

ENGROSSED HOUSE
BILL NO. 1891

BY: COZORT and SATTERFIELD
of the HOUSE

and

SMITH of the SENATE

AN ACT RELATING TO COUNTIES AND COUNTY OFFICERS;
AMENDING 19 O.S. 1991, SECTIONS 863.5, 863.10 AND
863.20, WHICH RELATE TO COUNTY PLANNING AND ZONING;
MODIFYING THE MEMBERSHIP OF A METROPOLITAN AREA
PLANNING COMMISSION; AUTHORIZING THE CHAIRMAN OF
THE BOARD OF COUNTY COMMISSIONERS TO DESIGNATE AN
ALTERNATE TO PERFORM CERTAIN DUTIES; MODIFYING THE
SIZE OF LOTS WHICH WOULD BE SUBJECT TO LOT- SPLIT
JURISDICTION OF A METROPOLITAN AREA PLANNING
COMMISSION; MODIFYING NUMBER OF MEMBERS OF A COUNTY
BOARD OF ADJUSTMENT NECESSARY TO CONSTITUTE A
QUORUM OF THE BOARD; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 863.5, is
amended to read as follows:

Section 863.5 The Metropolitan Area Planning Commission shall
consist of ~~twelve (12)~~ eleven (11) members, selected as follows: six
shall be appointed by the mayor and approved by ~~a vote of three~~
~~members of the city council including the mayor, except that in~~
~~cities having six or more councilmen, such approval shall be by a~~

~~vote of a majority of the authorized number of councilmen; and three shall be appointed by the board; one may be appointed by the chairman of the board of county commissioners of the adjoining county having the greatest area included within the five-mile perimeter area of such municipality, and such member shall be a resident of such county, except that if for any reason such member from such adjoining county shall not be appointed or shall fail to qualify, the Commission shall consist of the eleven members. In the event any other county later has a greater area in the five-mile perimeter than the county with membership on the Commission, such position shall become vacant and the chairman of the board of county commissioners of such other county shall appoint a new member from the county having the greater area. The mayor of the municipality or a person designated by the mayor as an alternate and the chairman of the board or other member of the board designated by the chairman of the board as an alternate shall be ex officio members of the Commission and shall be entitled to vote on all matters. Members selected by the mayor other than the alternate of the mayor shall serve for terms of three (3) years, except that the respective terms of the first two members appointed shall be one (1) year, the next two members appointed two (2) years, and the next two members three (3) years. Members selected by the chairman of the board other than the alternate of the chairman, shall serve for terms of three (3) years, except that the respective term of the members first appointed shall be one, two, and three years; ~~provided, that the member appointed from the adjoining county shall serve for a term of three (3) years.~~ All members of the Commission shall serve as such without compensation, except the commissioners may receive a per diem as set by the local board and council not to exceed Twenty-five Dollars (\$25.00) for each meeting attended not to exceed One Hundred Dollars (\$100.00) per month, and the appointed members other than the alternates shall hold no other municipal or county office.~~

Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the official appointing the original holder of said membership.

A member of such Commission, other than an alternate, once qualified, can thereafter be removed during his term of office only for cause and after a hearing held before the governing body by which he was appointed.

SECTION 2. AMENDATORY 19 O.S. 1991, Section 863.10, is amended to read as follows:

Section 863.10 Whoever, being the owner or agent of the owner of any land within the area, transfers, or sells or agrees to sell, or negotiates to sell any land by reference to or exhibition thereof, or by other use of a plat of a subdivision before such plat has been approved by the Commission and filed of record in the office of the county clerk, or whoever, being the owner or agent of the owner of any parcel of ground, transfers, or sells or agrees to sell, or negotiates to sell any tract of land of ~~two and one-half (2 1/2)~~ five (5) acres or less where such tract was not shown of record in the office of the county clerk as separately owned at the effective date of the regulations hereinafter provided for and not located within a subdivision approved according to law and filed of record in the office of the county clerk, or if so located, not comprising at least one (1) entire lot as recorded, without first obtaining the written approval of the Commission by its endorsement on the instrument of transfer, shall be subject to the penalties by this act provided; and such transaction shall be unlawful and the deed or other instrument of transfer shall not be valid; and if recorded, shall not import notice; and the description of such lot or parcel by metes and bounds, in the instrument of transfer or other document used in the process of selling or transferring, shall not exempt the transaction or the parties from such penalties or from the remedies in this act provided.

In its consideration of such transfers, referred to as "lot-splits" the Commission shall apply the same regulations as are applied to subdivisions in order to accomplish the purposes of planning as herein provided.

SECTION 3. AMENDATORY 19 O.S. 1991, Section 863.20, is amended to read as follows:

Section 863.20 The board of county commissioners of any such county shall appoint a county board of adjustment composed of five (5) members, residents of such county, two of whom shall reside outside the corporate limits of the county seat town, for terms of three (3) years, except that when the first appointment is made hereunder, the terms of two members shall be one (1) year, the terms of two members shall be two (2) years, and the term of office of one of said members shall be three (3) years. A member of such county board of adjustment, once qualified, can thereafter be removed during his term of office only for cause and after a hearing held before the board of county commissioners. In the event of the death, resignation or removal of any such member before the expiration of his term, a successor shall be appointed by the board of county commissioners to serve his unexpired term. All members of the county board of adjustment shall serve as such without compensation except these members may receive a per diem as set by the local board of Twenty-five Dollars (\$25.00) for each meeting attended not to exceed Fifty Dollars (\$50.00) per month.

The county board of adjustment shall elect its own chairman and shall adopt rules of procedure consistent with the provisions of this act. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. ~~Four~~ Three members of the county board of adjustment shall constitute a quorum. All meetings of the county board of adjustment shall be open to the public and a public record shall be kept of all proceedings.

The county board of adjustment may, with the approval of the board of county commissioners, appoint such employees as may be necessary and may incur necessary expenses, and the board of county commissioners is authorized to make appropriations therefor.

For each petition and for each request for a public hearing, the county board of adjustment shall collect a fee of Twenty-five Dollars (\$25.00), which fees shall be deposited with the county treasurer as required by law, and credited to the general fund of the county, and report thereof made to the board of county commissioners each month. This is a maximum fee and may be reduced by action of the board of county commissioners. Publication notices and transcripts on appeal shall be paid for by parties requiring or requesting the same.

SECTION 4. 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.

Passed the House of Representatives the 3rd day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate