

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1695

By: Wyrick

4
5 AS INTRODUCED

6 An Act relating to waters and water rights; amending
7 82 O.S. 2001, Sections 1324.4, 1324.6 and 1324.13,
8 which relate to the Rural Water, Sewer, Gas and Solid
9 Waste Management Districts Act; modifying information
10 required for certain petitions; providing opportunity
11 for certain districts to provide certain service;
12 modifying annexation petition requirements; providing
13 an effective date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 82 O.S. 2001, Section 1324.4, is
16 amended to read as follows:

17 Section 1324.4 Any ~~two or more owners~~ owner of ~~lands~~ land may
18 file with the county clerk a petition addressed to the board of
19 county commissioners praying for the incorporation of a district
20 under the provisions of this act.

21 1. The petition shall:

22 a. give a legal description of the lands owned by the
23 ~~petitioners~~ petitioner and other lands which the
24 ~~petitioners propose~~ petitioner proposes to be
incorporated into the proposed district ~~and shall~~
~~state.~~

1 ~~1. That~~

2 b. state that the rural residents within such territory
3 are without an adequate water supply, sewage
4 facilities, gas distribution facilities or solid waste
5 management system to meet their needs~~;~~

6 ~~2. That~~

7 c. state that the construction, installation,
8 improvement, maintenance and operation of all or any
9 combination of water works, sewage facilities, gas
10 distribution facilities and solid waste management
11 systems are necessary to provide an adequate water
12 supply, sewage facilities, gas distribution facilities
13 or solid waste management system to serve the rural
14 residents of the district~~;~~

15 ~~3. That~~

16 d. state that such improvements or works will be
17 conducive to and will promote the public health,
18 convenience and welfare~~;~~ and

19 ~~4. That~~

20 e. state that there is sufficient water available for
21 purchase or available for appropriation by the
22 Oklahoma Water Resources Board to serve the needs of
23 the district.

24 2. Attached to ~~said~~ the petition shall be:

1 a. an accurate map or plat of the proposed territory to
2 be embraced within the district showing the location
3 of said territory by reference to sections or portions
4 thereof and the township and range wherein the same
5 are located, and

6 b. if the petition is for incorporation of only a sewer
7 district and its proposed boundaries are within and/or
8 cross the boundaries of an existing rural water and/or
9 sewer district, documentation stating that the
10 existing rural water and/or sewer district:

11 (1) has been given the opportunity to provide sewer
12 service for the petitioner but is unable or
13 unwilling to do so within a reasonable time, and

14 (2) is unwilling to own and operate a sewage
15 treatment system for the petitioner.

16 SECTION 2. AMENDATORY 82 O.S. 2001, Section 1324.6, is
17 amended to read as follows:

18 Section 1324.6 A. At the time and place set for the hearing
19 and consideration of the petition, it shall be the duty of the board
20 of county commissioners to determine:

21 1. Whether proper notice of the hearing has been given as
22 required by Section 1324.5 of this title;

23 2. Whether the rural residents of the area described in the
24 petition are without an adequate water supply, sewage facilities,

1 gas distribution facilities or solid waste management system to meet
2 their needs;

3 3. Whether the construction, installation, improvement,
4 maintenance and operation of all or a combination of water works,
5 sewage facilities and solid waste management systems are necessary
6 to provide an adequate water supply, sewage facilities, gas
7 distribution facilities or solid waste management system to serve
8 the rural residents of the district;

9 4. Whether such improvements or works will be conducive to and
10 will tend to promote the public health, convenience and welfare;

11 5. The area which should be included in the district; ~~and~~

12 6. Whether there is sufficient water available for purchase or
13 available for appropriation by the Oklahoma Water Resources Board;
14 and

15 7. If the petition is for incorporation of only a sewer
16 district and its proposed boundaries are within and/or cross the
17 boundaries of an existing rural water and/or sewer district, whether
18 sufficient documentation has been presented to support a finding
19 that the existing water and/or sewer district:

- 20 a. has been given the opportunity to provide sewer
21 service to the petitioner but is unable or unwilling
22 to do so within a reasonable time, and
23 b. is unwilling to own and operate a sewage treatment
24 system for the petitioner.

1 B. If, upon such consideration, it shall be found that such
2 petition is in conformity with the requirements of this act, and
3 that such a district should be created the board of county
4 commissioners shall thereupon immediately declare the land described
5 in the petition or any part thereof to be incorporated as a district
6 under the name of "Rural Water and/or Sewer and/or Gas and/or Solid
7 Waste Management District No. _____, _____ County,
8 Oklahoma" (inserting number in order of incorporation and name of
9 county) and thereupon the district shall be a body politic and
10 corporate and an agency and legally constituted authority of the
11 State of Oklahoma for the public purposes set forth in this act.
12 The board of county commissioners shall thereupon enter upon its
13 records full minutes of such hearing, together with its order
14 creating the rural district under said corporate name for the
15 purposes of this act. Such districts shall not be political
16 corporations or subdivisions of the state within the meaning of any
17 constitutional debt limitations, nor shall said districts have any
18 power or authority to levy any taxes whatsoever or make any
19 assessments on property, real or personal.

20 SECTION 3. AMENDATORY 82 O.S. 2001, Section 1324.13, is
21 amended to read as follows:

22 Section 1324.13 Lands outside the boundaries of any district
23 which can economically be served by the facilities of the district
24 may be annexed to such district. Any ~~two or more~~ owner or owners of

1 such lands shall file a petition for annexation with the county
2 clerk addressed to the board of county commissioners, which shall
3 give the legal descriptions of the lands owned by the petitioners
4 and other lands which the petitioners propose to be annexed to such
5 district, and shall state:

6 1. The name of the district to which annexation is desired;

7 2. That such lands are without an adequate water supply, sewage
8 facilities, gas distribution system or solid waste management
9 system;

10 3. That annexation to said district will be conducive to and
11 will promote the public health, convenience and welfare of rural
12 residents in the district; and

13 4. That adequate water is available to the district or has been
14 appropriated to the district by the Oklahoma Water Resources Board.

15 SECTION 4. This act shall become effective July 1, 2010.

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

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