

SB 1647

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THE STATE SENATE
Wednesday, March 1, 2006

Senate Bill No. 1647
As Amended

SENATE BILL NO. 1647 - By: CRAIN of the Senate and SULLIVAN of the House.

[public finance - Local Development Act - modifying membership - authorizing amendments - effective date]

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

SECTION 1. AMENDATORY 62 O.S. 2001, Section 855, as amended by Section 3, Chapter 255, O.S.L. 2003 (62 O.S. Supp. 2005, Section 855), is amended to read as follows:

Section 855. A. Prior to the adoption and approval of a project plan and the ordinance or resolution required under Section 856 of this title and prior to the public hearing required under Section 859 of this title, the governing body shall appoint a review committee to review and make a recommendation concerning the proposed district, plan or project. The membership of the review committee shall consist of the following: a representative of the governing body who shall serve as chairperson; a representative of the planning commission having jurisdiction over the proposed district; a representative designated by each ~~taxing~~ jurisdiction which is a recipient of taxes generated within the proposed district whose receipt of revenue from ad valorem taxes might be impacted

1 according to the plan; and three members representing the public at
2 large and selected by the other committee members from a list of
3 seven names submitted by the chairperson of the review committee.

4 B. The review committee shall consider and make its findings
5 and recommendations to the governing body with respect to the
6 conditions establishing the eligibility of the proposed district and
7 the appropriateness of the approval of the proposed plan and
8 project. The review committee may recommend that the project plan
9 be approved, denied or approved subject to conditions set forth by
10 the committee.

11 C. Prior to approval by the governing body, the review
12 committee shall consider and determine whether the proposed plan and
13 project will have a financial impact on any taxing jurisdiction
14 within the proposed district and shall report its findings to the
15 governing body. Such considerations shall be concurrent with or
16 subsequent to the review and consideration of the committee provided
17 for in subsection B of this section. The approval of any district
18 plan or project by the governing body shall address any findings of
19 such impact by the review committee.

20 D. In the event of any changes in the area to be included in
21 the proposed district or any substantial changes in the proposed
22 plan and project or for any other reason deemed appropriate by the
23 governing body, the review committee shall consider and may modify

1 its findings and recommendations made pursuant to the provisions of
2 subsection B of this section.

3 E. Approval of the proposed district or the proposed plan or
4 project by the governing body which is in accord with the
5 recommendation of the review committee shall be by a majority vote
6 of the governing body. Such approval which is not in accord with
7 the recommendations and/or conditions set forth by the review
8 committee shall be by a two-thirds (2/3) majority vote.

9 F. Meetings of the review committee shall be subject to the
10 Oklahoma Open Meeting Act. Any information relating to the
11 marketing plans, financial statements, trade secrets or any other
12 proprietary information submitted to the review committee by a
13 person or entity seeking adoption and approval of a proposed
14 district, plan or project shall be confidential, except to the
15 extent that the person or entity which provided the information
16 consents to disclosure. Executive sessions may be held to discuss
17 such information if deemed necessary by the review committee.

18 SECTION 2. AMENDATORY 62 O.S. 2001, Section 858, as last
19 amended by Section 5, Chapter 210, O.S.L. 2005 (62 O.S. Supp. 2005,
20 Section 858), is amended to read as follows:

21 Section 858. A. The governing body shall cause to be prepared
22 a project plan. The appropriate local planning commission shall
23 review the proposed project plan and shall make a recommendation on

1 the plan to the governing body. The project plan shall include the
2 following items, if applicable, according to the type of district
3 being formed:

4 1. A description of the proposed boundaries of the district and
5 the proposed boundaries of the project area by legal description and
6 by street or other recognizable physical feature accompanied by a
7 sketch clearly delineating the area in detail;

8 2. A general description of the proposed public works or
9 improvements, the anticipated private investments and the estimated
10 public revenues which should accrue;

11 3. A list of estimated project costs including administrative
12 expenses;

13 4. A general description of the methods of financing the
14 estimated project costs, the expected sources of revenue to finance
15 or pay project costs, and the general time when the costs or
16 monetary obligations related thereto are to be incurred;

17 5. A map showing existing uses and conditions of real property
18 in the district and a map showing proposed improvements to and
19 proposed uses of that property;

20 6. Proposed changes in zoning;

21 7. Proposed changes in the master plan and city ordinances if
22 required to implement the project plan;

1 8. The name of the person who shall be in charge of the
2 implementation of all of the project plans of the district with such
3 name being forwarded to the Department of Commerce; and

4 9. A designation of any public entity to be authorized to carry
5 out all or any part of the project plan.

6 B. Before the governing body may approve such project plan,
7 notice must be given and public hearings must be held pursuant to
8 the provisions of Section 859 of this title. The approval by the
9 governing body must be by ordinance if a city or town or by
10 resolution if a county which contains findings that the plan is
11 feasible and conforms to the master plan, if any, of the city, town
12 or county.

13 C. Except as otherwise provided in this section, the planning
14 commission may recommend an amendment to a project plan, which
15 amendment shall be subject to review by the review committee and
16 approval by the governing body. Prior to the adoption of the
17 amendment, the governing body shall give notice concerning such
18 amendment and hold public hearings on such amendment in the manner
19 prescribed by Section 859 of this title. The approval by the
20 governing body must be by ordinance if a city or town or by
21 resolution of a county which contains findings that the plan is
22 feasible and conforms to the master plan, if any, of the city, town
23 or county.

1 D. The governing body may grant the department, agency or
2 public entity in charge of the implementation of the project plan
3 the authority to make minor amendments to the plan. An amendment is
4 considered to be minor if such amendment does not change the
5 character or purpose of the plan; does not affect more than five
6 percent (5%) of the district's area; or does not affect more than
7 five percent (5%) of the public costs of the plan to be financed by
8 apportioned tax increments. All amendments made pursuant to the
9 provisions of this subsection shall be considered on a cumulative
10 basis.

11 E. The governing body may grant the department, agency or
12 public entity in charge of the implementation of the project plan
13 the authority to make amendments to the plan only after such
14 amendments are submitted to a review committee pursuant to the
15 requirements of Section 855 of this title and the amendments are
16 approved by the governing body in accordance with the requirements
17 of subsection E of Section 855 of this title. For purposes of this
18 subsection, "amendment" means any modification which is not
19 considered a minor amendment as described in subsection D of this
20 section. All amendments made pursuant to the provisions of this
21 subsection shall be considered on a cumulative basis.

22 F. Approval by any ad valorem taxing entities, if required
23 pursuant to the provisions of Section 850 et seq. of this title,

1 shall be secured before any plan or amendment thereto goes into
2 effect.

3 ~~F.~~ G. Any project plan adopted by a transportation authority
4 pursuant to Section 1370.7 of Title 68 of the Oklahoma Statutes,
5 after having met the provisions of this section, shall be submitted
6 to a vote of the people within the boundaries of the authority,
7 pursuant to the provisions of subsections D through H of Section 868
8 of this title.

9 SECTION 3. This act shall become effective November 1, 2006.

10 COMMITTEE REPORT BY: COMMITTEE ON FINANCE, dated 2-21-06 - DO PASS,
11 As Amended and Coauthored.