

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2531 _____
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: Aaron Stiles

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2531

By: Stiles

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to cities and towns; amending 11 O.S.
9 2011, Section 15-103, which relates to municipal
10 initiatives and referendums; providing exception;
11 modifying signature requirements for certain
12 petitions; defining term; amending 11 O.S. 2011,
13 Sections 43-101 and 43-104, which relate to municipal
14 buildings and zoning; limiting regulations and
15 restrictions; requiring notice to include certain
16 information; providing an effective date; and
17 declaring an emergency.

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

19 SECTION 1. AMENDATORY 11 O.S. 2011, Section 15-103, is
20 amended to read as follows:

21 Section 15-103. A. The form of the petition for either
22 initiative or referendum in a municipality shall be substantially as
23 provided in Sections 1 and 2 of Title 34 of the Oklahoma Statutes.

24 A true copy of each measure proposed by initiative and referendum
shall be filed with the clerk of the municipality before it is
circulated and signed by the registered voters.

1 B. Every Except as provided by subsection C of this section,
2 every petition for either the initiative or referendum shall be
3 signed by a number of the registered voters residing in the
4 municipality equal to at least twenty-five percent (25%) of the
5 total number of votes cast at the preceding general election or
6 biennial town meeting if the municipality is subject to the Oklahoma
7 Town Meeting Act. The signatures to each petition shall be verified
8 in the manner provided by law.

9 C. A petition for either the initiative or referendum regarding
10 a municipal planning or zoning matter shall be signed by at least
11 twenty-five percent (25%) of the total number of affected property
12 owners. For purposes of this subsection, "affected property owners"
13 means any owner of real property located within the boundaries or
14 bordering the area of the proposed municipal planning or zoning
15 matter.

16 D. Signed copies of an initiative petition shall be submitted
17 to the clerk within ninety (90) days after the initial filing of the
18 measure with the clerk. Signed copies of a petition invoking a
19 referendum upon any ordinance or resolution shall be submitted to
20 the clerk within thirty (30) days after the passage of the ordinance
21 or resolution. Amendments to municipal charters may be proposed by
22 an initiative petition, and signed copies of such petition shall be
23 submitted to the clerk not less than sixty (60) days before the
24 election at which the amendments are to be voted upon.

1 SECTION 2. AMENDATORY 11 O.S. 2011, Section 43-101, is
2 amended to read as follows:

3 Section 43-101. ~~For the purpose of promoting health, safety,~~
4 ~~morals, or the general welfare of the community,~~ a A municipal
5 governing body may regulate and restrict the height, number of
6 stories, and size of buildings and other structures, the percentage
7 of lot that may be occupied, the size of yards, courts and other
8 open spaces, the density of population, and the location and use of
9 buildings, structures and land for trade, industry, residence or
10 other purposes, only when the regulations and restrictions are
11 substantially related to an important reason or end. The reason or
12 end shall promote the health, safety, morals or the general welfare
13 of the community, it shall be important enough to the community as a
14 whole to justify the reason or end and the reason or end shall be
15 stated with clarity.

16 SECTION 3. AMENDATORY 11 O.S. 2011, Section 43-104, is
17 amended to read as follows:

18 Section 43-104. A. Parties in interest and citizens shall have
19 an opportunity to be heard at a public hearing before any district
20 regulation, restriction, or boundary shall become effective. At
21 least fifteen (15) days' notice of the date, time, and place of the
22 hearing shall be published in a newspaper of general circulation in
23 the municipality. The notice shall include a map of the area to be
24 affected which indicates street names or numbers, streams, or other

1 significant landmarks in the area, and the important reason or end
2 for the regulation, restriction, or boundary as required by Section
3 43-101 of this title.

4 B. In addition to the notice required in subsection A of this
5 section, if the zoning change requested permits the use of treatment
6 facilities, multiple family facilities, transitional living
7 facilities, halfway houses and any housing or facility that may be
8 used for medical or nonmedical detoxification as these terms are
9 defined pursuant to Section 3-403 of Title 43A of the Oklahoma
10 Statutes, the entity proposing the change in district regulation,
11 restriction, or boundary shall mail a written notice within thirty
12 (30) days of the hearing to all real property owners within one-
13 quarter (1/4) of a mile where the area to be affected is located and
14 shall be responsible for all costs incurred in mailing this notice.

15 For purposes of this subsection, "entity" means any individual,
16 corporation, company, firm, partnership, association, trust, state
17 agency, government instrumentality or agency, institution, county,
18 incorporated municipality or municipal authority or trust in which
19 any governmental entity is a beneficiary, venture, or other legal
20 entity however organized.

21 SECTION 4. This act shall become effective July 1, 2012.

22 SECTION 5. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
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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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