

1 ENGROSSED SENATE
2 BILL NO. 426

By: Eason McIntyre of the
Senate

3 and

4 Martin (Steve) of the House

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6
7 An Act relating to cities and towns; amending 11 O.S.
8 2001, Section 2-104, as last amended by Section 1,
9 Chapter 301, O.S.L. 2006 (11 O.S. Supp. 2006, Section
10 2-104), which relates to municipal incorporation;
11 authorizing certain territories having certain
12 population to incorporate with certain documentation;
13 requiring territory to be included in the survey and
14 plat or incorporated as a new municipality; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 11 O.S. 2001, Section 2-104, as
18 last amended by Section 1, Chapter 301, O.S.L. 2006 (11 O.S. Supp.
19 2006, Section 2-104), is amended to read as follows:

20 Section 2-104. A. Except as otherwise provided by ~~subsection~~
21 subsections B and C of this section, no territory within five (5)
22 miles of the corporate limits of a municipality having a population
23 of more than two hundred thousand (200,000), and no territory within
24 three (3) miles of the corporate limits of any municipality having a
population less than two hundred thousand (200,000), according to
the latest federal census, shall be included in the survey and plat

1 provided in Section 2-103 of this title or incorporated as a new
2 municipality.

3 B. Territory within five (5) miles of the corporate limits of a
4 municipality having a population of more than two hundred thousand
5 (200,000) may incorporate as a new municipality if it can be proved
6 to the board of county commissioners by documentation that the
7 territory has historically been identified as a community of people
8 residing in compact form. Such territory shall be included in the
9 survey and plat provided in Section 2-103 of this title or
10 incorporated as a new municipality.

11 C. Territory within three (3) miles of the corporate limits of
12 a municipality having a population of less than two hundred thousand
13 (200,000) may incorporate as a new municipality if it can be proved
14 to the board of county commissioners by documentation that the
15 territory has historically been identified as a community of people
16 residing in compact form. Such territory shall be included in the
17 survey and plat provided in Section 2-103 of this title or
18 incorporated as a new municipality. Upon application of any person
19 or municipality affected, the district court in the county where
20 such territory is located may afford appropriate relief for any
21 violation of this section. Urban areas annexed by a municipality
22 which are completely nonadjacent to the corporate limits of the
23 municipality are not considered as within the corporate limits of
24 that municipality for the purposes of this section.

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SECTION 2. This act shall become effective November 1, 2007.

Passed the Senate the 13th day of March, 2007.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2007.

Presiding Officer of the House
of Representatives