

CS for SB 1205

1 THE STATE SENATE
2 Monday, February 28, 2000

3 Committee Substitute for
4 Senate Bill No. 1205

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1205 - By: EASLEY of the
6 Senate and BOYD of the House.

7 An Act relating to counties and county officers; amending 19
8 O.S. 1991, Section 863.8; authorizing the metropolitan area
9 planning commission to withhold its approval and
10 recommendation for improvement due to certain hazards;
11 providing for hearing; stating that decision is final;
12 authorizing an appeal to district court; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 19 O.S. 1991, Section 863.8, is
16 amended to read as follows:

17 Section 863.8 From and after the adoption of the master plan or
18 portion thereof and its proper certification, ~~then and henceforth~~ no
19 improvement of a type embraced within the recommendations of the
20 master plan shall be constructed or authorized without first
21 submitting the proposed plans thereof to the metropolitan area
22 planning commission and receiving the written approval and
23 recommendation of ~~said~~ the commission; provided, however, that this
24 requirement shall be deemed to be waived if the commission fails to
25 make its report and recommendations within forty-five (45) days
26 after the receipt of the proposed plans, and provided further that
27 the disapproval or recommendations of the commission may be

1 overruled by a two-thirds (2/3) vote, properly recorded, of any
2 regularly constituted governmental legislative body, board of county
3 commissioners, or officials sponsoring or acting upon the proposed
4 improvements, after the reasons for such overruling are spread upon
5 its minutes. The commission may withhold its approval and
6 recommendation if it finds that the impact of the proposed
7 improvement due to congestion, overcrowding, drainage, fire or other
8 hazard poses a threat to quality of life or general welfare of the
9 area. A person aggrieved by a decision of the commission to grant
10 or withhold its approval may request a hearing before the board or
11 council, whichever body has jurisdiction over the territory affected
12 by the proposed improvement. The decision of the board or council
13 shall be final. No appeal to district court may be taken except
14 from a final decision of the board or council.

15 SECTION 2. This act shall become effective November 1, 2000.

16 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-21-00
17 - DO PASS, As Amended and Coauthored.