

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 342

By: Standridge of the Senate

and

Russ of the House

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9 CONFERENCE 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 directing governing body to present analysis of plan  
15 impacts; modifying notice requirements and requiring  
16 registration under specified circumstances;  
17 establishing procedures to be used by certain clerks  
18 to provide notice or copies of plans to registrants,  
19 including provision of certain affidavit; 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 the business community  
13 in the city, town, or county considering the proposed plan and  
14 project, and if a proposed plan objective is development of  
15 principally commercial retail, such representative shall be either a  
16 retailer or a representative of a retail organization.

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

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

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

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

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

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

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

3 B. Notice of the first public hearing shall be given once by  
4 publication in a newspaper with circulation in the city, town or  
5 county and published on any Internet website maintained by the  
6 political subdivision. Any person, entity, or organization that has  
7 registered with the city, town or county clerk of the political  
8 subdivision shall also receive notice of such public hearing and a  
9 copy of the analysis upon request of the proposed project plan  
10 required in subsection A of this section. Such ~~notice~~ notices must  
11 be published or mailed no later than fourteen (14) days before the  
12 date of the public hearing. The notice shall include the following:

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

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

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

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

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

6 C. Notice of the second public hearing may be included in the  
7 ~~publication notice~~ notices provided for in subsection B of this  
8 section. Notice of the second public hearing shall be published and  
9 mailed in the same manner as the ~~notice~~ notices provided for in  
10 subsection B of this section if:

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

13 2. The location, date or time of the second public hearing is  
14 changed after the ~~notice~~ notices of the first hearing ~~has~~ have been  
15 published and mailed; or

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

18 D. The provisions of this section shall not apply to the  
19 adoption of minor amendments as provided for in Section 858 of this  
20 title.

21 E. ~~Technical~~ The city, town or county clerk shall send the  
22 notices or copies of the analysis required to be sent to registered  
23 persons, entities, or organizations pursuant to subsection B of this  
24 section by electronic mail or if no electronic mail address has been

1 provided by the registrant, by first-class mail. The city, town or  
2 county clerk shall provide an affidavit declaring that all  
3 registrants have been mailed the requisite notices or analyses. Any  
4 technical irregularities in the form of the ~~notice~~ published or  
5 mailed notices required by this section shall not result in the  
6 invalidation of any ordinance enacted or amended subsequent thereto,  
7 so long as the ~~notice~~ notices, as published and mailed, reasonably  
8 ~~apprises~~ advise interested parties as to the subject matter of the  
9 hearings and correctly describes the date, time and place of such  
10 hearings and affidavits of publication and mailing shall constitute  
11 compliance with the notice requirement of this section.

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

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