STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

FLOOR SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2412

By: Jackson and Braddock of the House

and

Bass of the Senate

FLOOR SUBSTITUTE

[cities and towns - modifying certain ordinance - expanding operations - effective date]

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 43-101.1, as last amended by Section 1, Chapter 335, O.S.L. 2004 (11 O.S. Supp. 2005, Section 43-101.1), is amended to read as follows:

Section 43-101.1 A. Any municipality in this state ~~within which there lies~~ that is wholly or in part ~~an active-duty United States military installation,~~ within an Air Installation Compatible Use Zone (AICUZ) study area, Joint Land Use Study (JLUS) area, Army Compatible Use Buffer (ACUB), or an Environmental Noise Management Plan (ENMP) of an active duty, National Guard or Reserve military installation may enact a city ordinance ~~specifying that within five (5) miles of the corporate limits of the military installation~~ restricting or prohibiting future uses ~~on the property which may be hazardous to aircraft operation shall be restricted or prohibited~~ for that incorporated area which lies within the AICUZ, JLUS, ACUB, or ENMP area and which may expose residents to noise greater than seventy-five (75) Day-Night Noise Level (DNL) or accident potential that could affect the public health, safety, and welfare, or interfere with military operations, including aircraft operations.

Such authority shall not extend into the corporate limits of another municipality.

B. The ordinance shall restrict or prohibit future uses within the ~~five-mile~~ AICUZ or JLUS area which:

1. Release into the air any substance which would impair visibility or otherwise interfere with ~~the operation of aircraft~~ military operations, including ground operations, such as steam, dust or smoke unless ~~such~~ the substance is generated from agricultural use;

2. Produce light emissions, either directly, or indirectly or by reflective light, which would interfere with pilot vision, and aerial or ground-based night vision training;

3. Produce electrical emissions which would interfere with military ground and aircraft communications ~~systems or~~ and navigation equipment;

4. Attract birds or waterfowl including, but not limited to, operation of sanitary landfills and maintenance of feeding stations;

5. Provide for structures within ten (10) feet of defined aircraft approach, departure, or transitional surfaces; or one hundred (100) feet beneath a low-level military aircraft training route as provided by the Federal Aviation Administration;

6. Expose persons to noise greater than seventy-five (75) ~~decibels~~ DNL; or

7. Detract from the aesthetic appearance, or otherwise create or promote an unsightly, unsanitary or unhealthy appearance of any entrance into ~~the~~ a military installation including, but not limited to, automobile or truck salvage yards, equipment storage sites or solid waste storage or disposal sites.

C. The ordinance shall restrict or prohibit future uses within the ~~five-mile~~ AICUZ/JLUS area which violate any Federal Aviation Administration height restriction ~~criteria~~ in Title 14 of the Code

of Federal Regulations (14 CFR) part 77, Objects Affecting Navigable Airspace.

D. 1. The ordinance shall be consistent with the most current recommendations or studies made by the United States Air Force installations located at Altus Air Force Base located in Altus, Oklahoma, Tinker Air Force Base located in Oklahoma City, Oklahoma, and Vance Air Force Base located in Enid, Oklahoma, entitled "Air Installation Compatible Use Zone Study" or studies made by the United States Department of the Army installations located at Fort Sill in Lawton, Oklahoma, entitled "Army Compatible Use Buffers" or any similar zoning relating to or surrounding a military installation as adopted by a county, city, or town or any combination of those governmental entities and shall be consistent with the most current recommendations; and

2. Interpretations of such ordinance shall consider the recommendations or studies with a view to protection of the public health, safety, and welfare and maintenance of safe military and aircraft operations, and assure sustainability of installation missions.

E. Subject to the provisions and requirements of paragraph 1 of subsection D of this section, the ordinance shall not prohibit single-family residential use on tracts of one (1) acre or more in area, provided that future construction shall comply with the "Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations, Wyle Research Report WR 89-7". Such construction shall be regulated and inspected by the municipality's existing building permit and inspection ordinances and procedures.

SECTION 2. AMENDATORY 68 O.S. 2001, Section 2806, is amended to read as follows:

Section 2806. A. Real property, for the purpose of ad valorem taxation, shall be construed to mean the land itself, and all rights and privileges thereto belonging or in any wise appertaining, such

as permanent irrigation, or any other right or privilege that adds value to real property, and all mines, minerals, quarries and trees on or under the same, and all buildings, structures and improvements or other fixtures, including but not limited to improvements such as barns, bins or cattle pens, or other improvements or fixtures of whatsoever kind thereon, exclusive of such machinery and fixtures on the same as are, for the purpose of ad valorem taxation, defined as personal property.

B. Notwithstanding the provisions of Section 2807 of this title, real property shall also consist of any improvements affixed to land owned by the United States, any branch of the Armed Forces of the United States, or any agency or quasi-agency of the United States if such improvements are used for:

1. National defense purposes; or

2. Housing of military personnel and their families as contemplated by the Military Housing Privatization Initiative of 1996, 10 U.S.C, Sections 2871 through 2885, as amended.

Improvements used for housing of military personnel and their families shall, in addition to the actual housing units, include but not be limited to, facilities related to such housing units, such as housing maintenance facilities, housing rental and management offices, parks and community centers. Such improvements shall, for purposes of ad valorem taxation, be construed to be owned by the United States or the applicable branch of the Armed Forces of the United States. For purposes of this subsection, "national defense purposes" shall include, without limitation, the furtherance of an existing mission or modification or enhancement of the mission of the military installation and any activity that is in furtherance of the defense of the United States and its interests.

SECTION 3. AMENDATORY 68 O.S. 2001, Section 2807, is amended to read as follows:

Section 2807. Personal property, for the purpose of ad valorem taxation, shall be construed to include:

1. All goods, chattels and effects;

2. ~~All~~ Except as provided in subsection B of Section 2806 of this title:

a. all improvements made by others upon lands, the fee of which is vested in the United States or this state~~;~~,

b. all improvements, including elevators and other structures, upon lands, the title to which is vested in any railway company or other corporation whose property is not subject to the same mode and rule of taxation as other property~~;~~, and

c. all improvements on leased lands that do not become a part of the realty;

3. The dormant, and other stock of nurserymen, including all trees, shrubs and plants that have been dug and placed in bins or storage, and are ready for sale. The trees, shrubs or plants of a nurseryman shall be "growing crops" within the meaning of Section 6 of Article X of the Oklahoma Constitution and exempt from ad valorem taxation, if such trees, shrubs or plants are grown upon the premises of the nurseryman, removed from the earth on such premises prior to any preparation for resale, and if such trees, shrubs or plants are held for resale in a manner that will permit the continued growth or development of the tree, shrub or plant;

4. All horses, cattle, mules, asses, sheep, swine, goats and other livestock including poultry, and commercially raised livestock including but not limited to animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group. Such livestock or poultry having a speculative value, by reason of the fact that the same is subject to registration in some recognized association, shall be assessed on the market value as though the same had no speculative value;

5. All household furniture, including gold and silver plate, musical instruments, watches and jewelry;

6. Personal, private or professional libraries;

7. All wagons, vehicles or carriages and all farm tractors, implements or machinery appertaining to agricultural labor; and all types of motors, feed grinders, pumps for irrigation and other irrigation equipment;

8. All machinery and materials used by manufacturers, and all manufactured articles, including all machinery and equipment of cotton gins, cottonseed oil mills, newspaper and printing plants, refineries, gasoline plants, flour and grain mills and elevators, bakeries, ice plants, laundries, automobile assembly plants, repair shops, breweries, radio broadcasting stations, tractors, graders, road machinery and equipment, and all other similar or related plants or industries;

9. All goods and capital employed in merchandising;

10. All abstractors' books and the records contained therein; and equipment and all other personal property and records and files of mercantile credit reporting organizations;

11. All agricultural implements or machinery, goods, wares, merchandise, or other chattels, in this state, in possession of, or under the control of, or held for sale by, any warehouseman, agent, factor or representative in any capacity of any manufacturer, or any dealer or agent of any such manufacturer;

12. a. All tanks and containers used to store or hold crude oil or any of its products or byproducts and all tanks and containers used to store or hold gasoline, water, or other liquids or gases,

b. All oil, gas, water or other pipelines,

c. All telegraph and telephone lines,

d. All railroad tracks,

e. All oil and petroleum products in storage; and

13. All other property, having an actual, constructive or taxable situs in this state, and not included within the definition of real property.

SECTION 4. This act shall become effective November 1, 2006.

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