ENGROSSED SENATE
BILL NO. 1306

By: Campbell of the Senate

and

Davis of the House

[public finance - improving county roads -

effective date]

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 39-103.1, as amended by Section 1, Chapter 30, O.S.L. 1998 (39 O.S. Supp. 1999, Section 39-103.1), is amended to read as follows:

Section 39-103.1 A. In addition to those purposes set out in Section 39-103 of this title, the governing body of any municipality having a population of more than one thousand five hundred (1,500) may create one or more districts and levy assessments for the purpose of providing or causing to be provided any maintenance, cleaning, security, shuttle service, upkeep, marketing, management or other services which confer special benefits upon property within the district by preserving, enhancing or extending the value or usefulness of any improvement described in Section 39-103 of this title, whether or not the improvement was financed or constructed pursuant to ~~this act~~ <u>the Improvement District Act</u> and such governing body may exclude or modify such assessments according to benefits received on properties which are exempt from ad valorem taxation, except those assessments provided for by Section 39-103 of this title. In addition, such districts may also be used to fund maintenance, management, marketing and other services being provided through an active Main Street Program recognized as such by the Oklahoma Department of Commerce. General street repair and

maintenance on any street used by vehicular traffic shall not be made a part of any assessments provided for hereunder.

B. In addition to those purposes set out in Section 39-103 of this title and subsection A of this section, pursuant to the provisions of Section 7 of Article X of the Oklahoma Constitution, the governing body of a municipality may create a district, the boundaries of which shall be the corporate limits of the municipality, and levy assessments for the purpose of making improvements to county roads which benefit property in the district. All provisions of the Improvement District Act shall be applicable with respect to such district, provided, for projects authorized pursuant to the provisions of this subsection:

1. The governing body of the municipality shall, in conjunction with the board of county commissioners of the county or counties in which the municipality is located, develop and approve a project plan which shall include a description of each improvement to county roads which benefit property in the district to be made and an estimate of the cost thereof;

2. The amount of any assessment levied for projects authorized pursuant to the provisions of this subsection shall not exceed ten (10) mills on the dollar valuation of all property liable for assessment in the district and shall be levied annually;

3. In lieu of the petition required pursuant to the provisions of Section 39-106 of Title 11 of the Oklahoma Statutes, an election shall be conducted by the county election board at which the question of issuance of bonds and levy of assessments shall be submitted to the owners of record of property liable for assessment under the approved project plan and approval of not less than three-fifths (3/5) of such owners shall be required for passage; and

4. Bonds issued pursuant to the authority of this subsection shall run for a period of not more than ten (10) years.

The governing body of the municipality shall have such powers and duties as may be necessary to carry out the provisions of this subsection.

C. If the governing body determines that it is desirable to continue to provide or cause to be provided the improvements and services authorized by subsection A or subsection B of this section, the governing body shall annually prepare and cause to be filed in the office of the municipal clerk an assessment roll containing, among other things:

1. The name and address of the last-known owner of each tract or parcel of land to be assessed, or if the name of the owner is unknown, state "unknown". The name and address of the owner of each tract of land shall be obtained from the records of the county treasurer;

2. A description of the tract or parcel of land to be assessed; and

3. The amount of the assessment against each tract or parcel of land.

If after filing the assessment roll, it appears that the amount of the assessment against any tract or parcel of land shall be increased, the governing body shall by resolution set a time and place for the assessment hearing at which an owner may object to the amount of the assessment.

~~C.~~ D. Not more than thirty (30) days nor less than ten (10) days before the day of the hearing, the municipal clerk, the deputy municipal clerk or the engineer shall mail the notice of the hearing on the assessment roll to the owner of the tract or parcel of land on which the amount of assessment is increased. Proof of the mailing is to be made by affidavit by the municipal clerk, the deputy municipal clerk or the engineer, which shall be filed in the office of the municipal clerk. Failure of the owner to receive any notice shall not invalidate any of the proceedings authorized in the

Improvement District Act. Notice of the hearing shall also be published. The last publication shall be at least seven (7) days prior to the day of the hearing. Such service by publication shall be verified by an affidavit of the publisher which is to be filed in the office of the municipal clerk.

~~D.~~ E. No district created under this section shall continue longer than ten (10) years unless re-created as provided in ~~this act~~ the Improvement District Act for creation of districts. Provided, that at any time after its creation, the district shall cease to exist if:

1. The governing body by resolution terminates the district; or

2. The owners of a majority in area of the tracts or parcels of land within the district and a majority of the owners of record of property within the district petition in writing to terminate the district.

Such termination shall take effect at the end of the fiscal year in which the governing body adopts such resolution or determines the validity of such petition. Nothing herein shall excuse a tract or parcel of land from its liability for deferred payments or any assessment.

SECTION 2. This act shall become effective November 1, 2000.

Passed the Senate the 29th day of February, 2000.

_____
President of the Senate

Passed the House of Representatives the ____ day of _____, 2000.

_____
Speaker of the House of Representatives