

1 ENGROSSED SENATE AMENDMENTS
TO
2 ENGROSSED HOUSE
BILL NO. 2214

By: Murphey of the House
and
Coates of the Senate

8 An Act relating to cities and towns; amending 11 O.S.
2001, Section 14-107, as amended by Section 1,
9 Chapter 407, O.S.L. 2002 (11 O.S. Supp. 2007, Section
14-107), which relates to the Oklahoma Municipal
10 Code; modifying the list of codes a municipality may
adopt; and providing an effective date.

12 AUTHOR: Add the following Senate Coauthor: Ballenger

13 AMENDMENT NO. 1. Page 1, line 12 1/2, insert a new Section 1
to read

14 "SECTION 1. AMENDATORY 11 O.S. 2001, Section 8-113, as
15 last amended by Section 1, Chapter 66, O.S.L. 2007 (11 O.S. Supp.
16 2007, Section 8-113), is amended to read as follows:

17 A. Except as otherwise provided by this section, no municipal
18 officer or employee, or any business in which the officer, employee,
19 or spouse of the officer or employee has a proprietary interest,
shall engage in:

20 1. Selling, buying, or leasing property, real or personal, to
21 or from the municipality;

22 2. Contracting with the municipality; or

23 3. Buying or bartering for or otherwise engaging in any manner
24 in the acquisition of any bonds, warrants, or other evidence of
indebtedness of the municipality.

1 B. The provisions of this section shall not apply to any
2 officer or employee of any municipality of this state with a
3 population of not more than ~~two thousand five hundred (2,500)~~ five
4 thousand (5,000) according to the latest Federal Decennial Census,
5 who has a proprietary interest in a business which is the only
6 business of that type within five (5) miles of the corporate limits
7 of the municipality. However, any activities permitted by this
8 subsection shall not exceed ~~Five Hundred Dollars (\$500.00)~~ One
9 Thousand Dollars (\$1,000.00) for any single activity and shall not
10 exceed Ten Thousand Dollars (\$10,000.00) for all activities in any
11 calendar year. Provided, however, such activity may exceed Ten
12 Thousand Dollars (\$10,000.00) per year if the municipality purchases
13 items therefrom that are regularly sold to the general public in the
14 normal course of business and the price charged to the municipality
15 by the business does not exceed the price charged to the general
16 public.

17 C. For purposes of this section, "employee" means any person
18 who is employed by a municipality more than ten (10) hours in a week
19 for more than thirteen (13) consecutive weeks and who enters into,
20 recommends or participates in the decision to enter into any
21 transaction described in subsection A of this section. Any person
22 who receives wages, reimbursement for expenses, or emoluments of any
23 kind from a municipality, any spouse of the person, or any business
24 in which the person or spouse has a proprietary interest shall not
buy or otherwise become interested in the transfer of any surplus
property of a municipality or a public trust of which the
municipality is beneficiary unless the surplus property is offered
for sale to the public after notice of the sale is published.

D. For purposes of this section, "proprietary interest" means
ownership of more than twenty-five percent (25%) of the business or
of the stock therein or any percentage which constitutes a

1 controlling interest but shall not include any interest held by a
2 blind trust.

3 E. Any person convicted of violating the provisions of this
4 section shall be guilty of a misdemeanor. Any transaction entered
5 into in violation of the provisions of this section is void. Any
6 member of a governing body who approves any transaction in violation
7 of the provisions of this section shall be held personally liable
8 for the amount of the transaction.

9 F. Notwithstanding the provisions of this section, any officer,
10 director or employee of a financial institution may serve on a board
11 of a public body. Provided, the member shall abstain from voting on
12 any matter relating to a transaction between or involving the
13 financial institution in which they are associated and the public
14 body in which they serve."

15 AMENDMENT NO. 2. Page 3, line 4 1/2, insert a new Section 3
16 to read

17 "SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 14-107.1 of Title 11, unless
19 there is created a duplication in numbering, reads as follows:

20 A municipality which adopts trade building standards for
21 mechanical, plumbing and electrical contractors shall adopt and
22 enforce the building code as last adopted by the Construction
23 Industries Board; provided, however, municipalities may make
24 amendments to the building code to enforce stricter measures."

and renumber sections

1 AMENDMENT NO. 3. Page 1, strike the title to read

2 "[cities and towns - Oklahoma Municipal Code -

3 codification -

4 effective date]"

5 Passed the Senate the 22nd day of April, 2008.

6

7

8

Presiding Officer of the Senate

9 Passed the House of Representatives the ____ day of _____,

10 2008.

11

12

13

Presiding Officer of the House
of Representatives

14

15

16

17

18

19

20

21

22

23

24