

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 916

By: Easley

AS INTRODUCED

An Act relating to counties and county officers; amending 19 O.S. 2001, Section 863.8; authorizing the metropolitan area planning commission to withhold its approval and recommendation for improvement due to certain hazards; providing for hearing; stating that decision is final; authorizing an appeal to district court; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 863.8, is amended to read as follows:

Section 863.8 From and after the adoption of the master plan or portion thereof and its proper certification, ~~then and henceforth~~ no improvement of a type embraced within the recommendations of the master plan shall be constructed or authorized without first submitting the proposed plans thereof to the metropolitan area planning commission and receiving the written approval and recommendation of ~~said~~ the commission; provided, however, that this requirement shall be deemed to be waived if the commission fails to make its report and recommendations within forty-five (45) days after the receipt of the proposed plans, and provided further that the disapproval or recommendations of the commission may be overruled by a two-thirds (2/3) vote, properly recorded, of any regularly constituted governmental legislative body, board of county commissioners, or officials sponsoring or acting upon the proposed improvements, after the reasons for such overruling are spread upon its minutes. The commission may withhold its approval and

recommendation if it finds that the impact of the proposed improvement due to congestion, overcrowding, drainage, fire or other hazard poses a threat to quality of life or general welfare of persons within the area. A person aggrieved by a decision of the commission to grant or withhold its approval may request a hearing before the board or council that has jurisdiction over the territory affected by the proposed improvement. The decision of the board or council shall be final. No appeal to district court may be taken except from a final decision of the board or council.

SECTION 2. This act shall become effective July 1, 2002.

SECTION 3. 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.

48-2-2260

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