

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3160 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Leslie Osborn \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3160

By: Osborn

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to eminent domain; amending 11 O.S.  
9 2001, Section 36-202, which relates to street  
10 improvements; requiring certain property owners to  
11 concur before an area is assessed; and declaring an  
12 emergency.

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

15 SECTION 1. AMENDATORY 11 O.S. 2001, Section 36-202, is  
16 amended to read as follows:

17 Section 36-202. A. The owners of more than one-half, in area,  
18 of the land liable to assessment for any improvement may petition  
19 the municipal governing body for the improvement of any street,  
20 alley, lane or avenue, or part thereof, not less than one block in  
21 length. However, property zoned for agricultural use in the  
22 petitioned area shall not be assessed without the concurrence of the  
23 owners of such property. The petition shall be filed with the  
24 municipal clerk. The petition shall state in bold, capitalized

1 letters at the top of the page that the cost of the proposed  
2 improvements shall be assessed against the property benefited by the  
3 improvements. The petition shall:

4 1. Describe the character of the improvement desired and the  
5 width of the improvement;

6 2. Indicate the materials preferred by the petitioners for the  
7 improvement; and

8 3. Show that the petitioners are the record owners of the land  
9 liable to assessment.

10 B. The governing body shall determine the sufficiency of the  
11 petition and its finding shall be conclusive and binding for all  
12 purposes and against all persons. The governing body may conduct  
13 hearings on the sufficiency of the petition and compel the  
14 attendance of witnesses under oath. No action or suit to question  
15 the findings of the governing body on the sufficiency of the  
16 petition may be commenced later than fifteen (15) days after such  
17 finding.

18 C. Upon making a satisfactory determination of the sufficiency  
19 of the petition, the governing body shall direct the engineer to  
20 prepare preliminary plans and estimates, as provided in Section  
21 36-203 of this title, and proceed with the improvement in the manner  
22 provided by Sections 36-201 through 36-226 of this title.

23 SECTION 2. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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