

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 353

By: Newberry

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5
6 AS INTRODUCED

7 An Act relating to rural water districts; amending 82
8 O.S. 2011, Section 1324.21, which relates to release
9 of lands from district; providing withdraw process
for certain municipalities; stating procedures; and
declaring an emergency.

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

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

14 Section 1324.21. A. In the event that landowners within a
15 district desire to withdraw from such district, fifty-one percent
16 (51%) of the affected landowners or the board of directors by
17 resolution may petition the county commissioners to release those
18 lands from the district. The petition shall describe by section or
19 fraction thereof and by township and range the lands affected.

20 After a finding that the granting of the petition is to the best
21 interests of the affected landowners and the district, the board of
22 county commissioners shall issue a certificate stating that the
23 lands involved are released and separated from the district. Full
24 minutes of the hearing shall be entered in the journal of the board

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

10 B. In the event that any municipal corporation having a
11 population of ten thousand (10,000) or more persons according to the
12 latest decennial census and any portion of the corporate limits of
13 which lies within a district desires to withdraw from such district,
14 the governing body of such municipal corporation by resolution may
15 petition the county commissioners to release all or such portion of
16 its corporate limits as lie within the district, as of the date of
17 such resolution and as may thereafter be added by lawful annexation,
18 from the district. The resolution shall state, among other matters,
19 that the governing body has found that no portion of its corporate
20 limits lie within a rural area, as defined by paragraph 6 of Section
21 1324.2 of this title, and that the district no longer serves the
22 statutory purpose of serving and meeting the needs of rural
23 residents, as defined by paragraph 5 of Section 1324.2 of this
24 title, within such corporate limits, as set forth in the Rural

1 Water, Sewer, Gas and Solid Waste Management District Act. The
2 resolution shall describe by section or fraction thereof, and by
3 township and range, the lands within such corporate limits affected
4 as of the date of the resolution. After a finding that the granting
5 of the petition is to the best interests of the affected municipal
6 corporation and the district, the board of county commissioners
7 shall issue a certificate stating that so much of the district as
8 lies within such corporate limits, as of the date of the petition
9 and as may thereafter be added by lawful annexation provided that
10 the petition shall be amended by subsequent resolution of the
11 governing body to reflect the legal description of lands so annexed,
12 is released and separated from the district. Full minutes of the
13 hearing shall be entered in the journal of the board of county
14 commissioners and the certificate shall be delivered to the
15 secretary of the district who shall, within thirty (30) days, cause
16 the records of the district to be amended to exclude the municipal
17 corporate limits affected. Notice shall be given, as provided in
18 Section 1324.5 of this title, of the filing of a petition for
19 release of the affected municipal corporation as provided herein,
20 fixing the time and place of hearing, and a copy of said notice
21 shall be sent by certified mail to the chairman of the board of
22 directors of the district in which said corporate limits are
23 located.

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

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