

1 ENGROSSED SENATE
2 BILL NO. 342

By: Standridge of the Senate

3 and

4 Russ of the House

5
6 [public finance - Local Development Act - review
7 committee - proposed district or plan - analysis -
8 notice of hearing

emergency]

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

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

13 Section 855. A. Prior to the adoption and approval of a
14 project plan and the ordinance or resolution required under Section
15 856 of this title and prior to the public hearing required under
16 Section 859 of this title, the governing body shall appoint a review
17 committee to review and make a recommendation concerning the
18 proposed district, plan or project. The membership of the review
19 committee shall consist of the following: a representative of the
20 governing body who shall serve as chairperson; a representative of
21 the planning commission having jurisdiction over the proposed
22 district; a representative designated by each taxing jurisdiction
23 within the proposed district whose ad valorem taxes might be
24 impacted according to the plan; and three members representing the

1 public at large and selected by the other committee members from a
2 list of seven names submitted by the chairperson of the review
3 committee; provided, at least one of the members representing the
4 public at large shall be a representative of a retail business in
5 operation for at least ten (10) years in the proposed district.

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

15 C. Prior to approval by the governing body, the review
16 committee shall consider and determine whether the proposed plan and
17 project will have a financial impact on any taxing jurisdiction or
18 business entity within the proposed district and shall report its
19 findings to the governing body. Such considerations shall be
20 concurrent with or subsequent to the review and consideration of the
21 committee provided for in subsection B of this section. The
22 approval of any district plan or project by the governing body shall
23 address any findings of such impact by the review committee.

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

7 E. Approval of the proposed district or the proposed plan or
8 project by the governing body which is in accord with the
9 recommendation of the review committee shall be by a majority vote
10 of the governing body. Such approval which is not in accord with
11 the recommendations and/or conditions set forth by the review
12 committee shall be by a ~~two-thirds (2/3)~~ three-fourths (3/4)
13 majority vote.

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

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

1 Section 859. A. Before the adoption of a project plan or
2 subsequent amendments thereto, the governing body must hold two
3 public hearings. The primary purpose of the first hearing will be
4 to provide information and to answer questions; provided, such
5 information shall include, but not be limited to, an analysis of
6 potential positive or negative impacts which may result from the
7 adoption of a project plan. Before the first hearing, the analysis
8 shall be audited by an individual, entity or organization
9 unaffiliated with the governing body, chosen by the review
10 committee, to certify that the analysis is complete and an accurate
11 representation of the potential impacts. A representative of the
12 city, town or county shall present the city, town or county's
13 proposed plan or amendment thereto. The date of the second public
14 hearing shall be announced in the presence of the persons in
15 attendance at the hearing, but such date shall be more than seven
16 (7) days after the date of the first public hearing. The purpose of
17 the second public hearing shall be to give any interested persons
18 the opportunity to express their views on the proposed plan or
19 amendment thereto.

20 B. Notice of the first public hearing shall be given once by
21 publication in a newspaper with circulation in the city, town or
22 county and published on the political subdivision's website. Notice
23 shall also be provided by certified mail to any business entity
24 identified by the review committee pursuant to subsection C of

1 Section 855 of this title. Failure to provide notice to any entity
2 shall not create a right of action against the review committee or
3 governing body. Such ~~notice~~ notices must be published or mailed no
4 later than fourteen (14) days before the date of the public hearing.

5 The notice shall include the following:

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

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

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

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

19 5. Such other matters as the city, town or county may deem
20 appropriate.

21 C. Notice of the second public hearing may be included in the
22 publication notice provided for in subsection B of this section.

23 Notice of the second public hearing shall be published in the same
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1 manner as the notice provided for in subsection B of this section
2 if:

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

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

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

9 D. The provisions of this section shall not apply to the
10 adoption of minor amendments as provided for in Section 858 of this
11 title.

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

18 ~~SECTION 3. It being immediately necessary for the preservation~~
19 ~~of the public peace, health and safety, an emergency is hereby~~
20 ~~declared to exist, by reason whereof this act shall take effect and~~
21 ~~be in full force from and after its passage and approval.~~

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1 Passed the Senate the 11th day of March, 2015.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2015.

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8 _____
9 Presiding Officer of the House
10 of Representatives