

1 ENGROSSED SENATE  
2 BILL NO. 147

By: Barrington of the Senate

3 and

4 Holland of the House

5  
6 An Act relating to incorporation of towns; amending  
7 11 O.S. 2001, Section 3-101, as amended by Section 2,  
8 Chapter 329, O.S.L. 2004 (11 O.S. Supp. 2010, Section  
9 3-101), which relates to petitions for incorporation  
10 of towns; modifying signature requirements; amending  
11 11 O.S. 2001, Section 41-104, which relates to plats;  
12 clarifying certain requirement; and declaring an  
13 emergency.

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

15 SECTION 1. AMENDATORY 11 O.S. 2001, Section 3-101, as  
16 amended by Section 2, Chapter 329, O.S.L. 2004 (11 O.S. Supp. 2010,  
17 Section 3-101), is amended to read as follows:

18 Section 3-101. A. A petition for incorporation of a town shall  
19 be presented to the board of county commissioners of the county in  
20 which the proposed town is located, at the time indicated in the  
21 notice, as provided for in subsection C of this section, or as soon  
22 thereafter as the board can receive and consider it. The petition  
23 shall be:

24 1. In writing; and

2. Signed by at least one-third (1/3) of the registered voters  
residing in the proposed town as shown by the preceding general

1 election or by at least twenty-five (25) registered voters residing  
2 in the proposed town, whichever number is greater. The registered  
3 voters signing the petition must be residents of the proposed town  
4 at the time of signing the petition and for the sixty (60) days  
5 immediately preceding the signing of the petition.

6 B. Each petition shall be on a separate sheet and shall be  
7 authenticated by the affidavit of at least one credible witness that  
8 the signatures are genuine, ~~and that the signers of the petition are~~  
9 ~~registered voters of the proposed town,~~ signatures on the petition  
10 are in compliance with the provisions of paragraph 2 of subsection A  
11 of this section, and that the signatures on the petition were not  
12 gathered more than thirty (30) days prior to the petition being  
13 presented to the board. The petition shall include:

14 1. The name of the proposed town;

15 2. The survey and plat of the proposed town;

16 3. The resident population including names and addresses of  
17 persons residing in the area of the proposed town not more than  
18 sixty (60) days prior to presenting the petition to the board of  
19 county commissioners;

20 4. The number and boundaries of the proposed town wards or, if  
21 no wards are proposed, the number of positions on the proposed board  
22 of trustees;

23 5. The appropriate documentation to prove that territory within  
24 five (5) miles of the corporate limits of a municipality having a

1 population of more than two hundred thousand (200,000) has  
2 historically been identified as a community of people residing in  
3 compact form, if applicable; and

4 6. Affidavits verifying the facts contained in the petition.

5 C. Not less than thirty (30) days before presenting the  
6 petition to the board of county commissioners, notice of the intent  
7 of the petitioners to apply for incorporation of a town shall be  
8 given by leaving the survey, plat, census, and description of wards,  
9 if any, in some convenient place in the proposed town for  
10 examination by those having an interest in the application.

11 SECTION 2. AMENDATORY 11 O.S. 2001, Section 41-104, is  
12 amended to read as follows:

13 Section 41-104. When the plat or map is completed, it shall be  
14 certified by a registered land surveyor ~~and the owner or agent~~ who  
15 has prepared it and the landowner. At or before the time of  
16 offering the plat or map for record, the plat or map must be  
17 acknowledged before some person authorized to take acknowledgment of  
18 deeds. A certificate of such acknowledgment shall be endorsed on  
19 the plat or map. The certificate of the survey and acknowledgment  
20 shall also be recorded and form a part of the record.

21 SECTION 3. It being immediately necessary for the preservation  
22 of the public peace, health and safety, an emergency is hereby  
23 declared to exist, by reason whereof this act shall take effect and  
24 be in full force from and after its passage and approval.

