

Committee Substitute for House Bill No. 1492

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1492 -- By NATIONS of the House and BROWN of the Senate.

An Act relating to cities and towns; amending 11 O.S. 1991, Section 39-108, which relates to hearings upon creation of improvement districts; deleting certain exceptions regarding entities which may file certain protest or objection; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 39-108, is amended to read as follows:

Section 39-108. A. At the hearing of the governing body on the proposed resolution creating a district, any interested person or owner of property to be assessed for the improvement, ~~except a school district, city or county,~~ may file a written protest or objection questioning the:

1. Propriety and advisability of constructing the improvement;
 2. Estimated cost of the improvement;
 3. Manner of paying for the improvement; and
 4. Amount to be assessed against the individual tract or parcel of land.
- B. The governing body may recess the hearing from time to time so that all protestants may be heard.
- C. At the hearing, the governing body may:
1. Correct any mistake or irregularity in any proceeding relating to the improvement;
 2. Correct an assessment made against any tract or parcel of land;
 3. In case of any invalidity, reassess the cost of the improvement against an abutting tract or parcel of land;
 4. Delete any tract or parcel of land, protested by the owner, from the district; and
 5. Recess the hearing from time to time.

D. Within thirty (30) days after the governing body has concluded the hearing; determined the advisability of constructing the improvement and the type and character of the improvement; and created the improvement district, any person who, during the hearing, filed a written protest with the governing body protesting the construction of the improvement may commence an action in district court to correct or set aside the determination of the governing body. After the lapse of thirty (30) days succeeding the determination of the governing body, any action attacking the validity of the proceedings and the amount of benefit to be derived from the improvement is perpetually barred. Provided, however, if the owners of fifty percent (50%) or more in area of the tracts or parcels within the district or a majority of the owners of record of property in the assessment area protest, in writing, the creation of the district, the district shall not be created.

SECTION 2. This act shall become effective November 1, 1999.

COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT, dated 2-17-99 – DO PASS, As Coauthored.