

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3291
Page _____ Section _____ Lines _____
Of the printed Bill
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Skye McNiel

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3291

By: McNiel

7 PROPOSED COMMITTEE SUBSTITUTE

8
9 An Act relating to public finance; enacting the Local
10 Economic Action and Development Act; amending 62 O.S.
11 2001, Sections 2003, as amended by Section 1, Chapter
12 219, O.S.L. 2002, 2004, as last amended by Section 1,
13 Chapter 194, O.S.L. 2007, 2006, as last amended by
14 Section 2, Chapter 392, O.S.L. 2008, 2007, as amended
15 by Section 3, Chapter 194, O.S.L. 2007, 2008, 2009,
16 as amended by Section 3, Chapter 392, O.S.L. 2008,
17 2011, as amended by Section 4, Chapter 392, O.S.L.
18 2008, 2012 and 2013 (62 O.S. Supp. 2009, Sections
19 2003, 2004, 2006, 2007, 2009 and 2011), which relate
20 to the Rural Economic Action Plan; modifying
21 references; prescribing population limit for certain
22 areas; modifying provisions related to accounts and
23 subaccounts; modifying provisions related to certain
24 appropriated amounts; modifying eligible projects;
deleting reference to certain projects; imposing
expenditure requirements for certain project types;
imposing certain reporting requirements; authorizing
Oklahoma Department of Commerce to prescribe form of
reporting; amending 25 O.S. 2001, Section 304, as
amended by Section 1, Chapter 142, O.S.L. 2007 (25
O.S. Supp. 2009, Section 304), which relates to the
Oklahoma Open Meeting Act; modifying definition;
providing for noncodification; providing an effective
date; and declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law not to be
3 codified in the Oklahoma Statutes reads as follows:

4 This act shall be known and may be cited as the "Local Economic
5 Action and Development Act".

6 SECTION 2. AMENDATORY 62 O.S. 2001, Section 2003, as
7 amended by Section 1, Chapter 219, O.S.L. 2002 (62 O.S. Supp. 2009,
8 Section 2003), is amended to read as follows:

9 Section 2003. A. Monies appropriated by law to the Oklahoma
10 Water Resources Board for the purpose of funding the ~~Rural~~ Local
11 Economic Action Plan and Development grant program and the ~~Rural~~
12 Local Economic Action Plan and Development Water Projects Fund shall
13 be administered by the Oklahoma Water Resources Board as provided by
14 this section.

15 B. The monies referred to in subsection A of this section shall
16 be distributed to eligible cities and towns, unincorporated areas or
17 other qualified entities located within the areas represented by the
18 following organizations:

- 19 1. Association of Central Oklahoma Governments (ACOG);
- 20 2. Association of South Central Oklahoma Governments (ASCOG);
- 21 3. Central Oklahoma Economic Development District (COEDD);
- 22 4. Eastern Oklahoma Economic Development District (EOEDD);
- 23 5. Grand Gateway Economic Development Association (GGEDA);
- 24 6. Indian Nations Council of Governments (INCOG);

- 1 7. Kiamichi Economic Development District (KEDDO);
- 2 8. Northern Oklahoma Development Association (NODA);
- 3 9. Oklahoma Economic Development Association (OEDA);
- 4 10. Southern Oklahoma Development Association (SODA); and
- 5 11. South Western Oklahoma Development Authority (SWODA).

6 C. The monies referred to in subsection A of this section shall
7 not be expended for the benefit of cities or towns with a population
8 in excess of seven thousand (7,000) persons according to the latest
9 Federal Decennial Census. Funds may also be expended for any city
10 or town with a population below seven thousand (7,000) persons based
11 upon the current population estimate according to the U.S. Census
12 Bureau. Funds may be expended for such cities and towns until the
13 next following Federal Decennial Census. Any municipality may enter
14 into an agreement with an entity described in subsection B of this
15 section to apply for available funds described by this section if
16 the municipality is located within the area served by the entity.
17 Upon approval of the application, funds shall be paid to the
18 municipality requesting the funds.

19 D. An entity described in subsection B of this section may
20 apply for a grant to be used for the benefit of an unincorporated
21 area within a county served by that entity if the area benefited
22 does not contain a population in excess of seven thousand (7,000)
23 persons. Any county may enter into an agreement with an entity
24 described in subsection B of this section if the county is located

1 within the area served by the entity. Upon approval of the
2 application, funds shall be paid to the county requesting the funds.

3 E. The monies referred to in subsection A of this section may
4 be expended for water quality projects, including but not limited to
5 sewer line construction or repair and related storm or sanitary
6 sewer projects, water line construction or repair, water treatment,
7 water acquisition, distribution or recovery and related projects.

8 F. Any city or town with a population less than one thousand
9 seven hundred fifty (1,750) persons according to the latest Federal
10 Decennial Census shall have a higher priority for funds allocated by
11 the Oklahoma Water Resources Board from the amount referred to in
12 subsection A of this section than jurisdictions of greater size.
13 Among such cities or towns, those municipalities having relatively
14 weaker fiscal capacity shall have a priority for project funding in
15 preference to other municipalities.

16 G. The Oklahoma Water Resources Board shall establish ~~ten~~
17 eleven separate accounts containing ~~one-tenth (1/10)~~ one-eleventh
18 (1/11) of the amount annually appropriated to the ~~Rural~~ Local
19 Economic Action Plan and Development Water Projects Fund per
20 account. Each account shall be available for distribution to
21 qualified entities located within the area served by entities
22 described in ~~subsection A of~~ Section 2007 of this title or for
23 distribution to benefit unincorporated areas ~~with the exception of~~
24 ~~one account which shall be divided equally into two subaccounts.~~

1 ~~Each one of the two subaccounts shall be available for distribution~~
2 ~~to qualified entities located within the respective jurisdiction of~~
3 ~~one of the entities described by subsection B of Section 2007 of~~
4 ~~this title or for distribution to benefit unincorporated areas. No~~
5 funds deposited into one account ~~or subaccount~~ shall be transferred
6 to any other account. The total expenditure from any one account ~~or~~
7 ~~subaccount~~ for each fiscal year may not exceed the amount of funds
8 available to each account as may be provided by law.

9 H. No city, town or other entity to which funds will be
10 awarded pursuant to this section shall be required to provide any
11 form of match to obtain the funds, whether through cash, services or
12 any other method.

13 I. The Oklahoma Water Resources Board shall not be allowed to
14 retain any of the funds referred to in subsection A of this section
15 for administration. All such funds shall be distributed to eligible
16 entities as authorized by law.

17 J. In order to ensure fair and equitable distribution of the
18 funds referred to in subsection A of this section, the Oklahoma
19 Water Resources Board shall promulgate rules for administering,
20 determining priority of, approving and funding applications for such
21 funds. The rules shall implement the provisions of this section
22 including the following:
23
24

1 1. No qualified entity shall be approved nor funded for more
2 than One Hundred Fifty Thousand Dollars (\$150,000.00) from such
3 funds in any twelve-month period;

4 2. If a qualified entity has previously been approved for or
5 received such funds and makes a subsequent application, that
6 subsequent application may be assigned lower priority than an
7 application by qualified entities who have not previously been
8 approved for or received such funds;

9 3. In order to prevent substantially the same entity or area
10 from receiving an undue advantage, a political subdivision and all
11 its public trusts and similar subordinate entities together shall be
12 treated as one and the same qualified entity; provided rural water
13 or sewer districts shall not be construed to be subordinate entities
14 of counties unless the effect would be to make multiple grants to
15 substantially the same entity or service area; and

16 4. The Oklahoma Water Resources Board may establish limited
17 time periods for processing applications for available funds.

18 SECTION 3. AMENDATORY 62 O.S. 2001, Section 2004, as
19 last amended by Section 1, Chapter 194, O.S.L. 2007 (62 O.S. Supp.
20 2009, Section 2004), is amended to read as follows:

21 Section 2004. A. The monies appropriated to the ~~Rural~~ Local
22 Economic Action Plan and Development Fund shall be subject to all of
23 the requirements of Sections 2006 through 2013 of this title.

1 B. ~~In a fiscal year for which the amount appropriated to the~~
2 ~~Rural Economic Action Plan Fund is less than or equal to the sum of~~
3 ~~Fifteen Million Five Hundred Thousand Dollars (\$15,500,000.00),~~
4 ~~there~~ There shall be deposited into each of the accounts provided by
5 Section 2006 of this title the sum of ~~one-tenth (1/10)~~ one-eleventh
6 (1/11) of the amount appropriated to the Rural Local Economic Action
7 Plan and Development Fund ~~with the exception of one account which~~
8 ~~shall be divided equally into two subaccounts. One of the two~~
9 ~~subaccounts shall be available to one and only one of the entities~~
10 ~~described by subsection B of Section 2007 of this title for~~
11 ~~distribution to cities or towns within the respective jurisdiction~~
12 ~~of the entity if the population of such city or town does not exceed~~
13 ~~seven thousand (7,000) persons according to the latest Federal~~
14 ~~Decennial Census or for the benefit of an unincorporated area.~~
15 ~~Funds may also be expended for any city or town with a population~~
16 ~~below seven thousand (7,000) persons based upon the current~~
17 ~~population estimate according to the U.S. Census Bureau. Funds may~~
18 ~~be expended for such cities and towns until the next following~~
19 ~~Federal Decennial Census. Provided, for any fiscal year following~~
20 ~~the first fiscal year that the provisions of subsection D of this~~
21 ~~section have taken effect, funds appropriated to the Rural Economic~~
22 ~~Action Plan Fund shall be deposited as provided in subsection D of~~
23 ~~this section and the provisions of this subsection shall not be in~~
24 ~~effect.~~

1 C. ~~In a fiscal year for which the amount appropriated to the~~
2 ~~Rural Economic Action Plan Fund is greater than Fifteen Million Five~~
3 ~~Hundred Thousand Dollars (\$15,500,000.00), but less than Seventeen~~
4 ~~Million Fifty Thousand Dollars (\$17,050,000.00), there shall be~~
5 ~~deposited into each of nine separate accounts for the entities~~
6 ~~described by subsection A of Section 2007 of this title the sum of~~
7 ~~One Million Five Hundred Fifty Thousand Dollars (\$1,550,000.00).~~
8 ~~There shall be divided equally between two additional accounts for~~
9 ~~the use and benefit of the entities described by subsection B of~~
10 ~~Section 2007 of this title the balance of any such appropriation in~~
11 ~~excess of Thirteen Million Nine Hundred Fifty Thousand Dollars~~
12 ~~(\$13,950,000.00), but less than Seventeen Million Fifty Thousand~~
13 ~~Dollars (\$17,050,000.00).~~

14 D. ~~In the first fiscal year for which the amount appropriated~~
15 ~~to the Rural Economic Action Plan Fund equals or exceeds the sum of~~
16 ~~Seventeen Million Fifty Thousand Dollars (\$17,050,000.00), and in~~
17 ~~every subsequent fiscal year, there shall be deposited an equal~~
18 ~~amount to each of eleven accounts created for the use and benefit of~~
19 ~~the entities described by subsections A and B of Section 2007 of~~
20 ~~this title.~~

21 E. ~~Regardless of the number of accounts created based upon the~~
22 ~~appropriation amount to the Rural Economic Action Plan Fund, all All~~
23 ~~expenditures from all accounts shall be governed by the limitations~~
24 ~~imposed pursuant to Sections 2002 through 2013 of this title,~~

1 including the limitations applicable to expenditures for the benefit
2 of cities or towns based upon population limits or expenditures for
3 the benefit of unincorporated areas.

4 SECTION 4. AMENDATORY 62 O.S. 2001, Section 2006, as
5 last amended by Section 2, Chapter 392, O.S.L. 2008 (62 O.S. Supp.
6 2009, Section 2006), is amended to read as follows:

7 Section 2006. A. There is hereby established a fund within the
8 State Treasury to be known as the ~~Rural~~ Local Economic Action Plan
9 and Development Fund, to be administered by the Oklahoma Department
10 of Commerce. The fund shall be a continuing fund not subject to
11 fiscal year limitations. Within the ~~Rural~~ Local Economic Action
12 Plan and Development Fund there shall be established separate
13 accounts as prescribed by Section 2004 of this title into which
14 shall be deposited such funds as may be provided by law.

15 B. ~~Except as otherwise provided by Section 2004 of this title,~~
16 ~~one~~ One of ~~nine~~ nine ~~eleven~~ accounts shall be available to each entity
17 described in ~~subsection A of~~ Section 2007 of this title.

18 C. ~~Except as otherwise provided by Section 2004 of this title,~~
19 ~~one~~ ~~account~~ shall be divided equally into two subaccounts. ~~One of~~
20 ~~the two~~ ~~subaccounts~~ shall be available to each of the entities
21 described by ~~subsection B of~~ Section 2007 of this title for
22 ~~distribution to any city or town within the respective jurisdiction~~
23 ~~of the entity if the population of such city or town does not exceed~~
24 ~~seven thousand (7,000) persons according to the latest Federal~~

1 ~~Decennial Census or for the benefit of an unincorporated area.~~
2 ~~Funds may also be expended for any city or town with a population~~
3 ~~below seven thousand (7,000) persons based upon the current~~
4 ~~population estimate according to the U.S. Census Bureau. Funds may~~
5 ~~be expended for such cities and towns until the next following~~
6 ~~Federal Decennial Census.~~

7 D. No funds deposited into one account ~~or subaccount~~ shall be
8 transferred to any other account. No entity may access any more
9 than one account per fiscal year and the total expenditure from any
10 one account for each fiscal year may not exceed the amount of funds
11 available to each account as may be provided by law.

12 ~~E.~~ D. No monies in the ~~Rural~~ Local Economic Action Plan and
13 Development Fund shall be used for the payment of administrative
14 expenses, salaries or any other continuing obligation of the
15 Oklahoma Department of Commerce.

16 SECTION 5. AMENDATORY 62 O.S. 2001, Section 2007, as
17 amended by Section 3, Chapter 194, O.S.L. 2007 (62 O.S. Supp. 2009,
18 Section 2007), is amended to read as follows:

19 Section 2007. A. A voluntary association of Oklahoma local
20 governmental jurisdictions or another legal entity, including a
21 public trust or a nonprofit corporation or other entity which
22 performs functions for the benefit of or which exists for the
23 primary benefit of Oklahoma local governmental jurisdictions ~~and~~
24 ~~which is not described in subsection B of this section,~~ shall be

1 eligible to obtain funding for rural economic development projects
2 as authorized by Section 2004 of this title ~~or as authorized by~~
3 ~~subsection B of Section 2006 of this title.~~

4 B. ~~A voluntary association of Oklahoma local governmental~~
5 ~~jurisdictions containing at least one municipality with a population~~
6 ~~in excess of three hundred fifty thousand (350,000) persons~~
7 ~~according to the latest Federal Decennial Census, shall be eligible~~
8 ~~to obtain funding as authorized by Section 2004 of this title or as~~
9 ~~authorized by subsection C of Section 2006 of this title.~~

10 ~~C.~~ The entities described in subsection A ~~or B~~ of this section
11 and which are eligible for any funds authorized by Section 2006 of
12 this title shall be prohibited from making expenditures on behalf of
13 or from making payment directly to any city or town with a
14 population in excess of seven thousand (7,000) persons using any
15 funds deposited to the ~~Rural~~ Local Economic Action Plan and
16 Development Fund created by Section 2006 of this title. Funds may
17 also be expended for any city or town with a population below seven
18 thousand (7,000) persons based upon the current population estimate
19 according to the U.S. Census Bureau. Funds may be expended for such
20 cities and town until the next following Federal Decennial Census.

21 ~~D.~~ C. An organization described in subsection A ~~or B~~ of this
22 section shall be authorized to make payment of funds obtained
23 pursuant to Section 2006 of this title directly to a county if the
24 funds are used for the benefit of an unincorporated area located

1 within the county to which payment is made if the area benefited
2 does not contain a population in excess of seven thousand (7,000)
3 persons. After the county has provided a request to an organization
4 described in subsection A ~~or B~~ of this section for funds to benefit
5 an unincorporated area of the county, together with a statement that
6 the county has conducted a review of the needs of unincorporated
7 areas located within the county and that the funding requested is
8 consistent with the evaluation of priorities for funds by the
9 county, the funds requested may be paid to the county. Any funds
10 paid to a county pursuant to the provisions of this subsection shall
11 be expended by the county exclusively for the purpose identified in
12 the request.

13 ~~E.~~ D. No county to which funds are paid pursuant to the
14 provisions of subsection ~~D~~ C of this section shall be liable to any
15 person or other legal entity for damages arising out of any
16 condition, act, omission or other cause alleged to have arisen as a
17 result of a project upon which funds expended pursuant to the
18 authority of subsection ~~D~~ C of this section were paid to the county.

19 SECTION 6. AMENDATORY 62 O.S. 2001, Section 2008, is
20 amended to read as follows:

21 Section 2008. A. The governing board of an entity described by
22 subsection A ~~or B~~ of Section 2007 of this title shall develop a plan
23 for the use of available funds for the economic development of areas
24 included within its respective jurisdiction. For purposes of this

1 act, "economic development" shall include, but shall not be limited
2 to, the following purposes:

3 1. Rural water quality projects, including acquisition,
4 treatment, distribution and recovery of water for consumption by
5 humans or animals or both;

6 2. Rural solid waste disposal, treatment or similar projects;

7 3. Rural sanitary sewer construction or improvement projects;

8 4. Rural road or street construction or improvement projects;

9 5. Provision of health care services, including emergency
10 medical care, in rural areas;

11 6. Provision of rural fire protection services;

12 7. Construction or improvement of telecommunication facilities
13 or systems;

14 8. Improvement of municipal energy distribution systems; and

15 9. Expenditures designed to increase the employment level
16 within the jurisdiction of the entity; ~~and~~

17 ~~10. Such other purposes as may be certified pursuant to an~~
18 ~~affirmative vote of two thirds (2/3) of the governing board of an~~
19 ~~entity described by subsection A or B of Section 2007 of this title.~~

20 B. Effective July 1, 2010, at least eighty percent (80%) of any
21 funds distributed to an entity as provided by this section shall be
22 expended for assets described in paragraphs 1 through 4 of
23 subsection A of this section. The remaining twenty percent (20%) of
24 any funds distributed to an entity as provided by this section may

1 be expended on assets or purposes described in paragraphs 5 through
2 9 of subsection A of this section.

3 C. Not later than July 31, each entity described by subsection
4 A of Section 2007 of this title shall transmit, in such electronic
5 form as may be prescribed by the Oklahoma Department of Commerce for
6 purposes of access to such information on the website maintained by
7 the Department, a summary of each project upon which funds received
8 by the entity pursuant to the provisions of the Local Economic
9 Action and Development Act were expended during the fiscal year
10 ending on the June 30 date immediately preceding the July 31
11 reporting date.

12 SECTION 7. AMENDATORY 62 O.S. 2001, Section 2009, as
13 amended by Section 3, Chapter 392, O.S.L. 2008 (62 O.S. Supp. 2009,
14 Section 2009), is amended to read as follows:

15 Section 2009. A. In order for an eligible entity to obtain
16 funds provided for by Section 2006 of this title, the entity shall
17 file the organizational plan required by Section 2008 of this title
18 with the Oklahoma Department of Commerce.

19 B. In order to be filed, the plan shall have first been
20 approved by an affirmative vote of two-thirds (2/3) of the governing
21 board of an entity described by subsection A ~~or B~~ of Section 2007 of
22 this title. The vote shall be memorialized in a document, executed
23 under oath, that the record of the vote is a true and accurate
24

1 account of the proceedings conducted by the governing board to be
2 filed with the Oklahoma Department of Commerce.

3 SECTION 8. AMENDATORY 62 O.S. 2001, Section 2011, as
4 amended by Section 4, Chapter 392, O.S.L. 2008 (62 O.S. Supp. 2009,
5 Section 2011), is amended to read as follows:

6 Section 2011. A. Except as otherwise provided by subsection C
7 of this section, the funds available pursuant to the provisions of
8 Section 2006 of this title shall not be used to pay any
9 administrative expenses of the entity requesting the funds. The
10 Oklahoma Department of Commerce shall monitor expenditures made
11 pursuant to the ~~Rural~~ Local Economic Action Plan and Development Act
12 to ensure compliance with the provisions of this section. Such
13 funds shall be audited by the State Auditor and Inspector in the
14 manner provided by law for audits of other state funds. Misuse of
15 funds by an entity shall disqualify the entity from further funding
16 for a period of one (1) year from the date as of which any report by
17 the Oklahoma Department of Commerce is issued revealing a violation
18 of the requirements of this section.

19 B. Except for funds authorized by subsection C of this section,
20 an entity which violates the provisions of this section shall be
21 liable to the State of Oklahoma for treble the amount of funds
22 identified as having been impermissibly used for the payment or
23 reimbursement of administrative expenses. The payment shall be made
24 to the Oklahoma Department of Commerce for deposit in the ~~Rural~~

1 Local Economic Action Plan and Development Fund and such funds shall
2 become available for distribution as otherwise provided by Section
3 2001 et seq. of this title except that no such funds shall be paid
4 to an entity which has been required to make the treble damage
5 payment.

6 C. Upon verification by the Oklahoma Department of Commerce
7 that an entity is qualified to receive funds for a purpose
8 authorized by this section, the entity shall be eligible for an
9 initial planning expenditure payment of not to exceed five percent
10 (5%) of the amount contained in the account created for the entity
11 pursuant to Section 2006 of this title.

12 SECTION 9. AMENDATORY 62 O.S. 2001, Section 2012, is
13 amended to read as follows:

14 Section 2012. Expenditures from the ~~Rural~~ Local Economic Action
15 ~~Plan and Development~~ Fund shall be made in the same manner as
16 provided by law for the expenditure of other public funds.

17 SECTION 10. AMENDATORY 62 O.S. 2001, Section 2013, is
18 amended to read as follows:

19 Section 2013. The expenditures from the ~~Rural~~ Local Economic
20 Action ~~Plan and Development~~ Fund and other expenditures governed by
21 this act, if made in accordance with the requirements of this act,
22 shall be construed as an expenditure of public funds in furtherance
23 of governmental functions and for the purpose of conferring general
24 and uniform benefits resulting from the expenditures upon the

1 residents and other legal entities located in areas subject to the
2 jurisdiction of the entities described in subsection A ~~or B~~ of
3 Section 2007 of this title.

4 SECTION 11. AMENDATORY 25 O.S. 2001, Section 304, as
5 amended by Section 1, Chapter 142, O.S.L. 2007 (25 O.S. Supp. 2009,
6 Section 304), is amended to read as follows:

7 Section 304. As used in the Oklahoma Open Meeting Act:

8 1. "Public body" means the governing bodies of all
9 municipalities located within this state, boards of county
10 commissioners of the counties in this state, boards of public and
11 higher education in this state and all boards, bureaus, commissions,
12 agencies, trusteeships, authorities, councils, committees, public
13 trusts or any entity created by a public trust, including any
14 committee or subcommittee composed of any of the members of a public
15 trust or other legal entity receiving funds pursuant to the Local
16 Economic Action and Development Act as authorized by Section 2007 of
17 Title 62 of the Oklahoma Statutes, task forces or study groups in
18 this state supported in whole or in part by public funds or
19 entrusted with the expending of public funds, or administering
20 public property, and shall include all committees or subcommittees
21 of any public body. Public body shall not include the state
22 judiciary, the Council on Judicial Complaints when conducting,
23 discussing, or deliberating any matter relating to a complaint
24 received or filed with the Council, the Legislature, or

1 administrative staffs of public bodies, including, but not limited
2 to, faculty meetings and athletic staff meetings of institutions of
3 higher education when those staffs are not meeting with the public
4 body, or entry-year assistance committees. Furthermore, public body
5 shall not include the multidisciplinary team provided for in
6 subsection C of Section 1-502.2 of Title 63 of the Oklahoma Statutes
7 or any school board meeting for the sole purpose of considering
8 recommendations of a multidisciplinary team and deciding the
9 placement of any child who is the subject of the recommendations.
10 Furthermore, public body shall not include meetings conducted by
11 stewards designated by the Oklahoma Horse Racing Commission pursuant
12 to Section 203.4 of Title 3A of the Oklahoma Statutes when the
13 stewards are officiating at races or otherwise enforcing rules of
14 the Commission;

15 2. "Meeting" means the conduct of business of a public body by
16 a majority of its members being personally together or, as
17 authorized by Section 307.1 of this title, together pursuant to a
18 videoconference. Meeting shall not include informal gatherings of a
19 majority of the members of the public body when no business of the
20 public body is discussed;

21 3. "Regularly scheduled meeting" means a meeting at which the
22 regular business of the public body is conducted;

23 4. "Special meeting" means any meeting of a public body other
24 than a regularly scheduled meeting or emergency meeting;

1 5. "Emergency meeting" means any meeting called for the purpose
2 of dealing with an emergency. For purposes of the Oklahoma Open
3 Meeting Act, an emergency is defined as a situation involving injury
4 to persons or injury and damage to public or personal property or
5 immediate financial loss when the time requirements for public
6 notice of a special meeting would make such procedure impractical
7 and increase the likelihood of injury or damage or immediate
8 financial loss;

9 6. "Continued or reconvened meeting" means a meeting which is
10 assembled for the purpose of finishing business appearing on an
11 agenda of a previous meeting. For the purposes of the Oklahoma Open
12 Meeting Act, only matters on the agenda of the previous meeting at
13 which the announcement of the continuance is made may be discussed
14 at a continued or reconvened meeting; and

15 7. "Videoconference" means a conference among members of a
16 public body remote from one another who are linked by interactive
17 telecommunication devices permitting both visual and auditory
18 communication between and among members of the public body and
19 members of the public. During any videoconference both the visual
20 and auditory communications functions of the device shall be
21 utilized. Whenever the term "teleconference" appears in any law in
22 relation to a meeting of a public body, it shall be deemed to mean a
23 videoconference as defined in this paragraph.

24 SECTION 12. This act shall become effective July 1, 2010.

1 SECTION 13. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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6 52-2-9989 MAH 02/22/10

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