

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 342

By: Standridge of the Senate

and

Russ of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to public finance; amending 62 O.S.  
11 2011, Sections 855 and 859, which relate to the Local  
12 Development Act; modifying membership of review  
13 committee; expanding duties of review committee;  
14 modifying voting requirement for approval of  
15 specified proposed district or plan; directing  
16 governing body to complete analysis of plan impacts;  
17 prescribing posting public hearing notice on the  
18 website; requiring notice of hearing or plan analysis  
19 be mailed to identified entities or persons; and  
20 providing an effective date.

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

22 SECTION 1. AMENDATORY 62 O.S. 2011, Section 855, is  
23 amended to read as follows:

24 Section 855. A. Prior to the adoption and approval of a  
project plan and the ordinance or resolution required under Section  
856 of this title and prior to the public hearing required under  
Section 859 of this title, the governing body shall appoint a review

1 committee to review and make a recommendation concerning the  
2 proposed district, plan or project. The membership of the review  
3 committee shall consist of the following: a representative of the  
4 governing body who shall serve as chairperson; a representative of  
5 the planning commission having jurisdiction over the proposed  
6 district; a representative designated by each taxing jurisdiction  
7 within the proposed district whose ad valorem taxes might be  
8 impacted according to the plan; and three members representing the  
9 public at large and selected by the other committee members from a  
10 list of seven names submitted by the chairperson of the review  
11 committee; provided, at least one of the members representing the  
12 public at large shall be a representative of a retail business in  
13 operation for at least five (5) years in the proposed district, if  
14 available, and such person agrees to serve.

15 B. The review committee shall consider and make its findings  
16 and recommendations to the governing body with respect to the  
17 conditions establishing the eligibility of the proposed district.  
18 The review committee recommendations shall include the analysis used  
19 to project revenues over the life of the project plan, the effect on  
20 the taxing entities and the appropriateness of the approval of the  
21 proposed plan and project. The review committee may recommend that  
22 the project plan be approved, denied or approved subject to  
23 conditions set forth by the committee.

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1 C. Prior to approval by the governing body, the review  
2 committee shall consider and determine whether the proposed plan and  
3 project will have a financial impact on any taxing jurisdiction or  
4 business entity within the proposed district and shall report its  
5 findings to the governing body. Such considerations shall be  
6 concurrent with or subsequent to the review and consideration of the  
7 committee provided for in subsection B of this section. The  
8 approval of any district plan or project by the governing body shall  
9 address any findings of such impact by the review committee.

10 D. In the event of any changes in the area to be included in  
11 the proposed district or any substantial changes in the proposed  
12 plan and project or for any other reason deemed appropriate by the  
13 governing body, the review committee shall consider and may modify  
14 its findings and recommendations made pursuant to the provisions of  
15 subsection B of this section.

16 E. Approval of the proposed district or the proposed plan or  
17 project by the governing body which is in accord with the  
18 recommendation of the review committee shall be by a majority vote  
19 of the governing body. Such approval which is not in accord with  
20 the recommendations ~~and/or~~ or conditions set forth by the review  
21 committee shall be by a ~~two-thirds (2/3)~~ three-fourths (3/4)  
22 majority vote.

23 F. Meetings of the review committee shall be subject to the  
24 Oklahoma Open Meeting Act. Any information relating to the

1 marketing plans, financial statements, trade secrets or any other  
2 proprietary information submitted to the review committee by a  
3 person or entity seeking adoption and approval of a proposed  
4 district, plan or project shall be confidential, except to the  
5 extent that the person or entity which provided the information  
6 consents to disclosure. Executive sessions may be held to discuss  
7 such information if deemed necessary by the review committee.

8 SECTION 2. AMENDATORY 62 O.S. 2011, Section 859, is  
9 amended to read as follows:

10 Section 859. A. Before the adoption of a project plan or  
11 subsequent amendments thereto, the governing body must hold two  
12 public hearings. The primary purpose of the first hearing will be  
13 to provide information and to answer questions; provided, such  
14 information shall include, but not be limited to, an analysis of  
15 potential positive or negative impacts which may result from the  
16 adoption of a project plan. A representative of the city, town or  
17 county shall present the city, town or county's proposed plan or  
18 amendment thereto. The date of the second public hearing shall be  
19 announced in the presence of the persons in attendance at the  
20 hearing, but such date shall be more than seven (7) days after the  
21 date of the first public hearing. The purpose of the second public  
22 hearing shall be to give any interested persons the opportunity to  
23 express their views on the proposed plan or amendment thereto.

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1 B. Notice of the first public hearing shall be given once by  
2 publication in a newspaper with circulation in the city, town or  
3 county and published on the political subdivision's website. Notice  
4 or analysis of the proposed project plan shall also be provided by  
5 certified mail to any entity or organization or any person who  
6 requests notice of such public hearing or analysis of the proposed  
7 project plan. Such ~~notice~~ notices must be published or mailed no  
8 later than fourteen (14) days before the date of the public hearing.

9 The notice shall include the following:

10 1. The time and place of the public hearing;

11 2. The boundaries of the proposed districts and proposed  
12 project areas by legal description and by street location, if  
13 possible, accompanied by a sketch clearly delineating the area in  
14 detail as may be necessary to advise the reader of the particular  
15 land proposed to be included;

16 3. A statement that the first public hearing shall be for  
17 information and questions purposes only with persons being given the  
18 opportunity to be heard at the second public hearing before any  
19 votes are taken;

20 4. A description of the project plan or amendment thereto and a  
21 location and time where the entire plan may be reviewed by any  
22 interested party; and

23 5. Such other matters as the city, town or county may deem  
24 appropriate.

1 C. Notice of the second public hearing may be included in the  
2 publication notice provided for in subsection B of this section.  
3 Notice of the second public hearing shall be published in the same  
4 manner as the notice provided for in subsection B of this section  
5 if:

6 1. Notice for both public hearings is not included in the  
7 notice of the first public hearing;

8 2. The location, date or time of the second public hearing is  
9 changed after the notice of the first hearing has been published; or

10 3. The second public hearing is held more than fourteen (14)  
11 days after the first public hearing.

12 D. The provisions of this section shall not apply to the  
13 adoption of minor amendments as provided for in Section 858 of this  
14 title.

15 E. Technical irregularities in the form of the notice required  
16 by this section shall not result in the invalidation of any  
17 ordinance enacted or amended subsequent thereto, so long as the  
18 notice, as published, reasonably apprises interested parties as to  
19 the subject matter of the hearings and correctly describes the date,  
20 time and place of such hearings.

21 SECTION 3. This act shall become effective November 1, 2015.

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