

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3383

By: Ford (Roger)

AS INTRODUCED

An Act relating to public finance; amending 62 O.S. 2011, Sections 855, as amended by Section 1, Chapter 381, O.S.L. 2015 and 858 (62 O.S. Supp. 2017, Section 855), which relate to the Local Development Act; modifying procedures related to decisions by review committee; providing for approval of plans or amendments to plans, providing for disapproval of plans or amendments to plans; providing for approval subject to conditions; requiring communication of decision to certain governing body; imposing requirements with respect to decision by governing body; modifying provisions related to approval by certain ad valorem taxing entities; and providing an effective date.

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

SECTION 1. AMENDATORY 62 O.S. 2011, Section 855, as amended by Section 1, Chapter 381, O.S.L. 2015 (62 O.S. Supp. 2017, 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~~ decision concerning

1 the proposed district, plan or project. The membership of the
2 review committee shall consist of the following: a representative of
3 the governing body who shall serve as chairperson; a representative
4 of the planning commission having jurisdiction over the proposed
5 district; a representative designated by each taxing jurisdiction
6 within the proposed district whose ad valorem taxes might be
7 impacted according to the plan; and three members representing the
8 public at large and selected by the other committee members from a
9 list of seven names submitted by the chairperson of the review
10 committee; provided, at least one of the members representing the
11 public at large shall be a representative of the business community
12 in the city, town, or county considering the proposed plan and
13 project, and if a proposed plan objective is development of
14 principally commercial retail, such representative shall be either a
15 retailer or a representative of a retail organization.

16 B. The review committee shall consider and make its ~~findings~~
17 ~~and recommendations~~ decision pursuant to a majority vote of its
18 total membership. The decision of the review committee shall be
19 communicated to the governing body ~~with respect to the conditions~~
20 ~~establishing the eligibility of the proposed district.~~ The decision
21 of the review committee may include recommendations ~~shall include~~
22 ~~the analysis used to~~ regarding project revenues over the life of the
23 project plan, the effect on the taxing entities and the
24 appropriateness of the final approval of the proposed plan and

1 project. The review committee may ~~recommend~~ make a decision that
2 the project plan be approved, which decision must receive final
3 approval by the governing body, denied, which decision shall
4 preclude the approval of the plan or any applicable amendment to the
5 plan by the governing body or approved subject to conditions set
6 forth by the committee, which conditions shall be incorporated into
7 the final decision by the governing body, if the governing body
8 approves the plan or any applicable amendment to the plan.

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

19 D. In the event of any changes in the area to be included in
20 the proposed district or any substantial changes in the proposed
21 plan and project or for any other reason deemed appropriate by the
22 governing body, the review committee shall ~~consider and may modify~~
23 ~~its findings and recommendations made~~ be provided an opportunity to
24

1 modify or reverse any decision the committee previously reached
2 pursuant to the provisions of 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~~ A final
9 decision by the governing body shall not be inconsistent with the
10 formal decision of the review committee in any respect.

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

20 SECTION 2. AMENDATORY 62 O.S. 2011, Section 858, is
21 amended to read as follows:

22 Section 858. A. The governing body shall cause to be prepared
23 a project plan. The appropriate local planning commission shall
24 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 add more than five
6 percent (5%) to the district's area; or does not add more than five
7 percent (5%) to 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. ~~Approval by any ad valorem taxing entities, if required~~
12 ~~pursuant to the provisions of Section 850 et seq. of this title,~~
13 ~~shall be secured before any plan or amendment thereto goes into~~
14 ~~effect.~~

15 F. Any project plan adopted by a transportation authority
16 pursuant to Section 1370.7 of Title 68 of the Oklahoma Statutes,
17 after having met the provisions of this section, shall be submitted
18 to a vote of the people within the boundaries of the authority,
19 pursuant to the provisions of subsections D through H of Section 868
20 of this title.

21 SECTION 3. This act shall become effective November 1, 2018.

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