

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 357

By: Crain of the Senate

and

Martin of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to rural water districts; amending 82  
11 O.S. 2011, Section 1324.21, which relates to release  
12 of lands from district; providing withdraw process  
13 for certain municipalities; stating procedures;  
14 requiring purchase of certain infrastructure; and  
15 declaring an emergency.

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

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

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

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

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

1 1324.2 of this title, and that the district no longer serves the  
2 statutory purpose of serving and meeting the needs of rural  
3 residents, as defined by paragraph 5 of Section 1324.2 of this  
4 title, within such corporate limits, as set forth in the Rural  
5 Water, Sewer, Gas and Solid Waste Management District Act. The  
6 resolution shall describe by section or fraction thereof, and by  
7 township and range, the lands within such corporate limits affected  
8 as of the date of the resolution. The resolution shall further  
9 provide that, if any portion of such particular lands have been or  
10 are served by existing water delivery infrastructure belonging to  
11 the district, the municipal corporation shall purchase such  
12 infrastructure at its undepreciated cost to be determined by  
13 negotiation with the district or, if the parties fail to agree on a  
14 cost, by an independent certified public accountant to be appointed  
15 by the district and whose services shall be at the cost of the  
16 municipal corporation. After a finding that the granting of the  
17 petition is to the best interests of the affected municipal  
18 corporation and the district, the board of county commissioners  
19 shall issue a certificate stating that so much of the district as  
20 lies within such corporate limits, as of the date of the petition  
21 and as may thereafter be added by lawful annexation; provided that  
22 the petition shall be amended by subsequent resolution of the  
23 governing body to reflect the legal description of lands so annexed,  
24 is released and separated from the district. Full minutes of the

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

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

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