

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1379

By: Gann

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6 AS INTRODUCED

7 An Act relating to public finance; amending 62 O.S.
8 2021, Section 855, which relates to the Local
9 Development Act; modifying procedures for approval of
10 certain district, plan or project; requiring
11 submission of question to voters of applicable
12 jurisdiction; requiring approval of district, plan or
13 project by majority vote; modifying provisions
14 related to supermajority approval by governing board;
15 modifying provisions related to confidential
16 information; and providing an effective date.

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

17 SECTION 1. AMENDATORY 62 O.S. 2021, Section 855, is
18 amended to read as follows:

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

1 committee shall consist of the following: a representative of the
2 governing body who shall serve as chairperson; a representative of
3 the planning commission having jurisdiction over the proposed
4 district; a representative designated by each taxing jurisdiction
5 within the proposed district whose ad valorem taxes might be
6 impacted according to the plan; and three members representing the
7 public at large and selected by the other committee members from a
8 list of seven names submitted by the chairperson of the review
9 committee; provided, at least one of the members representing the
10 public at large shall be a representative of the business community
11 in the city, town, or county considering the proposed plan and
12 project, and if a proposed plan objective is development of
13 principally commercial retail, such representative shall be either a
14 retailer or a representative of a retail organization.

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 and
4 business activities within the proposed district and shall report
5 its 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 conditions set forth by the review~~
21 ~~committee shall be by a two-thirds (2/3) majority vote~~ voters of the
22 applicable jurisdiction. If the district, plan or project is
23 sponsored by a county, the question for creation of the district,
24 plan or project shall be submitted to a vote of the eligible voters

1 of the county. If the district, plan or project is sponsored by a
2 city or town, the question for creation of the district, plan or
3 project shall be submitted to a vote of the eligible voters of the
4 applicable city or town. No district, plan or project shall be
5 created or approved unless a majority of the eligible voters voting
6 on such question as provided by this subsection approve the creation
7 of the district.

8 F. Meetings of the review committee shall be subject to the
9 Oklahoma Open Meeting Act. ~~Any information relating to the~~
10 ~~marketing plans, financial statements, trade secrets or any other~~
11 ~~proprietary information submitted to the review committee by a~~
12 ~~person or entity seeking adoption and approval of a proposed~~
13 ~~district, plan or project shall be confidential, except to the~~
14 ~~extent that the person or entity which provided the information~~
15 ~~consents to disclosure. Executive sessions may be held to discuss~~
16 ~~such information if deemed necessary by the review committee.~~

17 SECTION 2. This act shall become effective November 1, 2023.

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