

1 ENGROSSED SENATE  
2 BILL NO. 266

By: Aldridge of the Senate

3 and

4 Jordan of the House

5  
6 [ municipal facilities fees - authorizing  
7 municipalities to adopt ordinances, resolutions, or  
8 regulations - collection of certain fees - defining  
9 term - codification - effective date ]

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

11 SECTION 1. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 43-116 of Title 11, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. Municipalities may adopt ordinances, resolutions, or  
15 regulations for the implementation and collection of facilities fees  
16 to fund or recover their costs for capital improvements to increase  
17 or enlarge public infrastructure or services when such costs are  
18 made necessary by new development or expanded or modified existing  
19 development.

20 B. Facilities fees shall not be used to fund repairs,  
21 maintenance, restorations, refurbishments, or fixes to existing  
22 systems in any way that does not result in an increase or expansion  
23 in the capacity of the system to serve new or expanded existing  
24 growth and development.

1 C. Facilities fees may be imposed if the municipality  
2 determines there is a nexus between the new or expanded development  
3 and the need for new or enlarged facilities. The fee shall be based  
4 on the proportionate impact of the development on the cost of the  
5 capital improvement necessitated by the development.

6 D. Upon judicial review of any ordinance, resolution, or  
7 regulation adopted pursuant to this section, the municipal  
8 determination shall be upheld if there are any reasonably  
9 conceivable facts that provide a rational basis for such adoption or  
10 if the question is fairly debatable.

11 E. As used in this section, "facilities fee" means any payment  
12 of money, imposed, in whole or in part, as a condition of approval  
13 upon any building permit, plat approval, or zoning change, to the  
14 extent the fee is to pay for capital costs for the public  
15 infrastructure or public services that are attributable to new  
16 development or to expanded or modified existing development.

17 SECTION 2. This act shall become effective November 1, 2011.

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1 Passed the Senate the 8th day of March, 2011.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2011.

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9 Presiding Officer of the House  
10 of Representatives