

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 342

By: Standridge of the Senate

and

Russ of the House

8
9
10 COMMITTEE SUBSTITUTE

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

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

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

 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

1 Section 859 of this title, the governing body shall appoint a review
2 committee to review and make a recommendation concerning the
3 proposed district, plan or project. The membership of the review
4 committee shall consist of the following: a representative of the
5 governing body who shall serve as chairperson; a representative of
6 the planning commission having jurisdiction over the proposed
7 district; a representative designated by each taxing jurisdiction
8 within the proposed district whose ad valorem taxes might be
9 impacted according to the plan; and three members representing the
10 public at large and selected by the other committee members from a
11 list of seven names submitted by the chairperson of the review
12 committee; provided, at least one of the members representing the
13 public at large shall be a representative of a retail business in
14 operation for at least five (5) years in the proposed district, if
15 available, and such person agrees to serve.

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

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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23 COMMITTEE REPORT BY: COMMITTEE ON BANKING AND FINANCIAL SERVICES,
24 dated 04/07/2015 - DO PASS, As Amended.