

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 342 By: Standridge of the Senate  
3 and  
4 Russ of the House  
5

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

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11 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
12 entire bill and insert

13 "[ public finance - Local Development Act - modifying  
14 membership and expanding duties of review  
15 committee - requiring notice of hearing or plan  
16 analysis be mailed to identified entities or  
17 persons - effective date ]

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

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

23 Section 855. A. Prior to the adoption and approval of a  
24 project plan and the ordinance or resolution required under Section

1 856 of this title and prior to the public hearing required under  
2 Section 859 of this title, the governing body shall appoint a review  
3 committee to review and make a recommendation concerning the  
4 proposed district, plan or project. The membership of the review  
5 committee shall consist of the following: a representative of the  
6 governing body who shall serve as chairperson; a representative of  
7 the planning commission having jurisdiction over the proposed  
8 district; a representative designated by each taxing jurisdiction  
9 within the proposed district whose ad valorem taxes might be  
10 impacted according to the plan; and three members representing the  
11 public at large and selected by the other committee members from a  
12 list of seven names submitted by the chairperson of the review  
13 committee; provided, at least one of the members representing the  
14 public at large shall be a representative of a retail business in  
15 operation for at least five (5) years in the proposed district, if  
16 available, and such person agrees to serve.

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 or  
6 business entity within the proposed district and shall report its  
7 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~~ or conditions set forth by the review  
23 committee shall be by a ~~two-thirds (2/3)~~ three-fourths (3/4)  
24 majority vote.

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 the political subdivision's website. Notice  
6 or analysis of the proposed project plan shall also be provided by  
7 certified mail to any entity or organization or any person who  
8 requests notice of such public hearing or analysis of the proposed  
9 project plan. Such ~~notice~~ notices must be published or mailed no  
10 later than fourteen (14) days before the date of the public hearing.

11 The notice shall include the following:

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

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

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

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

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

3           C. Notice of the second public hearing may be included in the  
4 publication notice provided for in subsection B of this section.  
5 Notice of the second public hearing shall be published in the same  
6 manner as the notice provided for in subsection B of this section  
7 if:

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

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

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

14           D. The provisions of this section shall not apply to the  
15 adoption of minor amendments as provided for in Section 858 of this  
16 title.

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

23           SECTION 3. This act shall become effective November 1, 2015."  
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1 Passed the House of Representatives the 22nd day of April, 2015.

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4 Presiding Officer of the House of  
Representatives  
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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2015.

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9 Presiding Officer of the Senate  
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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 ]

9  
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 4. 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 5. 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 6. 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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9 Presiding Officer of the House  
10 of Representatives