

1 STATE OF OKLAHOMA

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

3 SENATE BILL 647

By: Silk

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5
6 AS INTRODUCED

7 An Act relating to cities and towns; amending 11 O.S.
8 2011, Sections 39-102 and 39-103, which relate to
9 improvement districts; adding definition; clarifying
10 what can receive certain benefit from improvement
11 district; and providing an effective date.

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

13 SECTION 1. AMENDATORY 11 O.S. 2011, Section 39-102, is
14 amended to read as follows:

15 Section 39-102. As used in the Improvement District Act, the
16 singular includes the plural and:

17 1. "Acquired" means the acquisition of property or interests in
18 property by purchase, gift, condemnation or other lawful means;

19 2. "City" means any city or town incorporated pursuant to the
20 laws of Oklahoma;

21 3. "Engineer" means a city engineer, city official, employee or
22 other person competent to advise and assist the governing body in
23 planning and making an improvement;
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1 4. "Cost" means any cost necessarily or reasonably incurred in
2 making the improvement, including, but not limited to, cost of:

- 3 a. preparation of preliminary reports,
- 4 b. preparation of plans and specifications,
- 5 c. preparation and publication of notices of hearings,
6 resolutions, ordinances, and other proceedings,
- 7 d. fees and expenses for engineers, attorneys, laborers,
8 and other personal services,
- 9 e. rights-of-way, materials, and other lawful expenses
10 incurred in making any improvement, and
- 11 f. capitalized interest, funding of reserves, premiums
12 for reserve surety bonds, and obtaining bond
13 insurance, letters of credit or other credit
14 enhancements or liquidity instruments;

15 5. "District" means an area designated by the governing body to
16 be benefited by an improvement and subjected to payment of special
17 assessments for all or a portion of the cost of the improvement;

18 6. "Governing body" means the city council, city commission or
19 board of trustees of an incorporated city or town;

20 7. "Improve" means to construct, reconstruct, maintain,
21 restore, replace, renew, repair, install, equip, extend, purchase,
22 alter or otherwise perform any work which provides a new facility,
23 or enhances, extends or restores the value or usefulness of an
24 existing facility;

1 8. "Improvement" means any type of improvement made by
2 authority of this Improvement District Act and includes
3 reimprovement of any prior improvement made pursuant to any other
4 act;

5 9. "Mail" means by first-class mail;

6 10. "Trustee" means a city acting pursuant to this act;

7 11. "Street" means any highway, street, alley, boulevard,
8 avenue, right-of-way, public ground, or other public facility, or
9 any part thereof; ~~and~~

10 12. "Publish" or "publication" means printing in a newspaper
11 which maintains an office in the city or town and is of general
12 circulation within the city or town, or, if there is no newspaper
13 which maintains an office in the city or town, a newspaper of
14 general circulation within the city or town and in two ~~(2)~~ separate
15 issues thereof, at least seven (7) days apart; and

16 13. "Business" means any commercial enterprise operating within
17 the governing body's jurisdiction which is licensed to conduct
18 business.

19 SECTION 2. AMENDATORY 11 O.S. 2011, Section 39-103, is
20 amended to read as follows:

21 Section 39-103. The governing body of any city may create one
22 or more districts for the purpose of making or causing to be made
23 any improvement or combination of improvements that confer special
24 benefit upon property or businesses within the district. Such

1 improvement or combination of improvements may include the
2 following, without limitation because of enumeration:

3 1. Acquisition of property or interest in property when
4 necessary for any of the purposes authorized by the Improvement
5 District Act;

6 2. Opening, creating, widening and extending or altering of
7 streets to improve paving, and surfacing, constructing and
8 reconstructing gutters, curbs, sidewalks, crosswalks, driveway
9 entrances and structures, drainage facilities, and service
10 connections from sewers, water, gas, electricity and other utility
11 mains, conduits or pipes;

12 3. Constructing or improving main and lateral storm water
13 drains and sanitary sewer systems and facilities;

14 4. Installation or improvement of street lights and street
15 lighting systems;

16 5. Construction or improvement of water mains and waterworks
17 systems;

18 6. Improvement of parks, playgrounds, and recreational
19 facilities;

20 7. Improvement of any street, parking or other facility by
21 landscaping, or planting of trees, shrubs, and other plants;

22 8. Constructing or improving dikes, levees and other flood
23 control works, gates, lift stations, bridges, and streets
24 appurtenant thereto;

1 9. Constructing or improving vehicle and pedestrian bridges,
2 overpasses, and tunnels;

3 10. Constructing or improving retaining walls and area walls on
4 public ways or land abutting thereon;

5 11. Constructing or improving property for off-street parking
6 facilities, including construction and equipment of buildings
7 thereon;

8 12. Constructing or improving pedestrian malls; or

9 13. Constructing or improving offsite facilities or
10 infrastructure serving all or a portion of land within a district;
11 notwithstanding that, such facilities or infrastructure may also
12 serve areas outside a district, but subject to cost apportionment
13 requirements of subsection A of Section 39-110 of this title.

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

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