

1 ENGROSSED SENATE
2 BILL NO. 357

By: Crain of the Senate

3 and

4 Martin of the House

5
6 [rural water districts - release of lands from
7 district - withdraw process - procedures - -
8 ~~emergency~~]

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

13 Section 1324.21. A. In the event that landowners within a
14 district desire to withdraw from such district, fifty-one percent
15 (51%) of the affected landowners or the board of directors by
16 resolution may petition the county commissioners to release those
17 lands from the district. The petition shall describe by section or
18 fraction thereof and by township and range the lands affected.
19 After a finding that the granting of the petition is to the best
20 interests of the affected landowners and the district, the board of
21 county commissioners shall issue a certificate stating that the
22 lands involved are released and separated from the district. Full
23 minutes of the hearing shall be entered in the journal of the board
24 of county commissioners and the certificate shall be delivered to

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

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

1 resolution shall describe by section or fraction thereof, and by
2 township and range, the lands within such corporate limits affected
3 as of the date of the resolution. The resolution shall further
4 provide that, if any portion of such particular lands have been or
5 are served by existing water delivery infrastructure belonging to
6 the district, the municipal corporation shall purchase such
7 infrastructure at its undepreciated cost to be determined by
8 negotiation with the district or, if the parties fail to agree on a
9 cost, by an independent certified public accountant to be appointed
10 by the district and whose services shall be at the cost of the
11 municipal corporation. After a finding that the granting of the
12 petition is to the best interests of the affected municipal
13 corporation and the district, the board of county commissioners
14 shall issue a certificate stating that so much of the district as
15 lies within such corporate limits, as of the date of the petition
16 and as may thereafter be added by lawful annexation; provided that
17 the petition shall be amended by subsequent resolution of the
18 governing body to reflect the legal description of lands so annexed,
19 is released and separated from the district. Full minutes of the
20 hearing shall be entered in the journal of the board of county
21 commissioners and the certificate shall be delivered to the
22 secretary of the district who shall, within thirty (30) days, cause
23 the records of the district to be amended to exclude the municipal
24 corporate limits affected. Notice shall be given, as provided in

1 Section 1324.5 of this title, of the filing of a petition for
2 release of the affected municipal corporation as provided herein,
3 fixing the time and place of hearing, and a copy of said notice
4 shall be sent by certified mail to the chair of the board of
5 directors of the district in which said corporate limits are
6 located.

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

11 Passed the Senate the 11th day of March, 2015.

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13 _____
14 Presiding Officer of the Senate

15 Passed the House of Representatives the ____ day of _____,
16 2015.

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18 _____
19 Presiding Officer of the House
20 of Representatives