

THE HOUSE OF REPRESENTATIVES
Wednesday, February, 24, 2010

House Bill No. 3236

HOUSE BILL NO. 3236 - By: JACKSON AND LUTTRELL of the House.

An Act relating to cities and towns; amending 11 O.S. 2001, Section 39-103.1, as amended by Section 6, Chapter 362, O.S.L. 2007 (11 O.S. Supp. 2009, Section 39-103.1), which relates to the Improvement District Act; allowing districts to be used to fund certain capital improvements; providing for petition; modifying the filing of resolution; and providing an effective date.

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

1 SECTION 1. AMENDATORY 11 O.S. 2001, Section 39-103.1, as amended by
2 Section 6, Chapter 362, O.S.L. 2007 (11 O.S. Supp. 2009, Section 39-103.1), is amended to
3 read as follows:
4 Section 39-103.1 A. In addition to those purposes set out in Section 39-103 of this
5 title, the governing body of any municipality having a population of more than one
6 thousand five hundred (1,500) may create one or more districts and levy assessments for
7 the purpose of providing or causing to be provided any maintenance, cleaning, security,
8 shuttle service, upkeep, marketing, management or other services which confer special
9 benefits upon property within the district by preserving, enhancing or extending the
10 value or usefulness of any improvement described in Section 39-103 of this title, whether
11 or not the improvement was financed or constructed pursuant to this act and such
12 governing body may exclude or modify such assessments according to benefits received

1 on properties which are exempt from ad valorem taxation, except those assessments
2 provided for by Section 39-103 of this title. ~~In addition, such~~ Such districts may also be
3 used to fund maintenance, management, marketing and other services being provided
4 through an active Main Street Program recognized as such by the Oklahoma Department
5 of Commerce. In addition, such districts may be used to fund the acquisition,
6 construction, installation or maintenance of capital improvements with an estimated
7 useful life of five (5) years or more, including but not limited to:

8 1. Parking facilities;

9 2. Benches, booths, kiosks and pedestrian shelters;

10 3. Signs;

11 4. Trash receptacles;

12 5. Public restrooms;

13 6. Lighting, heating and air conditioning facilities;

14 7. Decorations;

15 8. Parks, fountains and planting areas; and

16 9. Ramps, sidewalks and plazas;

17 provided the total cost of such improvement is funded in one year's assessment.

18 General street repair and maintenance on any street used by vehicular traffic shall
19 not be made a part of any assessments provided for hereunder.

20 B. For districts created under this section, the engineer's report may be amended
21 by resolution of the governing body to provide new or additional services or
22 improvements upon the petition of the record owners of not less than one-half (1/2) of the

1 area liable for assessment under the proposal. Petitions seeking to add new or additional
2 services or improvements to an existing district shall be filed with the city clerk not less
3 than sixty (60) days prior to the date of the public hearing on the annual assessment roll.

4 The petition shall set forth:

5 1. A general description of the new or additional services or improvements to be
6 provided;

7 2. The estimated costs of the services and improvements proposed to be added;

8 3. The area of the district to be assessed under the proposal; and

9 4. The proposed method of assessment.

10 C. For districts created under this section, property adjacent to such district may be
11 annexed into the district upon the petition of the record owners of more than one-half
12 (1/2) of the area liable to be assessed under the proposal. Petitions seeking to annex
13 additional property into an existing assessment district shall be filed with the city clerk
14 not less than sixty (60) days prior to the hearing on the annual assessment roll.

15 The petition shall set forth:

16 1. The area to be annexed to the district;

17 2. The nature of the services and/or improvements to be provided to the area to be
18 annexed;

19 3. The estimated costs of the services and/or improvements to be provided to the
20 area to be annexed; and

21 4. The proposed method of assessment.

1 D. If the governing body determines that it is desirable to continue to provide or
2 cause to be provided the improvements and services, to provide new or additional
3 services, or improvements, or to annex additional property into an existing assessment
4 district authorized by this section, the governing body shall annually prepare and cause
5 to be filed in the office of the municipal clerk ~~an assessment roll~~ a resolution containing,
6 among other things:

7 1. The assessment roll;

8 2. The new or additional services, or improvements proposed to be provided, if any;

9 3. A description of the area proposed to be annexed into the district, if any;

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

14 ~~2.~~ 5. A description of the each tract or parcel of land to be assessed; and

15 ~~3.~~ 6. The amount of the assessment against each tract or parcel of land.

16 If after filing the assessment roll, it appears that the amount of the assessment
17 against any tract or parcel of land shall be increased, new or additional services, or
18 improvements are to be provided or additional property is to be annexed into the district,
19 the governing body shall by resolution set a time and place for the ~~assessment~~ hearing on
20 the resolution at which an owner may object to the amount of the assessment, the new or
21 additional services, or improvements to be provided or the additional property to be
22 annexed.

1 ~~C.~~ E. Not more than thirty (30) days nor less than ten (10) days before the day of
2 the hearing, the municipal clerk, the deputy municipal clerk or the engineer shall mail
3 the notice of the hearing on the ~~assessment roll~~ resolution to the owner of the tract or
4 parcel of land on which the amount of assessment is increased, new or additional services
5 or improvements are proposed to be added or proposed to be annexed into the district.
6 Proof of the mailing is to be made by affidavit by the municipal clerk, the deputy
7 municipal clerk or the engineer, which shall be filed in the office of the municipal clerk.
8 Failure of the owner to receive any notice shall not invalidate any of the proceedings
9 authorized in the Improvement District Act. Notice of the hearing shall also be
10 published. The last publication shall be at least seven (7) days prior to the day of the
11 hearing. Such service by publication shall be verified by an affidavit of the publisher
12 which is to be filed in the office of the municipal clerk.

13 ~~D.~~ F. No district created under this section shall continue beyond the date that
14 final payment of all principal, interest and other amounts due in connection with bonds
15 issued by that district has been made, or if no bonds have been issued by the district,
16 beyond the date that is thirty (30) years after the adoption of the resolution creating the
17 district, unless re-created as provided in Section 39-101 et seq. of this title for creation of
18 districts. Provided that, at any time after its creation, and provided further that, no
19 bonds or other financial obligations of a district are then outstanding, the district shall
20 cease to exist if:

21 1. The governing body by resolution terminates the district; or

1 2. The owners of a majority in area of the tracts or parcels of land within the
2 district and a majority of the owners of record of property within the district petition in
3 writing to terminate the district.

4 Such termination shall take effect at the end of the fiscal year in which the
5 governing body adopts such resolution or determines the validity of such petition.

6 Nothing herein shall excuse a tract or parcel of land from its liability for deferred
7 payments or any assessment.

8 SECTION 2. This act shall become effective November 1, 2010.

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
10 dated 02-23-10 - DO PASS, As Coauthored.