

BILL SUMMARY
1st Session of the 52nd Legislature

Bill No.:	HB 1389
Version:	CCS (7947)
Author:	Representative Osborn
Date:	May 13, 2009
Impact:	State Cost -\$0
	Municipalities – Potential Annexation Legal Costs

Bill Summary

Research Analyst: Dusty Darr

This measure provides that a prevailing property owner be awarded attorney fees and court costs in annexation disputes, including when a municipality withdraws, revokes or reverses the ordinance at issue in response to litigation prior to the issuance of a final judgment.

Fiscal Summary

Fiscal Analyst: Terry McKenna

The Conference Committee Substitute to HB 1389 modifies the grounds for involuntary dissolution of a municipality to include the condition that the municipality is totally within an area subject to subsidence, environmental contamination of flooding as a result of mining operations, dam construction or natural causes beyond the control of the municipality, and that the municipality is unable to meet the cost of continuing its government and maintaining its services to residents due to a reduction in population resulting from such circumstances.

Section 2 of the measure remains unchanged from the engrossed version, which provides that a prevailing property owner in an annexation dispute shall be entitled to court costs and attorney's fees, including when a municipality withdraws, revokes or reverses the ordinance at issue in response to litigation before issuance of a final judgment.

Fiscal Analysis

In its present form, there is no fiscal impact on the revenues or resources of the state under the provisions of the Conference Committee Substitute HB 1389.

The Oklahoma Municipal League advises that under the provisions of Section 2 of the measure municipalities would be liable to court costs and attorneys related to annexation disputes.

Long Term Fiscal Considerations

None

Fiscal Analysis Reviewed by:

Mark Tygret

House Fiscal Director