

1 **SENATE FLOOR VERSION**

2 February 26, 2015

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 357

By: Crain of the Senate

and

Martin of the House

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9 [rural water districts - release of lands from
10 district - withdraw process - procedures - -
emergency]

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

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

16 Section 1324.21. A. In the event that landowners within a
17 district desire to withdraw from such district, fifty-one percent
18 (51%) of the affected landowners or the board of directors by
19 resolution may petition the county commissioners to release those
20 lands from the district. The petition shall describe by section or
21 fraction thereof and by township and range the lands affected.
22 After a finding that the granting of the petition is to the best
23 interests of the affected landowners and the district, the board of
24 county commissioners shall issue a certificate stating that the

1 lands involved are released and separated from the district. Full
2 minutes of the hearing shall be entered in the journal of the board
3 of county commissioners and the certificate shall be delivered to
4 the secretary of the district who shall, within thirty (30) days,
5 cause the records of the district to be amended to exclude the lands
6 affected. Notice shall be given, as provided in Section 1324.5 of
7 this title, of the filing of a petition for release of lands as
8 provided herein, fixing the time and place of hearing, and a copy of
9 said notice shall be sent by certified mail to the chairman of the
10 board of directors of the district in which the said lands are
11 located.

12 B. In the event that any municipal corporation having a
13 population of ten thousand (10,000) or more persons according to the
14 latest decennial census and any portion of the corporate limits of
15 which lies within a district desires to withdraw from such district,
16 the governing body of such municipal corporation, by resolution, may
17 petition the county commissioners to release all or such portion of
18 its corporate limits as lie within the district, as of the date of
19 such resolution and as may thereafter be added by lawful annexation,
20 from the district. The resolution shall state, among other matters,
21 that the governing body has found that no portion of its corporate
22 limits lie within a rural area, as defined by paragraph 6 of Section
23 1324.2 of this title, and that the district no longer serves the
24 statutory purpose of serving and meeting the needs of rural

1 residents, as defined by paragraph 5 of Section 1324.2 of this
2 title, within such corporate limits, as set forth in the Rural
3 Water, Sewer, Gas and Solid Waste Management District Act. The
4 resolution shall describe by section or fraction thereof, and by
5 township and range, the lands within such corporate limits affected
6 as of the date of the resolution. The resolution shall further
7 provide that, if any portion of such particular lands have been or
8 are served by existing water delivery infrastructure belonging to
9 the district, the municipal corporation shall purchase such
10 infrastructure at its undepreciated cost to be determined by
11 negotiation with the district or, if the parties fail to agree on a
12 cost, by an independent certified public accountant to be appointed
13 by the district and whose services shall be at the cost of the
14 municipal corporation. After a finding that the granting of the
15 petition is to the best interests of the affected municipal
16 corporation and the district, the board of county commissioners
17 shall issue a certificate stating that so much of the district as
18 lies within such corporate limits, as of the date of the petition
19 and as may thereafter be added by lawful annexation; provided that
20 the petition shall be amended by subsequent resolution of the
21 governing body to reflect the legal description of lands so annexed,
22 is released and separated from the district. Full minutes of the
23 hearing shall be entered in the journal of the board of county
24 commissioners and the certificate shall be delivered to the

1 secretary of the district who shall, within thirty (30) days, cause
2 the records of the district to be amended to exclude the municipal
3 corporate limits affected. Notice shall be given, as provided in
4 Section 1324.5 of this title, of the filing of a petition for
5 release of the affected municipal corporation as provided herein,
6 fixing the time and place of hearing, and a copy of said notice
7 shall be sent by certified mail to the chair of the board of
8 directors of the district in which said corporate limits are
9 located.

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

14 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
15 February 26, 2015 - DO PASS AS AMENDED
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