

ENROLLED HOUSE
BILL NO. 2421

By: Bingman of the House

and

Fisher of the Senate

An Act relating to cities and towns; amending 11 O.S. 2001, Section 2-104, as amended by Section 1, Chapter 329, O.S.L. 2004, Section 1, Chapter 147, O.S.L. 2005 and Section 13-111 (11 O.S. Supp. 2005, Sections 2-104 and 8-114), which relate to the municipal officers educational training institute, municipal incorporation, and municipal charters; modifying requirements to hold office; modifying criteria for certain municipal incorporation; clarifying notice procedures; authorizing use of certain procedures for certain reasons; requiring use of certain instrument for certification of municipal police officers; providing procedures for testing; amending Section 3 of Enrolled Senate Bill No. 516 of the 2nd Session of the 50th Oklahoma Legislature, which relates to an effective date; amending the effective date; providing for codification; and providing effective dates.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 2-104, as amended by Section 1, Chapter 329, O.S.L. 2004 (11 O.S. Supp. 2005, Section 2-104), is amended to read as follows:

Section 2-104. A. Except as otherwise provided by subsection B of this section, no territory within five (5) miles of the corporate limits of a municipality having a population of more than two hundred thousand (200,000), and no territory within three (3) miles of the corporate limits of any municipality having a population less than two hundred thousand (200,000), according to the latest federal census, shall be included in the survey and plat provided in Section 2-103 of this title or incorporated as a new municipality.

B. Territory within ~~five (5)~~ three (3) miles of the corporate limits of a municipality having a population of ~~more~~ less than two hundred thousand (200,000) may incorporate as a new municipality if it can be proved to the board of county commissioners by documentation that the territory has historically been identified as a community of people residing in compact form. Such territory shall be included in the survey and plat provided in Section 2-103 of this title or incorporated as a new municipality. Upon application of any person or municipality affected, the district court in the county where such territory is located may afford appropriate relief for any violation of this section. Urban areas

annexed by a municipality which are completely nonadjacent to the corporate limits of the municipality are not considered as within the corporate limits of that municipality for the purposes of this section.

SECTION 2. AMENDATORY Section 1, Chapter 147, O.S.L. 2005 (11 O.S. Supp. 2005, Section 8-114), is amended to read as follows:

Section 8-114. A. Each person elected for the first time to a position of a municipality on or after January 1, 2005, or appointed for the first time on or after July 1, 2006, shall be required within one year after taking the oath of office to attend an institute for municipal officials. The Institute shall be conducted at all times, in cooperation with the Oklahoma Department of Career and Technology Education, by or under the supervision of a statewide organization that is exempt from taxation under federal law and designated pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a). The statewide organization shall demonstrate to the Oklahoma Department of Career and Technology Education that it has represented municipalities, had statutory functions and conducted training programs for municipalities for at least fifteen (15) years prior to ~~the effective date of this act~~ November 1, 2005. It shall further demonstrate that its continuous official purpose is to promote the general welfare of cities and towns, to foster or conduct schools, short courses and other training sessions, to provide technical assistance and consultive services and other aids for the improvement and increased efficiency of city and town government, and to serve as the representative of cities and towns in carrying out the duties and prerogatives conferred on it by state law.

B. The Institute shall consist of eight (8) hours of instruction. A certificate of completion shall be awarded to those persons who attend and successfully complete the Institute and a list of those persons shall be filed with the Oklahoma Department of Career and Technology Education.

C. The curriculum for the Institute shall include, but not be limited to: municipal budget requirements, the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, ethics, procedures for conducting meetings, conflict of interest, and purchasing procedures.

D. The Institute shall be held at a minimum of six regional locations in the state. Every effort shall be made by the Institute to accommodate training through long-distance learning.

E. A person elected to a municipal position who fails to satisfy the education requirements of this section shall cease to hold the position commencing at the next scheduled meeting of the governing body following the first year anniversary of the person's taking the oath of office.

F. At the time of filing, the designated statewide organization shall provide the necessary information to the candidate of the option for attendance at the Institute as provided for in this section. In the case of officials nominated and elected for municipal offices at town meetings, the presiding officer of the town meeting shall notify the candidate of the option.

SECTION 3. AMENDATORY 11 O.S. 2001, Section 13-111, is amended to read as follows:

Section 13-111. Amendments to a municipal charter may be proposed by:

1. An initiative petition, signed by a number of the registered voters residing in the municipality equal to at least twenty-five percent (25%) of the total number of votes cast at the preceding general election. Charter amendments proposed by initiative petition shall be governed in all respects by the provisions of Sections 15-101 through 15-110 of this title; or

2. A resolution of the municipal governing body. Notice of charter amendments proposed by resolution and the election on them shall be in the same manner provided for adoption of municipal charters as set forth in Sections 13-106 and 13-107 of this title, except that only the article that contains the proposed charter amendments needs to be published and considered pursuant to those sections.

If a majority of the votes cast in the election on the charter amendments, as certified by the secretary of the county election board, are in favor of adopting the proposed amendments to the charter, the charter shall be so amended, certified and authenticated by the mayor, and submitted to the Governor for ~~his~~ approval. The Governor shall approve the charter amendments if they are not in conflict with the Constitution and laws of Oklahoma. Upon ~~his~~ approval, the charter as amended shall become the organic law of the municipality and supersede any existing charter and all ordinances in conflict with it. The charter amendments shall be filed and recorded in the same manner provided for filing of municipal charters.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 17-115.1 of Title 11, unless there is created a duplication in numbering, reads as follows:

The procedures set out in Section 17-115 of Title 11 of the Oklahoma Statutes may be used to obtain acquisitions or award contracts for all needed operations or purchase orders.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 34-101.1 of Title 11, unless there is created a duplication in numbering, reads as follows:

For purposes of the certification of municipal police officers pursuant to state law, the employing municipality shall use a psychological instrument approved by the Council on Law Enforcement Education and Training. The employing municipality shall administer such psychological instrument in accordance with standards established within the test document. To aid the evaluating psychologist in interpreting the test results, including automated scoring and interpretations, the municipal employer shall provide the psychologist a statement confirming the identity of the individual taking the test as the person who is employed or seeking to be employed as a police officer of the municipality and attesting that it administered the psychological instrument in accordance with standards within the test document. The psychologist shall report

to the employing municipality the evaluation of the assessment instrument and may include any additional recommendations to assist the employing municipality in determining whether to certify to the Council on Law Enforcement Education and Training that the person being evaluated is suitable to serve as a police officer. No additional procedures or requirements shall be imposed for performance of the psychological evaluation.

SECTION 6. AMENDATORY Section 3 of Enrolled Senate Bill No. 516 of the 2nd Session of the 50th Oklahoma Legislature is amended to read as follows:

Section 3. This act shall become effective November 1, ~~2005~~ 2006.

SECTION 7. Sections 1, 2, 3, 4 and 5 of this act shall become effective November 1, 2006. Section 6 of this act shall become effective August 25, 2006.

Passed the House of Representatives the 22nd day of May, 2006.

Presiding Officer of the House of
Representatives

Passed the Senate the 25th day of May, 2006.

Presiding Officer of the Senate