. 2011, Section 902.12, is
19 amended to read as follows:

20 Section 902.12. A. When the board of directors shall have
21 estimated the cost of purchases and construction work, it shall call
22 an election at which shall be submitted to the registered voters of
23 the district, or if there are no registered voters of the district,
24 the owners of real property in the district who are registered

1 voters, the question of whether the bonds of the district shall be
2 issued in the amount so determined. If fewer than five (5)
3 registered voters live within the road assessment district, no
4 election shall be held and the county commissioners shall give
5 sufficient public notice for a public comment period to all
6 registered property owners within the road assessment district prior
7 to making a determination of whether bonds shall be issued.

8 However, the bonds shall not be issued for more than the actual
9 estimated cost of such purchase and construction.

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

1 who are registered voters, to supply the place or places of those
2 absent. The resolution shall designate the date, hour and place in
3 the precincts where the election will be held.

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

11 The notice shall specify:

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

16 D. One of the judges of each precinct shall be chairman of the
17 election board of the precinct and may administer all oaths required
18 in the progress of the election, and appoint another judge or clerk,
19 if during the progress of the election any judge or clerk ceases to
20 act.

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

23 F. The election shall be held as nearly as may be in conformity
24 with the provisions governing the election for the formation of the
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1 district. However, no county election board nor precinct election
2 board shall be involved in conducting the election. No
3 informalities in conducting the election shall invalidate the
4 election if the election shall have been otherwise fairly conducted.

5 G. The board of directors shall meet as soon as practicable
6 after the election and canvass the returns. If a majority of the
7 ballots cast are "Bonds - Yes", or, if the determination was set by
8 the county commissioners as to whether bonds shall be issued, the
9 board shall cause negotiable bonds in the amount to be issued.

10 SECTION 6. AMENDATORY 19 O.S. 2011, Section 902.20, is
11 amended to read as follows:

12 Section 902.20. Elections to determine whether a rural road
13 improvement district will be organized may be conducted at a mass
14 meeting or convention of the owners of real property in and
15 residents of the district, or if there are no residents of the
16 district, the owners of real property in the district, who are
17 qualified to vote. The chair of the board of county commissioners
18 or his or her designee shall preside at the meeting and the voting
19 shall be by secret ballot. The presiding officer shall have the
20 authority to appoint a secretary of the meeting and the commissioner
21 and secretary shall certify results of the election to the board of
22 county commissioners who shall meet on the second Monday next
23 following the election and proceed to determine the percentage of
24 votes cast. If, upon such determination, at least three-fifths

1 (3/5) of all the votes cast are "Rural Road Improvement District -
2 Yes", the board shall, by order declare such territory duly
3 organized as a rural road improvement district under the name
4 designated. If fewer than five (5) registered voters live within
5 the road assessment district, no election shall be held and the
6 county commissioners shall give sufficient public notice for a mass
7 meeting or convention open to all registered property owners within
8 the road assessment district prior to making a determination of
9 elections. The order shall be filed for record in the office of the
10 county clerk and from that date the district shall be complete.

11 SECTION 7. AMENDATORY 19 O.S. 2011, Section 902.21, is
12 amended to read as follows:

13 Section 902.21. Directors of a rural road improvement district
14 shall be the owners of real property in and residents of the
15 district or, if there are no residents of the district, the owners
16 of real property in the district. At the time of making its order
17 organizing the district, the board of county commissioners shall set
18 a first meeting of property owners of the district and direct the
19 manner of giving notice by publication thereof. The owners of
20 property within the district present at such meeting shall elect
21 ~~nine (9)~~ three (3) directors or more who shall hold their office
22 until the second Saturday in January of each even-numbered year, at
23 which time their successors shall be elected. The property owners
24 present at the first meeting shall adopt the bylaws of the district.

1 Subsequent elections for directors of the district may be held
2 at a mass meeting or convention of the owners of real property in
3 and residents of the district, or if there are no residents of the
4 district, the owners of real property in the district, who are
5 qualified to vote. The voting shall be by secret ballot. At the
6 first regular election after organization of the district called for
7 the purpose of electing members of the board of directors, the three
8 qualified persons receiving the highest number of votes for member
9 of board of directors of the district shall hold their respective
10 offices for a term of six (6) years. The three qualified persons
11 receiving the next highest number of votes shall be elected for four
12 (4) years, and the three qualified persons having the next highest
13 number of votes shall be elected for two (2) years. Each two (2)
14 years thereafter, there shall be elected for a term of six (6) years
15 three members of the board of directors. Notice of the mass meeting
16 or convention called for the purpose of electing directors of a
17 rural road improvement district shall be given by publishing notice
18 of the meeting stating the time, place and agenda in a newspaper of
19 general circulation in the county in which such district is located
20 once a week for three (3) consecutive weeks next preceding the date
21 of the election, and by posting the notice in three public places in
22 the district for at least twenty (20) days prior to the date of the
23 election. The notice shall list the offices to be filled and the
24 questions to be voted on, if any.

1 SECTION 8. This act shall become effective July 1, 2021.

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