

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2904

By: Roach

AS INTRODUCED

An Act relating to public finance; amending 62 O.S. 2001, Section 859, which relates to notice for public hearings; modifying publication requirements for certain public hearings; and declaring an emergency.

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

SECTION 1. AMENDATORY 62 O.S. 2001, Section 859, is amended to read as follows:

Section 859. A. Before the adoption of a project plan or subsequent amendments thereto, the governing body must hold two public hearings. The primary purpose of the first hearing will be to provide information and to answer questions. A representative of the city, town or county shall present the city, town or county's proposed plan or amendment thereto. The date of the second public hearing shall be ~~fixed~~ announced in the presence of the persons in attendance at the hearing, but such date shall be more than seven (7) days after the date of the first public hearing. The purpose of the second public hearing shall be to give any interested persons the opportunity to express their views on the proposed plan or amendment thereto.

B. Notice of the first public hearing shall be given once by publication in a newspaper with circulation in the city, town or county. Such notice must be published no later than fourteen (14) days before the date of the public hearing. The notice shall include the following:

1. The time and place of the public hearing;

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

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

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

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

C. ~~The~~ Notice of the second public hearing may be included in the publication notice provided for in subsection B of this section shall apply to the second public hearing. Notice of the second public hearing shall be published in the same manner as the notice provided for in subsection B of this section if:

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

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

~~3.~~ 2. The second public hearing is held more than fourteen (14) days ~~or more~~ after the first public hearing.

D. The provisions of this section shall not apply to the adoption of minor amendments as provided for in Section ~~9~~ 858 of this ~~act~~ title.

E. Technical irregularities in the form of the notice required by this section shall not result in the invalidation of any ordinance enacted or amended subsequent thereto, so long as the notice, as published, reasonably apprises interested parties as to

the subject matter of the hearings and correctly describes the date, time and place of such hearings.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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