

3 **ENGROSSED**

4 **House Bill No. 2214**

5 **As Amended**

6 ENGROSSED HOUSE BILL NO. 2214 - By: Murphey of the House and Coates
7 and Ballenger of the Senate.

8 [cities and towns - Oklahoma Municipal Code - effective
9 date]

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

11 SECTION 1. AMENDATORY 11 O.S. 2001, Section 8-113, as
12 last amended by Section 1, Chapter 66, O.S.L. 2007 (11 O.S. Supp.
13 2007, Section 8-113), is amended to read as follows:

14 Section 8-113. A. Except as otherwise provided by this
15 section, no municipal officer or employee, or any business in which
16 the officer, employee, or spouse of the officer or employee has a
17 proprietary interest, shall engage in:

- 18 1. Selling, buying, or leasing property, real or personal, to
- 19 or from the municipality;
- 20 2. Contracting with the municipality; or
- 21 3. Buying or bartering for or otherwise engaging in any manner
- 22 in the acquisition of any bonds, warrants, or other evidence of
- 23 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

1 in which the person or spouse has a proprietary interest shall not
2 buy or otherwise become interested in the transfer of any surplus
3 property of a municipality or a public trust of which the
4 municipality is beneficiary unless the surplus property is offered
5 for sale to the public after notice of the sale is published.

6 D. For purposes of this section, "proprietary interest" means
7 ownership of more than twenty-five percent (25%) of the business or
8 of the stock therein or any percentage which constitutes a
9 controlling interest but shall not include any interest held by a
10 blind trust.

11 E. Any person convicted of violating the provisions of this
12 section shall be guilty of a misdemeanor. Any transaction entered
13 into in violation of the provisions of this section is void. Any
14 member of a governing body who approves any transaction in violation
15 of the provisions of this section shall be held personally liable
16 for the amount of the transaction.

17 F. Notwithstanding the provisions of this section, any officer,
18 director or employee of a financial institution may serve on a board
19 of a public body. Provided, the member shall abstain from voting on
20 any matter relating to a transaction between or involving the
21 financial institution in which they are associated and the public
22 body in which they serve.

1 SECTION 2. AMENDATORY 11 O.S. 2001, Section 14-107, as
2 amended by Section 1, Chapter 407, O.S.L. 2002 (11 O.S. Supp. 2007,
3 Section 14-107), is amended to read as follows:

4 Section 14-107. A. If a municipal governing body enacts or
5 adopts by reference ordinances which are compilations or codes of
6 law or regulations relating to traffic, building, plumbing,
7 electrical installations, fire prevention, inflammable liquids, milk
8 and milk products, protection of the public health, or any other
9 matters which the municipality has the power to regulate, such
10 ordinances are not required to be published in full. Legal
11 publication of such ordinances may be by publishing the title and a
12 summary of their contents in the manner provided by Section 14-106
13 of this title. At least one copy of such ordinances shall be kept
14 in the office of the municipal clerk for public use, inspection, and
15 examination. The municipal clerk shall keep copies of the
16 ordinances, codes, or compilations for distribution or sale at a
17 reasonable price.

18 B. A municipality which adopts building standards shall adopt
19 and enforce one of the following codes:

20 1. The BOCA Basic Building Code of the Building Officials and
21 Code Administrators International, Incorporated; or

22 2. The Uniform Building Code of the International Conference of
23 Building Officials; or

1 3. The Southern Standard Building Code of the Southern Building
2 Code Congress, International, Incorporated; or

3 4. The Code for Energy Conservation in New Building
4 Construction prepared by the National Conference of States on
5 Building Codes and Standards, Inc. (NCSBCS); or

6 5. The code of the International Code Council; or

7 6. Any other code which the governing body of the municipality
8 deems desirable to promote safety, energy efficiency, health, and
9 welfare within the municipality.

10 C. Municipalities may adopt the "New Jersey Smart Code"
11 building standard for purposes of rehabilitation to existing
12 structures that were completed prior to November 1, 1985.

13 D. Ordinances which are passed by the governing body with an
14 emergency clause attached are not required to be published in full,
15 but may be published by title only in the manner provided by Section
16 14-106 of this title.

17 SECTION 3. This act shall become effective November 1, 2008.

18 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 3-31-08 -
19 DO PASS, As Amended and Coauthored.