

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 426

By: Eason McIntyre of the  
Senate

3  
4 and

5 Martin (Steve) of the  
House

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8  
9 An Act relating to cities and towns; amending 11 O.S.  
10 2001, Section 2-104, as last amended by Section 1,  
Chapter 301, O.S.L. 2006 (11 O.S. Supp. 2006, Section  
11 2-104), which relates to municipal incorporation; \* \* \*  
and providing an effective date.

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13 AUTHOR: Add the following House Coauthor: Sherrer

14 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
15 and insert

16 "An Act relating to cities and towns; amending 11  
17 O.S. 2001, Section 2-104, as last amended by Section  
18 1, Chapter 301, O.S.L. 2006 (11 O.S. Supp. 2006,  
19 Section 2-104), which relates to municipal  
20 incorporation; authorizing certain territories  
21 having certain population to incorporate with  
22 certain documentation; requiring territory to be  
included in the survey and plat or incorporated as a  
new municipality; defining terms; providing for  
municipal regulation of amateur radio; repealing 11  
O.S. 2001, Section 47-119, which relates to use of  
certain private roadways; providing for  
codification; and providing an effective date.

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

2 SECTION 1. AMENDATORY 11 O.S. 2001, Section 2-104, as  
3 last amended by Section 1, Chapter 301, O.S.L. 2006 (11 O.S. Supp.  
4 2006, Section 2-104), is amended to read as follows:

5 Section 2-104. A. Except as otherwise provided by ~~subsection~~  
6 subsections B and C of this section, no territory within five (5)  
7 miles of the corporate limits of a municipality having a population  
8 of more than two hundred thousand (200,000), and no territory within  
9 three (3) miles of the corporate limits of any municipality having a  
10 population less than two hundred thousand (200,000), according to  
11 the latest federal census, shall be included in the survey and plat  
12 provided in Section 2-103 of this title or incorporated as a new  
13 municipality.

14 B. Territory within five (5) miles of the corporate limits of a  
15 municipality having a population of more than two hundred thousand  
16 (200,000) may incorporate as a new municipality if it can be proved  
17 to the board of county commissioners by documentation that the  
18 territory has historically been identified as a community of people  
19 residing in compact form. Such territory shall be included in the  
20 survey and plat provided in Section 2-103 of this title or  
21 incorporated as a new municipality.

22 C. Territory within three (3) miles of the corporate limits of  
23 a municipality having a population of less than two hundred thousand  
24 (200,000) may incorporate as a new municipality if it can be proved

1 to the board of county commissioners by documentation that the  
2 territory has historically been identified as a community of people  
3 residing in compact form. Such territory shall be included in the  
4 survey and plat provided in Section 2-103 of this title or  
5 incorporated as a new municipality. Upon application of any person  
6 or municipality affected, the district court in the county where  
7 such territory is located may afford appropriate relief for any  
8 violation of this section. Urban areas annexed by a municipality  
9 which are completely nonadjacent to the corporate limits of the  
10 municipality are not considered as within the corporate limits of  
11 that municipality for the purposes of this section.

12 SECTION 2. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 55-103 of Title 11, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. As used in this section:

16 1. "Amateur radio" means the use of amateur radio and amateur  
17 satellite radio frequencies and services by qualified and federally  
18 authorized persons of any age who are interested in radio technique  
19 without pecuniary interest;

20 2. "Antenna" means an array of wires, tubing, or the like used  
21 for the transmission and reception of radio waves; and

22 3. "Antenna support structure" means a structure or framework  
23 that is designed to elevate an antenna above the ground for the  
24 purpose of increasing the effective communications range and

1 reliability of an amateur radio station. Amateur radio antenna  
2 support structures are removable by design and therefore are a  
3 removable structure for assessment purposes.

4 B. A municipal ordinance regulating amateur radio antenna or  
5 amateur radio antenna support structures shall comply with the  
6 requirements of 47 C.F.R., Section 97.15(b), as amended from time to  
7 time, by allowing for the erection of an amateur radio antenna or an  
8 amateur radio antenna support structure at a height and dimension  
9 sufficient to accommodate amateur radio service communications.

10 SECTION 3. REPEALER 11 O.S. 2001, Section 47-119, is  
11 hereby repealed.

12 SECTION 4. This act shall become effective November 1, 2007."

13 Passed the House of Representatives the 19th day of April, 2007.

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Presiding Officer of the House of  
Representatives

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18 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2007.

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Presiding Officer of the Senate