

THE HOUSE OF REPRESENTATIVES  
Tuesday, April 15, 2008

Committee Substitute for  
ENGROSSED  
Senate Bill No. 1406

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1406 - By:  
BINGMAN of the Senate and MCNIEL of the House.

An Act relating to cities and towns; authorizing certain municipalities to hire part-time city managers; authorizing governing body to determine duties; providing for financial assistance; amending 11 O.S. 2001, Section 10-112, as amended by Section 1, Chapter 386, O.S.L. 2005 (11 O.S. Supp. 2007, Section 10-112), which relates to city manager appointments; authorizing the council to hire a part-time city manager; providing for financial assistance program for certain municipalities; providing for codification; and providing an effective date.

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

- 1           SECTION 1.   NEW LAW   A new section of law to be codified in the Oklahoma  
2 Statutes as Section 8-116 of Title 11, unless there is created a duplication in numbering,  
3 reads as follows:
- 4           A. Any municipality with a population of less than five thousand (5,000) according  
5 to the latest Federal Decennial Census may employ a part-time city manager. The duties  
6 of the part-time city manager shall be determined by the governing body of the  
7 municipality, or pursuant to Section 10-113 of Title 11 of the Oklahoma Statutes for  
8 municipalities governed by the council-manager form of government.

1 B. Financial assistance for qualifying municipalities may be obtained, upon  
2 availability of funding, through a financial assistance program to be developed by the  
3 Oklahoma Department of Commerce authorized pursuant to Section 5017 of Title 74 of  
4 the Oklahoma Statutes.

5 SECTION 2. AMENDATORY 11 O.S. 2001, Section 10-112, as amended by  
6 Section 1, Chapter 386, O.S.L. 2005 (11 O.S. Supp. 2007, Section 10-112), is amended to  
7 read as follows:

8 Section 10-112. The council shall appoint a city manager ~~for an indefinite term or a~~  
9 part-time city manager, pursuant to this act, by a vote of a majority of all its members  
10 subject to the terms of employment established by the council. It shall choose the city  
11 manager or part-time city manager solely on the basis of executive and administrative  
12 qualifications with special reference to the actual experience in, or the knowledge of,  
13 accepted practice in respect to the duties of the office. ~~At the time of appointment, the~~  
14 ~~city manager need not be a resident of the city or state; but during the tenure of holding~~  
15 ~~office the city manager shall reside within the city.~~ City managers or part-time city  
16 managers may appoint themselves, or the council or other authority may appoint or elect  
17 the city manager or part-time city manager, to other offices and positions in the city  
18 government, subject to regulations prescribed by ordinance; but the city manager or part-  
19 time city manager may not receive compensation for service in such other offices or  
20 positions. Neither the mayor nor any members of the city council may be appointed city  
21 manager or part-time city manager during the term for which they shall have been  
22 elected nor within two (2) years after they cease to hold such office.

1 SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma  
2 Statutes as Section 5017.8 of Title 74, unless there is created a duplication in numbering,  
3 reads as follows:

4 Contingent on funding, the Oklahoma Department of Commerce may partner with  
5 a statewide organization to develop and coordinate a financial assistance program for  
6 qualifying municipalities having a population of less than five thousand (5,000) according  
7 to the latest Federal Decennial Census to employ a part-time city manager pursuant to  
8 Section 8-116 of Title 11 of the Oklahoma Statutes. The statewide organization shall  
9 demonstrate to the Oklahoma Department of Commerce that it is exempt from taxation  
10 under federal law and designated pursuant to the Internal Revenue Code, 26 U.S.C.,  
11 Section 170(a) and that it has represented municipalities, had statutory functions and  
12 conducted training programs for municipalities for at least fifteen (15) years prior to  
13 November 1, 2005. It shall further demonstrate that its continuous official purpose is to  
14 promote the general welfare of cities and towns, to foster or conduct schools, short  
15 courses and other training sessions, to provide technical assistance and consultative  
16 services and other aids for the improvement and increased efficiency of city and town  
17 government, and to serve as the representative of cities and towns in carrying out the  
18 duties and prerogatives conferred on it by state law.

19 SECTION 4. This act shall become effective November 1, 2008.

20 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND  
21 TRANSPORTATION, dated 04-14-08 - DO PASS, As Amended.