

SB 1306

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THE STATE SENATE
Monday, February 28, 2000

Senate Bill No. 1306
As Amended

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~~ the Improvement District Act and such governing body may exclude or modify such assessments according to benefits received on properties which are exempt from ad valorem taxation,

(Bold face denotes Committee Amendments)

1 except those assessments provided for by Section 39-103 of this
2 title. In addition, such districts may also be used to fund
3 maintenance, management, marketing and other services being provided
4 through an active Main Street Program recognized as such by the
5 Oklahoma Department of Commerce. General street repair and
6 maintenance on any street used by vehicular traffic shall not be
7 made a part of any assessments provided for hereunder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 11 1. The governing body by resolution terminates the district; or
- 12 2. The owners of a majority in area of the tracts or parcels of
13 land within the district and a majority of the owners of record of
14 property within the district petition in writing to terminate the
15 district.

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-21-00
23 - DO PASS, As Amended and Coauthored.