

THE HOUSE OF REPRESENTATIVES  
Monday, March 1, 2010

Committee Substitute for  
House Bill No. 3160

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3160 - By: OSBORN AND FIELDS  
of the House and JUSTICE of the Senate.

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

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

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

3 Section 36-202. A. The owners of more than one-half, in area, of the land liable to  
4 assessment for any improvement may petition the municipal governing body for the  
5 improvement of any street, alley, lane or avenue, or part thereof, not less than one block  
6 in length. However, property zoned for agricultural use in the petitioned area shall not  
7 be assessed without the concurrence of the owners of such property. The petition shall be  
8 filed with the municipal clerk. The petition shall state in bold, capitalized letters at the  
9 top of the page that the cost of the proposed improvements shall be assessed against the  
10 property benefited by the improvements. The petition shall:

11 1. Describe the character of the improvement desired and the width of the  
12 improvement;

- 1           2. Indicate the materials preferred by the petitioners for the improvement; and  
2           3. Show that the petitioners are the record owners of the land liable to assessment.

3           B. The governing body shall determine the sufficiency of the petition and its finding  
4 shall be conclusive and binding for all purposes and against all persons. The governing  
5 body may conduct hearings on the sufficiency of the petition and compel the attendance  
6 of witnesses under oath. No action or suit to question the findings of the governing body  
7 on the sufficiency of the petition may be commenced later than fifteen (15) days after  
8 such finding.

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL  
17 DEVELOPMENT, dated 02-25-10 - DO PASS, As Amended and Coauthored.

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.