STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 357 By: Crain

AS INTRODUCED

An Act relating to rural water districts; amending 82 O.S. 2011, Section 1324.21, which relates to release of lands from district; providing withdraw process for certain municipalities; stating procedures; and declaring an emergency.

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

SECTION 1. AMENDATORY 82 O.S. 2011, Section 1324.21, is amended to read as follows:

Section 1324.21. A. In the event that landowners within a district desire to withdraw from such district, fifty-one percent (51%) of the affected landowners or the board of directors by resolution may petition the county commissioners to release those lands from the district. The petition shall describe by section or fraction thereof and by township and range the lands affected. After a finding that the granting of the petition is to the best interests of the affected landowners and the district, the board of county commissioners shall issue a certificate stating that the lands involved are released and separated from the district. Full minutes of the hearing shall be entered in the journal of the board

of county commissioners and the certificate shall be delivered to the secretary of the district who shall, within thirty (30) days, cause the records of the district to be amended to exclude the lands affected. Notice shall be given, as provided in Section 1324.5 of this title, of the filing of a petition for release of lands as provided herein, fixing the time and place of hearing, and a copy of said notice shall be sent by certified mail to the chairman of the board of directors of the district in which the said lands are located.

B. In the event that any municipal corporation having a population of ten thousand (10,000)or more persons according to the latest decennial census and any portion of the corporate limits of which lies within a district desires to withdraw from such district, the governing body of such municipal corporation by resolution may petition the county commissioners to release all or such portion of its corporate limits as lie within the district, as of the date of such resolution and as may thereafter be added by lawful annexation, from the district. The resolution shall state, among other matters, that the governing body has found that no portion of its corporate limits lie within a rural area, as defined by paragraph 6 of Section 1324.2 of this title, and that the district no longer serves the statutory purpose of serving and meeting the needs of rural residents, as defined by paragraph 5 of Section 1324.2 of this title, within such corporate limits, as set forth in the Rural

Water, Sewer, Gas and Solid Waste Management District Act. The resolution shall describe by section or fraction thereof, and by township and range, the lands within such corporate limits affected as of the date of the resolution. After a finding that the granting of the petition is to the best interests of the affected municipal corporation and the district, the board of county commissioners shall issue a certificate stating that so much of the district as lies within such corporate limits, as of the date of the petition and as may thereafter be added by lawful annexation provided that the petition shall be amended by subsequent resolution of the governing body to reflect the legal description of lands so annexed, is released and separated from the district. Full minutes of the hearing shall be entered in the journal of the board of county commissioners and the certificate shall be delivered to the secretary of the district who shall, within thirty (30) days, cause the records of the district to be amended to exclude the municipal corporate limits affected. Notice shall be given, as provided in Section 1324.5 of this title, of the filing of a petition for release of the affected municipal corporation as provided herein, fixing the time and place of hearing, and a copy of said notice shall be sent by certified mail to the chairman of the board of directors of the district in which said corporate limits are located.

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

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