

1 ENGROSSED HOUSE
2 BILL NO. 1166

By: Kelley, Miller, and
Steagall of the House

3 and

4 Howard of the Senate
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6
7 An Act relating to cities and towns; amending 11 O.S.
8 2021, Section 21-103, which relates to procedures for
9 annexation; modifying procedure for annexation of
territory without the consent of majority of owners;
and providing an effective date.

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

13 SECTION 1. AMENDATORY 11 O.S. 2021, Section 21-103, is
14 amended to read as follows:

15 Section 21-103. A. Before the governing body of a city or town
16 may annex any territory adjacent or contiguous to the city or town,
17 it must obtain the written consent of the owners of at least a
18 majority of the acres to be annexed to the municipality and provide
19 for notice and a public hearing on the proposed annexation of the
20 territory in the manner provided in subsection B of this section.
21 The annexation of land by a connecting strip serving no municipal
22 purpose other than to establish statutory contiguity or
23 adjacentness, or to capture territory within the area to be annexed,
24 constitutes an impermissible exercise of state-delegated authority

1 by a municipality and shall be prohibited. Municipalities with a
2 population of twelve thousand (12,000) or less may only annex up to
3 eight (8) square miles in one area at any one time provided the
4 municipality obtains the written consent of the owners of at least
5 sixty-five percent (65%) of the acres to be annexed and twenty-five
6 percent (25%) of the population to be annexed.

7 B. The governing body shall provide the notice and public
8 hearing required in subsection A of this section in the following
9 manner:

10 1. The governing body of the municipality shall direct that
11 notice of the proposed annexation of the territory be published in a
12 legally qualified newspaper of general circulation in the territory
13 and shall describe the boundaries of the territory proposed to be
14 annexed by reference to a map, geographical locations, legal or
15 physical description or other reasonable designation. The notice
16 shall state the date, time, and place the governing body shall
17 conduct a public hearing on the question of annexing the territory.
18 The notice shall be published in a legal newspaper of general
19 circulation in the territory sought to be annexed within fourteen
20 (14) days following the date the governing body directed the notice
21 to be published;

22 2. A copy of the notice of annexation shall be mailed by first-
23 class mail to all owners of property to be annexed as shown by the
24 current year's ownership rolls in the office of the county treasurer

1 and to all owners of property abutting any public right-of-way that
2 forms the boundary of the territory proposed to be annexed and to
3 the Sales and Use Tax Division of the Oklahoma Tax Commission;
4 provided that the notice of annexation shall be mailed by certified
5 mail to every person who owns a parcel of land of five (5) acres or
6 more used for agricultural purposes; and

7 3. The public hearing of such annexation shall be held no
8 earlier than fourteen (14) days nor more than thirty (30) days
9 following the publication and mailing of the notice.

10 C. Unless otherwise provided by law, a roadway or road right-
11 of-way that is adjacent or contiguous to the territory to be annexed
12 shall be considered a part and parcel to the territory to be
13 annexed.

14 D. Before any territory is annexed to a municipality, ~~without~~
15 ~~the written consent of the owners of at least a majority of the~~
16 ~~acres to be annexed to the municipality in accordance with~~
17 ~~subsection A of this section, the governing body of the municipality~~
18 ~~shall direct that notice of the proposed annexation of the territory~~
19 ~~be published in a legally qualified newspaper of general circulation~~
20 ~~in the territory and shall hold a public hearing on the proposed~~
21 ~~annexation. Prior and prior to the publication of notice pursuant~~
22 ~~to subsection B of this section,~~ the municipality shall prepare a
23 plan to extend municipal services including, but not limited to,
24 water, sewer, fire protection, law enforcement and the cost of such

1 services appropriate to the proposed annexed territory. The plan
2 shall be included in the notices published and mailed pursuant to
3 subsection B of this section. The plan shall provide that the
4 municipality complete the implementation of the plan in accordance
5 with any existing capital improvement plan applicable to the portion
6 of the municipality adjacent to the territory proposed to be
7 annexed. If no such capital improvement plan has been adopted, the
8 municipality shall complete the service plan within one hundred
9 twenty (120) months from the date of annexation unless a different
10 time is determined by consensus between property owners and the
11 municipality at the hearing. The time for completion of the service
12 plan shall be set forth in the ordinance annexing the territory. If
13 municipality services are not ~~substantially~~ complete within the
14 prescribed time, then the territory shall immediately be detached ~~by~~
15 from the governing body ~~as provided in Section 21-110 of this title~~
16 upon expiration of the one hundred twenty (120) months. For
17 purposes of this subsection, services may be provided by any method
18 or means available to the municipality to extend municipal services
19 to any other area of the city or town. ~~Such notice, hearing and~~
20 ~~plan shall be subject to the following provisions:~~

21 ~~1. The notice shall describe the boundaries of the territory~~
22 ~~proposed to be annexed by reference to a map, geographical~~
23 ~~locations, legal or physical description or other reasonable~~
24 ~~designation and shall state that the proposed service plan is~~

1 ~~available for inspection at a specified location. The notice shall~~
2 ~~state the date, time, and place when the governing body shall~~
3 ~~conduct a public hearing on the question of annexing the territory.~~
4 ~~The notice shall be published in a legal newspaper of general~~
5 ~~circulation in the territory sought to be annexed within fourteen~~
6 ~~(14) days following the date the governing body directed the notice~~
7 ~~to be published. A copy of the notice of annexation shall be mailed~~
8 ~~by first-class mail to all owners of property to be annexed as shown~~
9 ~~by the current year's ownership rolls in the office of the county~~
10 ~~treasurer and to the Department of Transportation for purposes of~~
11 ~~clarifying any road maintenance responsibilities; provided that the~~
12 ~~notice of annexation shall be mailed by certified mail to every~~
13 ~~person who owns parcel of land of five (5) acres or more used for~~
14 ~~agricultural purposes and to the board of county commissioners of~~
15 ~~the respective county where the proposed annexation is located. If~~
16 ~~the territory to be annexed encroaches upon any adjacent county, a~~
17 ~~copy of the notice of annexation shall be mailed by first-class mail~~
18 ~~to the board of county commissioners of the adjacent county and of~~
19 ~~the county where the proposed annexation is located;~~

20 ~~2. The public hearing of such annexation shall be held no~~
21 ~~earlier than fourteen (14) days nor more than thirty (30) days~~
22 ~~following the publication and mailing of the notice; and~~

23 ~~3. The proposed service plan shall be available for inspection~~
24 ~~and be explained to the property owners of the territory to be~~

1 ~~annexed at the public hearing. The plan may be amended through~~
2 ~~negotiation at the hearing. The final service plan shall be~~
3 ~~incorporated into and made part of the ordinance annexing the~~
4 ~~territory.~~

5 ~~E.~~ In any situation where the territory to be annexed by any
6 city or town includes land owned by a state beneficiary public trust
7 or that was previously owned and conveyed by a state beneficiary
8 public trust, annexation ~~shall not be carried out under the~~
9 ~~provisions of subsection D of this section, but instead shall~~
10 require the written consent of all of said trust and transferees of
11 said trust.

12 ~~F.~~ E. The prevailing property owner in an annexation dispute
13 shall be entitled to court costs and reasonable attorney fees,
14 including, but not limited to, when a municipality withdraws,
15 revokes or otherwise reverses the ordinance at issue in response to
16 litigation before issuance of a final judgment.

17 ~~G.~~ F. As used in this section:

18 1. "Airport" means any facility owned by any legal entity or by
19 a county, a municipality or a public trust having at least one
20 county or municipality as its beneficiary which is used primarily
21 for the purpose of providing air transportation of persons or goods
22 or both by aircraft powered through the use of propellers,
23 turboprops, jets or similar propulsion systems;

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1 2. "Military installation" means those facilities constituting
2 the active or formerly active bases owned by the Department of
3 Defense or other applicable entity of the United States government
4 or by any entity of local government after transfer of title to such
5 installation; and

6 3. "Spaceport" means any area as defined pursuant to Section
7 5202 of Title 74 of the Oklahoma Statutes.

8 ~~H.~~ G. Except for ordinances enacted pursuant to Section 43-
9 101.1 of this title, parcels of land five (5) acres or more used for
10 agricultural purposes annexed into the municipal limits on or after
11 July 1, 2003, or parcels of land forty (40) acres or more used for
12 agricultural purposes prior to annexation and have continued in
13 uninterrupted agriculture use annexed into the municipal limits
14 shall be exempt from ordinances restricting land use and building
15 construction to the extent such land use or construction is related
16 to agricultural purposes. Where there is no residence within fifty
17 (50) feet of the boundaries of such a parcel of land, the property
18 shall not be subject to ordinances regulating conduct that would not
19 be an offense under state law; provided, that any such property that
20 discharges into the municipal water, wastewater, or sewer system
21 shall be subject to any ordinances or regulations related to
22 compliance with environmental standards for that system.

23 ~~F.~~ H. Parcels of land situated within an area that is or may be
24 subject to any form of land use or other regulatory control as a

1 result of proximity to an airport, spaceport or military
2 installation shall not be exempt from municipal ordinances or other
3 laws regulating property for the purpose of operations necessary for
4 the use of an airport, spaceport or military installation and such
5 parcels of land shall be subject to all ordinances enacted pursuant
6 to Section 43-101.1 of this title.

7 ~~¶~~ I. If territory is annexed pursuant to this section, the
8 annexing governing body shall provide notice by first-class mail
9 together with a map and plat of the annexed territory to the Sales
10 and Use Tax Division of the Oklahoma Tax Commission prior to the
11 effective date of such annexation. The Tax Commission shall notify
12 the known sales tax vendors within the boundaries of the annexed
13 territory as provided by Section 119 of Title 68 of the Oklahoma
14 Statutes.

15 SECTION 2. This act shall become effective November 1, 2025.

16 Passed the House of Representatives the 24th day of March, 2025.

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Presiding Officer of the House
of Representatives

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21 Passed the Senate the _____ day of _____, 2025.

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Presiding Officer of the Senate

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