

1 STATE OF OKLAHOMA

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

3 SENATE BILL 342

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to public finance; amending 62 O.S.
8 2011, Sections 855 and 859, which relate to the Local
9 Development Act; modifying representation on
10 specified review committee; expanding duties of
11 review committee; modifying requirement for approval
12 of proposed district or plan under specified
13 conditions; requiring governing body to complete
14 specified analysis; requiring analysis to be audited;
15 requiring specified notice of hearing to certain
16 entities or organizations; and declaring an
17 emergency.

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

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

21 Section 855. A. Prior to the adoption and approval of a
22 project plan and the ordinance or resolution required under Section
23 856 of this title and prior to the public hearing required under
24 Section 859 of this title, the governing body shall appoint a review
committee to review and make a recommendation concerning the
proposed district, plan or project. The membership of the review
committee shall consist of the following: a representative of the

1 governing body who shall serve as chairperson; a representative of
2 the planning commission having jurisdiction over the proposed
3 district; a representative designated by each taxing jurisdiction
4 within the proposed district whose ad valorem taxes might be
5 impacted according to the plan; and three members representing the
6 public at large and selected by the other committee members from a
7 list of seven names submitted by the chairperson of the review
8 committee; provided, at least one of the members representing the
9 public at large shall be a representative of the business community
10 from the proposed district.

11 B. The review committee shall consider and make its findings
12 and recommendations to the governing body with respect to the
13 conditions establishing the eligibility of the proposed district,
14 selection of an individual, entity or organization unaffiliated with
15 the governing body to audit the analysis required in subsection A of
16 Section 859 of this title, and the appropriateness of the approval
17 of the proposed plan and project. The review committee may
18 recommend that the project plan be approved, denied or approved
19 subject to conditions set forth by the committee.

20 C. Prior to approval by the governing body, the review
21 committee shall consider and determine whether the proposed plan and
22 project will have a financial impact on any taxing jurisdiction
23 within the proposed district and shall report its findings to the
24 governing body. Such considerations shall be concurrent with or

1 subsequent to the review and consideration of the committee provided
2 for in subsection B of this section. The approval of any district
3 plan or project by the governing body shall address any findings of
4 such impact by the review committee.

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

11 E. Approval of the proposed district or the proposed plan or
12 project by the governing body which is in accord with the
13 recommendation of the review committee shall be by a majority vote
14 of the governing body. Such approval which is not in accord with
15 the recommendations and/or conditions set forth by the review
16 committee shall be by a ~~two-thirds (2/3) majority~~ unanimous vote.

17 F. Meetings of the review committee shall be subject to the
18 Oklahoma Open Meeting Act. Any information relating to the
19 marketing plans, financial statements, trade secrets or any other
20 proprietary information submitted to the review committee by a
21 person or entity seeking adoption and approval of a proposed
22 district, plan or project shall be confidential, except to the
23 extent that the person or entity which provided the information
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1 consents to disclosure. Executive sessions may be held to discuss
2 such information if deemed necessary by the review committee.

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

5 Section 859. A. Before the adoption of a project plan or
6 subsequent amendments thereto, the governing body must hold two
7 public hearings. The primary purpose of the first hearing will be
8 to provide information and to answer questions; provided, such
9 information shall include, but not be limited to, an analysis of
10 potential positive or negative impacts which may result from the
11 adoption of a project plan. Before the first hearing, the analysis
12 shall be audited by an individual, entity or organization
13 unaffiliated with the governing body, chosen by the review
14 committee, to certify that the analysis is complete and an accurate
15 representation of the potential impacts. A representative of the
16 city, town or county shall present the city, town or county's
17 proposed plan or amendment thereto. The date of the second public
18 hearing shall be announced in the presence of the persons in
19 attendance at the hearing, but such date shall be more than seven
20 (7) days after the date of the first public hearing. The purpose of
21 the second public hearing shall be to give any interested persons
22 the opportunity to express their views on the proposed plan or
23 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. Notice shall also be provided by certified mail to any
4 entity or organization headquartered within the proposed district
5 which has as its primary purpose representation of the business
6 community. Such ~~notice~~ notices must be published no later than
7 fourteen (14) days before the date of the public hearing. The
8 notice shall include the following:

- 9 1. The time and place of the public hearing;
- 10 2. The boundaries of the proposed districts and proposed
11 project areas by legal description and by street location, if
12 possible, accompanied by a sketch clearly delineating the area in
13 detail as may be necessary to advise the reader of the particular
14 land proposed to be included;
- 15 3. A statement that the first public hearing shall be for
16 information and questions purposes only with persons being given the
17 opportunity to be heard at the second public hearing before any
18 votes are taken;
- 19 4. A description of the project plan or amendment thereto and a
20 location and time where the entire plan may be reviewed by any
21 interested party; and
- 22 5. Such other matters as the city, town or county may deem
23 appropriate.

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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. It being immediately necessary for the preservation
22 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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