



H.B. 1032

RE: H.B. 1032

SUBJECT: Oklahoma Open Meeting Act

House Bill 1032 becomes effective November 1, 2015. This bill amends the portion of the Open Meetings Act dealing with executive sessions.

- Section 1(D): Directs that no landowner, real estate salesperson, broker, developer or any other person who could profit from a proposed transaction concerning real property under consideration by a public body in executive session can be present in the executive session unless they are under an existing agreement to represent the public body.

Should you have any questions related to this bill, please contact Ms. Lynn Jones, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 25 O.S. 307

An Act

ENROLLED HOUSE
BILL NO. 1032

By: Kirby of the House

and

Crain of the Senate

An Act relating to definitions and general provisions; amending 25 O.S. 2011, Section 307, which relates to executive sessions; permitting certain individual to participate in executive session to discuss real property; and providing an effective date.

SUBJECT: Oklahoma Open Meeting Act

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

SECTION 1. AMENDATORY 25 O.S. 2011, Section 307, is amended to read as follows:

Section 307. A. No public body shall hold executive sessions unless otherwise specifically provided in this section.

B. Executive sessions of public bodies will be permitted only for the purpose of:

1. Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee;

2. Discussing negotiations concerning employees and representatives of employee groups;

3. Discussing the purchase or appraisal of real property;

4. Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest;

5. Permitting district boards of education to hear evidence and discuss the expulsion or suspension of a student when requested by the student involved or the student's parent, attorney or legal guardian;

6. Discussing matters involving a specific handicapped child;

7. Discussing any matter where disclosure of information would violate confidentiality requirements of state or federal law;

8. Engaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act; or

9. Discussing the following:

- a. the investigation of a plan or scheme to commit an act of terrorism,
- b. assessments of the vulnerability of government facilities or public improvements to an act of terrorism,
- c. plans for deterrence or prevention of or protection from an act of terrorism,
- d. plans for response or remediation after an act of terrorism,
- e. information technology of the public body but only if the discussion specifically identifies:
 - (1) design or functional schematics that demonstrate the relationship or connections between devices or systems,
 - (2) system configuration information,

- (3) security monitoring and response equipment placement and configuration,
 - (4) specific location or placement of systems, components or devices,
 - (5) system identification numbers, names, or connecting circuits,
 - (6) business continuity and disaster planning, or response plans, or
 - (7) investigation information directly related to security penetrations or denial of services, or
- f. the investigation of an act of terrorism that has already been committed.

For the purposes of this subsection, the term "terrorism" means any act encompassed by the definitions set forth in Section 1268.1 of Title 21 of the Oklahoma Statutes.

C. Notwithstanding the provisions of subsection B of this section, the following public bodies may hold executive sessions:

1. The State Banking Board, as provided for under Section 306.1 of Title 6 of the Oklahoma Statutes;

2. The Oklahoma Industrial Finance Authority, as provided for in Section 854 of Title 74 of the Oklahoma Statutes;

3. The Oklahoma Development Finance Authority, as provided for in Section 5062.6 of Title 74 of the Oklahoma Statutes;

4. The Oklahoma Center for the Advancement of Science and Technology, as provided for in Section 5060.7 of Title 74 of the Oklahoma Statutes;

5. The Oklahoma Savings and Loan Board, as provided for under subsection A of Section 381.74 of Title 18 of the Oklahoma Statutes;

6. The Oklahoma Health Research Committee for purposes of conferring on matters pertaining to research and development of products, if public disclosure of the matter discussed would

interfere with the development of patents, copyrights, products, or services;

7. A review committee, as provided for in Section 855 of Title 62 of the Oklahoma Statutes;

8. The Child Death Review Board for purposes of receiving and conferring on matters pertaining to materials declared confidential by law;

9. The Domestic Violence Fatality Review Board as provided in Section 1601 of Title 22 of the Oklahoma Statutes;

10. All nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces or study groups supported in whole or part by public funds or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business;

11. The Oklahoma Indigent Defense System Board for purposes of discussing negotiating strategies in connection with making possible counteroffers to offers to contract to provide legal representation to indigent criminal defendants and indigent juveniles in cases for which the System must provide representation pursuant to the provisions of the Indigent Defense System Act; and

12. The Quality Investment Committee for purposes of discussing applications and confidential materials pursuant to the terms of the Oklahoma Quality Investment Act.

D. ~~An~~ Except as otherwise specified in this subsection, an executive session for the purpose of discussing the purchase or appraisal of real property shall be limited to members of the public body, the attorney for the public body, and the immediate staff of the public body. No landowner, real estate salesperson, broker, developer, or any other person who may profit directly or indirectly by a proposed transaction concerning real property which is under consideration may be present or participate in the executive

session, unless they are operating under an existing agreement to represent the public body.

E. No public body may go into an executive session unless the following procedures are strictly complied with:

1. The proposed executive session is noted on the agenda as provided in Section 311 of this title;

2. The executive session is authorized by a majority vote of a quorum of the members present and the vote is a recorded vote; and

3. Except for matters considered in executive sessions of the State Banking Board and the Oklahoma Savings and Loan Board, and which are required by state or federal law to be confidential, any vote or action on any item of business considered in an executive session shall be taken in public meeting with the vote of each member publicly cast and recorded.

F. A willful violation of the provisions of this section shall:

1. Subject each member of the public body to criminal sanctions as provided in Section 314 of this title; and

2. Cause the minutes and all other records of the executive session, including tape recordings, to be immediately made public.

SECTION 2. This act shall become effective November 1, 2015.

Passed the House of Representatives the 2nd day of March, 2015.

Jim Powell
Presiding Officer of the House
of Representatives

Passed the Senate the 14th day of April, 2015.

Eddie Fieber
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th
day of April, 20 15, at 2:00 o'clock P M.
By: *Audrey Rockwell*

Approved by the Governor of the State of Oklahoma this 21st
day of April, 20 15, at 1:00 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st
day of April, 20 15, at 3:19 o'clock P M.
By: *Ch. Benz*



H.B. 2119

RE: H.B. 2119

SUBJECT: Public Contracts

House Bill 2119 becomes effective November 1, 2015. This bill allows for a contract bid period to be extended by the awarding public agency.

- Current law allows the governing body of an awarding public agency to extend the contract award period for an additional 15 days where state or local funds are involved or 90 days where federal funds are involved regarding construction of a public improvement.
- Section 1: Allows the Division or awarding public agency to extend a contract award period by no more than 120 days from the opening bid date upon mutual written agreement between the lowest responsible bidder and the awarding public agency.
 - “Public agency” is defined to mean the State of Oklahoma, and any county, city, town, school district or other political subdivision of the state, any public trust, any public entity specifically created by the statutes of the State of Oklahoma or as a result of statutory authorization therefor, and any department, agency, board, bureau, commission, committee or authority of any of the foregoing public entities.

Should you have any questions related to this bill, please contact Ms. Nancy Hughes, Executive Director of Financial Accounting/OCAS/Audits, at (405) 521-2517 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 61 O.S. 111

Helpful Statutory References: 61 O.S. 102

An Act

ENROLLED HOUSE
BILL NO. 2119

By: McBride of the House

and

Fry and Pittman of the
Senate

An Act relating to public buildings and public works; amending 61 O.S. 2011, Section 111, which relates to bidding and contracts; modifying entities authorized to extend contract award period; and providing an effective date.

SUBJECT: Public contracts

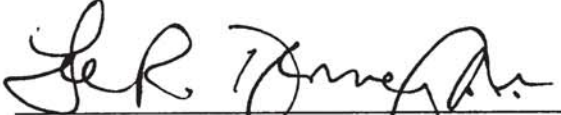
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 61 O.S. 2011, Section 111, is amended to read as follows:

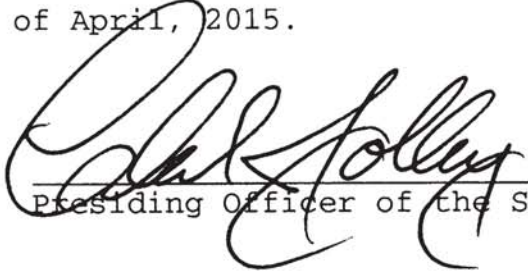
Section 111. The awarding of a contract to the lowest responsible bidder or bidders shall be made within thirty (30) days after the opening of bids unless the governing body of the awarding public agency, by formal recorded action and for good cause shown, provides for a reasonable extension of that period, which extension period shall not in any event exceed fifteen (15) days where only state or local funds are involved, or not to exceed ninety (90) days on any award of contract for the construction of a public improvement where funds are utilized which are furnished by an agency of the United States Government. Upon mutual written agreement between the lowest responsible bidder or bidders and the awarding public agency, the Division or awarding public agency may extend the contract award period no more than one hundred twenty (120) days from the bid opening date.

SECTION 2. This act shall become effective November 1, 2015.

Passed the House of Representatives the 4th day of March, 2015.


Presiding Officer of the House
of Representatives

Passed the Senate the 21st day of April, 2015.


Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd
day of April, 20 15, at 12:08 o'clock P M.
By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 28th
day of April, 20 15, at 2:26 o'clock P M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 28th
day of April, 20 15, at 3:30 o'clock P M.
By: C. Benz



S.B. 312

RE: S.B. 312
SUBJECT: Elections

Senate Bill 312 becomes effective January 1, 2016. This bill modifies the dates on which local elections, including school board elections, can occur.

- Current law requires county election boards to only schedule elections on Tuesdays.
- Section 1(B): Directs that local elections, including special elections, held in any county, school district, technology center school district, municipality or other political subdivision can only call an election on one of the following dates:
 - The second Tuesday of February in any year,
 - The first Tuesday of April in any year,
 - The same date as any regularly scheduled statewide state or federal election in an even-numbered year,
 - The second Tuesday of September in an odd-numbered year, and
 - The second Tuesday of November in an odd-numbered year.
- Section 1(C): Limits elections for any other purpose besides filling an elective office to:
 - The second Tuesday of January, February, May, June, July, August, September, October and November, and the first Tuesday in March and April in *odd-numbered years*.
 - The second Tuesday of January and February, the first Tuesday in March and April, the last Tuesday in June, the fourth Tuesday in August, and the first Tuesday after the first Monday in November of *even-numbered years*.
- Section 7(D): Allows for a special filing period for boards of education for school districts and technology center school districts, if necessary, to be scheduled not more than 20 days following the date the resolution is required to be submitted to the county election board.
- Section 8(B): If a board of education of a school district or technology school district does not fill a vacancy by appointment within 60 days, the board must call a special election to fill the unexpired term. The election date, must be on one of the dates set in Section 1, and the filing period must be as prescribed in Section 7(D).

Note: S.B. 312 and S.B. 399 both amend the same portion of law, 26 O.S. 3-101, and as such, should be read together.

Should you have any questions related to this bill, please contact Ms. Lynn Jones, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 26 O.S. 3-101, 13A-109, 13A-110
Helpful Statutory References: 11 O.S. 16-102

An Act

ENROLLED SENATE
BILL NO. 312

By: Holt of the Senate

and

Echols of the House

An Act relating to elections; amending 26 O.S. 2011, Sections 3-101, as last amended by Section 20, Chapter 15, O.S.L. 2013, 13-101 and 13-103 (26 O.S. Supp. 2014, Section 3-101), which relate to elections held by political subdivisions; modifying dates upon which elections to fill elective offices may be held by political subdivisions; deleting obsolete language; clarifying references; amending 11 O.S. 2011, Section 16-112, which relates to special elections of municipalities; modifying requirements to call for a special election; amending 19 O.S. 2011, Section 901.5, which relates to fire protection districts; modifying the filing date for an office on the board of directions and eliminating the filing fee; amending 26 O.S. 2011, Section 13-102, as last amended by Section 1, Chapter 126, O.S.L. 2012 (26 O.S. Supp. 2014, Section 13-102), which relates to municipal elections; modifying the filing period for a municipal election when it conflicts with a state or federal election; amending 26 O.S. 13A-109, 13A-110, which relate to school district elections; modifying the filing period for special elections and establishing governing legislation for the timeline of holding special elections; and providing an effective date.

SUBJECT: Elections

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 3-101, as last amended by Section 20, Chapter 15, O.S.L. 2013 (26 O.S. Supp. 2014, Section 3-101), is amended to read as follows:

Section 3-101. A. No election required to be conducted by any county election board shall be scheduled for a day other than Tuesday.

B. Except as otherwise provided by law, no regular or special election to fill an elective office shall be held by any county, school district, technology center school district, municipality or other political subdivision authorized to call elections except as follows:

1. The second Tuesday of February in any year;
2. The first Tuesday of April in any year;
3. The date of any regularly scheduled statewide state or federal election in an even-numbered year;
4. The second Tuesday of September in an odd-numbered year; and
5. The second Tuesday of November in an odd-numbered year.

C. Except as otherwise provided by law, no ~~special~~ election for any purpose other than to fill an elective office shall be held by any county, school district, technology center school district, municipality or other ~~entity~~ political subdivision authorized to call elections except on:

1. The second Tuesday of January, February, May, June, July, August, September, October and November and the first Tuesday in March and April in odd-numbered years; provided, a municipality with a population in excess of two hundred fifty thousand (250,000) persons, according to the most recent federal decennial census, may also hold an election on the second Tuesday of December in odd-numbered years; and

2. The second Tuesday of January and February, the first Tuesday in March and April, the last Tuesday in June, the fourth Tuesday in August, and the first Tuesday after the first Monday in November of any even-numbered year.

~~C.~~ D. In the event that a regular or special election date occurs on an official state holiday, the election shall be scheduled for the next following Tuesday.

~~D.~~ E. Notwithstanding any other provision of law or any provision of a municipal charter, any municipality, school district, technology center district, county, rural fire protection district, or any other entity seeking to hold a regular or special election to be conducted by a county election board on the same date as a regular or special federal or state election, shall file the resolution calling for the election with the county election board secretary no later than seventy-five (75) days prior to the election date. A candidate filing period, if so required by the resolution, shall begin no later than ten (10) days following the deadline to file the resolution with the secretary of the county election board; provided, the filing period for such municipal office may be scheduled on the same dates as the filing period for state or federal office to be filled at such election.

SECTION 2. AMENDATORY 26 O.S. 2011, Section 13-101.1, is amended to read as follows:

Section 13-101.1. ~~After July 1, 2005, no~~ No county election board shall be required to conduct elections for any municipality on a date other than an election date identified in subsection B of Section 3-101 of this title. Municipalities that hold both primary and general elections, in addition to scheduling elections on dates identified in ~~subsection B of~~ Section 3-101 of this title, shall provide no fewer than thirty-five (35) days between the primary and general elections; ~~except however, primary and general elections may be scheduled on the identified election dates in March and April when there are fewer than thirty five (35) days between the election dates.~~

SECTION 3. AMENDATORY 26 O.S. 2011, Section 13-103, is amended to read as follows:

Section 13-103. A. All municipal elections shall be held at the same place and in the same manner prescribed for conduct of state and county elections unless otherwise provided by law.

B. A municipality may adopt an ordinance requiring its elections to be partisan. If such an ordinance is adopted, a municipality shall notify the county election board that its election is to be partisan in its resolution calling for an election. If a municipality fails to notify the county election board that its election will be on a partisan basis in the resolution calling for an election, then the municipal election shall be on a nonpartisan basis. Provided, any municipality which is governed by a charter may provide otherwise by charter or ordinance.

C. All precincts totally or partially contained within the limits of a municipality shall be open for all elections held by such municipality; provided, however, that a municipality may authorize any precinct which is only partially contained within the limits of the municipality not to be opened by certifying to the county election board in its resolution calling for an election that no persons reside within that portion of the precinct contained within the limits of the municipality. Polling places shall be open from 7:00 a.m. until 7:00 p.m. Each precinct election board shall be the same as for state and county elections; provided, however, that substitutions, if necessary, shall be made by the county election board. Except as otherwise provided by law, the laws governing state and county Primary and General Elections shall be applicable to all municipal elections.

D. All municipal elections, including elections for municipalities with home rule charters, shall be held only on dates identified by ~~subsection B of~~ in Section 3-101 of this title.

SECTION 4. AMENDATORY 11 O.S. 2011, Section 16-112, is amended to read as follows:

Section 16-112. When the municipal governing body shall deem it advisable, it may, by resolution or ordinance, authorize the mayor to call a special election on a date established in Section 3-101 of Title 26 of the Oklahoma Statutes for the purpose of submitting to the registered voters of the municipality the question of issuing

municipal bonds, of granting any franchise, or for any other purpose authorized by law.

SECTION 5. AMENDATORY 19 O.S. 2011, Section 901.5, is amended to read as follows:

Section 901.5. A. Directors of a fire protection district shall be the surface owners of real property in and residents of the district.

B. At the time of making its order organizing the district, the board of county commissioners shall appoint three directors who shall hold their office until the next General Election, at which time their successors shall be elected. At the election, the qualified person receiving the highest number of votes for member of board of directors of the district shall hold office for the term of six (6) years. The qualified person receiving the next highest number of votes shall be elected for four (4) years, and the qualified person having the next highest number of votes shall be elected for two (2) years. Each two (2) years thereafter, there shall be elected for a term of six (6) years one member of said board of directors.

C. 1. A board of directors may increase its membership to five (5) members by resolution of the board. If a board of directors adopts such a resolution, the position of the original board which will be up for election at the next General Election shall be for a five-year term.

2. An additional two members shall be elected at a special election called for that purpose by the board of directors. The two qualified persons who receive the highest number of votes for the additional two positions shall be elected to serve until the next General Election.

3. All board members elected thereafter to a five-member board shall serve a term of five (5) years with elections held yearly.

D. The board of directors of the district shall submit, within fifteen (15) days before the filing period of any district election, a resolution to the secretary of the county election board

conducting said election. The resolution shall contain the following:

1. The date of the election;
2. The offices to be filled or the questions to be voted upon at the election;
3. Qualifications for the offices;
4. The location of the polling place or places; and
5. Any other information necessary for conducting said election.

E. 1. The regular election in the district shall be held at the same time as the General Election in this state or on the second Tuesday in November in those years that a General Election is not held.

2. In those years that a General Election is not held the entire cost of the election shall be paid by the district. When the election is held at the same time as the General Election, the district shall pay only for the cost directly attributable to district election.

3. All polling places of precincts, all or any part of which include areas within the boundaries of the district, shall be supplied ballots for the purpose of permitting electors of the district to vote for members of the board of directors of the district.

4. Filing for the office of member of the board of directors shall be with the county election board on a nonpartisan basis ~~during the regular filing period for state and county offices in those years that a General Election is held.~~

5. ~~In those years that a General Election is not held the filing time will be from 8 a.m. on the first Monday after Independence Day until 5 p.m. on the next succeeding Wednesday and shall be done without the payment of a filing fee from 8 a.m. on the first Monday after Independence Day until 5 p.m. on the next~~

succeeding Wednesday each year. The payment of a filing fee shall not be required.

F. 1. Vacancies on the board shall be filled by the board of directors. In the event a vacancy occurs and the remaining members of the board are unable to make a decision on such vacancy within sixty (60) calendar days, the board of county commissioners shall immediately appoint a member to fill the vacancy. In the event the vacancies on the board are so numerous as to not provide a quorum, the board of county commissioners shall appoint as many members as are necessary to make a quorum.

2. All vacancies filled pursuant to the provisions of this subsection shall be filled until the next regular election, at which time a member shall be elected to serve the remainder of the unexpired term.

G. 1. The office of a member of the board of directors may be declared vacant by the board of directors if such member:

- a. is absent from more than one-half (1/2) of all meetings of the board of directors, regular and special, held within any period of four (4) consecutive months,
- b. ceases to be eligible for office pursuant to this section,
- c. has a conviction in a court of any felony or crime involving moral turpitude,
- d. uses alcohol, any stimulant, any drug or other substance which impairs intellect, judgment or physical ability to such an extent as to incapacitate the member to such a degree that the member is prevented from performing duties pursuant to Chapter 21 of this title, and
- e. has a mental or physical weakness or inability which incapacitates the member to such a degree that the member is prevented from performing duties required pursuant to Chapter 21 of this title.

2. Vacancies determined pursuant to this subsection shall be filled pursuant to subsection F of this section after notice to the board member of such action and opportunity for a hearing.

3. Vacancies shall be determined at an official meeting of the board and shall be a specific agenda item.

4. Any appeal from a decision declaring an office vacant pursuant to this subsection shall be made to the district court within thirty (30) days of such determination.

SECTION 6. AMENDATORY 26 O.S. 2011, Section 13-102, as last amended by Section 1, Chapter 126, O.S.L. 2012 (26 O.S. Supp. 2014, Section 13-102), is amended to read as follows:

Section 13-102. A. Not fewer than fifteen (15) days before the filing period for any regular municipal election, or in the event of a special election, not fewer than sixty (60) days before such election, the governing board of any municipality shall submit a resolution to the secretary of the county election board conducting such election. Such resolution shall contain the following facts:

1. The dates of the election or elections;
2. The offices to be filled or the questions to be voted upon at such election or elections;
3. Qualifications for such offices;
4. Designation of which offices shall be filled by voting by ward and which offices shall be filled by voting at large;
5. Indication of whether the election will be partisan or nonpartisan;
6. For charter cities where the charter is silent, indication of any portion of state law which will apply;
7. A list of precincts partially contained within the limits of the municipality which are eligible to be closed pursuant to the provisions of subsection C of Section 13-103 of this title, and a

certification of whether such precincts shall be open or not open for the election; and

8. Any other information necessary for conducting said election or elections.

B. In the event that a municipality governed by charter schedules a regular or special election for a municipal office on the same date as an election involving state or federal offices, the filing period for such municipal office shall be scheduled ~~on a Monday, Tuesday and Wednesday not less than fifteen (15) days nor more than twenty (20) days following the date of the resolution or order to meet the requirements of Section 16-102 of Title 11 of the Oklahoma Statutes and of Section 3-101 of Title 26 of the Oklahoma Statutes~~; provided, the filing period for such municipal office may be scheduled on the same dates as the filing period for state or federal office to be filled at such election.

SECTION 7. AMENDATORY 26 O.S. 2011, Section 13A-109, is amended to read as follows:

Section 13A-109. A. The board of education of every school district and technology center school district shall notify, by resolution, the secretary of the county election board responsible for certifying its election of any regular or special election.

B. The resolution calling for an election or elections shall include, but shall not be limited to, the following information:

1. Date or dates of the election or elections;
2. Identification of the office or offices to be filled, qualifications of candidates for office and the length of term of each;
3. Information describing election districts within the school district, if applicable;
4. Ballot titles of the question or questions to be voted upon;
5. Information describing the persons eligible to vote in the election; and

6. All other information necessary for conducting the election or elections.

C. Resolutions calling for regular elections shall be delivered to the secretary of the county election board no fewer than fifteen (15) days preceding the first day of the filing period established in Section 13A-105 of this title. The resolution shall contain all questions to be voted upon at the election to be held on the day as required in Section 13A-103 of this title.

D. Resolutions calling for special elections shall be delivered to the secretary of the county election board no fewer than sixty (60) days preceding the election. A special filing period, if necessary, shall be scheduled for three days and shall begin not more than twenty (20) days following the date the resolution is required to be submitted to the county election board.

E. In addition to notifying the secretary of the county election board of the election by resolution as required in this section:

1. For elections of members of the board of education of a school district, the board shall also publish a legal notice for each regular and special election in one issue of a legal newspaper of the county, as defined by Section 106 of Title 25 of the Oklahoma Statutes, in the county wherein the school district administrative office is located at least ten (10) days prior to the filing period and shall issue a news release of the upcoming filing period and election to a newspaper of general circulation in the county wherein the school district administrative office is located. The legal notice and press release shall include, but shall not be limited to, the dates of the filing period for the election or elections and the office or offices to be filled. The notice shall also be posted at the school district administrative offices and county election board offices; and

2. For elections of members of the board of education of a technology center school district, the board shall also publish a legal notice for each regular and special election in one issue of a legal newspaper of the county, as defined by Section 106 of Title 25 of the Oklahoma Statutes, in each county wherein the school district

is a member in the technology center district at least ten (10) days prior to the filing period. Additionally, the technology center school district shall issue a news release of the upcoming filing period and election to a newspaper of general circulation in each county wherein the school district is a member in the technology center district. The legal notice and press release shall include, but shall not be limited to, the dates of the filing period for the election or elections and the office or offices to be filled. The notice shall also be posted in each county at the technology center school district administrative offices, if such office exists in the county, and county election board office in each county.

SECTION 8. AMENDATORY 26 O.S. 2011, Section 13A-110, is amended to read as follows:

Section 13A-110. A. Vacancies for members of the board of education of every school district or technology center school district shall be filled by appointment by the board. Persons appointed to fill such vacancies in the first half of the term of office for the board position shall serve only until the next succeeding election, at which time the office which they hold shall be placed on the ballot for the balance of the unexpired term. Vacancies filled by appointment following the delivery of the resolution calling for regular elections to the secretary of the county election board shall be filled until the regular elections the following year. Persons elected to fill unexpired terms shall begin those terms at the next regular meeting of the board of education following the election. Persons appointed to fill such vacancies after the first half of the term of office for the board position shall serve for the balance of the unexpired term. No person shall be appointed to a board of education who does not meet the eligibility qualifications needed to be a candidate for such position as provided for in Sections 13A-106 of this title and Sections 5-110, 5-110.1 and 5-113 of Title 70 of the Oklahoma Statutes.

B. If the board of education does not fill the vacancy by appointment within sixty (60) days of the date the board declared the seat vacant, the board of education shall call a special election to fill the vacancy for the unexpired term. The special election shall be called on a date established by subsection B of Section 3-101 of this title, and the special filing period shall be

scheduled as required in subsection D of Section 13A-109 of this title.

SECTION 9. This act shall become effective January 1, 2016.

Passed the Senate the 21st day of May, 2015.

A. Bruce Matlock
Presiding Officer of the Senate

Passed the House of Representatives the 21st day of May, 2015.

John D. Jones
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd
day of May, 20 15, at 9:20 o'clock A M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 4th
day of June, 20 15, at 2:58 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 4th
day of June, 20 15, at 5:19 o'clock P M.
By: Chris Morris



S.B. 340

RE: S.B. 340

SUBJECT: Annual Audit Requirements for Interlocal Entities

Senate Bill 340 becomes effective November 1, 2015. This bill requires Interlocal Entities to file a report by a qualified actuary with the Insurance Commissioner.

- Current law requires any entity organized pursuant to the Interlocal Cooperation Act that insures an Oklahoma educational institution, and has received premiums or contributions of any amount for any kind of insurance that the Interlocal Entity transacts within a 12 month period, to have an annual audit by an independent CPA and file a report with the Insurance Commissioner within 180 days following the end of the fiscal year.
- Section 1: The report done by the independent CPA must contain several items. Added to this list is an unqualified opinion from the CPA that the audited financial report represents a fair presentation of the Interlocal Entity's financial position.
 - Such entities are required to file an actuarial opinion, prepared by a qualified actuary, with the Insurance Commissioner within 180 days following the end of the fiscal year. The opinion should certify the amount and adequacy of the entity's reserves for loss and loss adjustment expenses, including amounts for Incurred But Not Reported (IBNR) Claims, and the adequacy of the entity's premiums.
 - "Qualified actuary" is defined as an individual who is a member of the American Academy of Actuaries and who has met the Qualification Standards for Actuaries Issuing Statements of Actuarial Opinions in the United States promulgated by the American Academy of Actuaries.

Should you have any questions related to this bill, please contact Ms. Nancy Hughes, Executive Director of Financial Accounting/OCAS/Audits, at (405) 521-2517 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 36 O.S. 607.1

An Act

ENROLLED SENATE
BILL NO. 340

By: Stanislawski of the Senate

and

Mulready of the House

An Act relating to insurance; amending 36 O.S. 2011, Section 607.1, as last amended by Section 1, Chapter 39, O.S.L. 2014 (36 O.S. Supp. 2014, Section 607.1), which relates to Interlocal Entities; requiring certain financial reports to include certain opinion; requiring certain entities to file an actuarial opinion with the Insurance Commissioner; providing opinion contents; defining term; modifying circumstances in which fine may be assessed; requiring certain documents be open to public inspection; and providing an effective date.

SUBJECT: Annual audit requirements for Interlocal Entities

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

SECTION 1. AMENDATORY 36 O.S. 2011, Section 607.1, as last amended by Section 1, Chapter 39, O.S.L. 2014 (36 O.S. Supp. 2014, Section 607.1), is amended to read as follows:

Section 607.1 A. An entity organized pursuant to the Interlocal Cooperation Act (an "Interlocal Entity") for the purpose of transacting insurance, except those Interlocal Entities created pursuant to the terms of The Governmental Tort Claims Act, shall be considered an insurer at such time that the entity has within a twelve-month period received aggregate premiums of One Million Dollars (\$1,000,000.00) for all kinds of insurance that the entity

transacts. Such an entity shall be eligible to qualify for and hold a certificate of authority to transact insurance in this state.

B. Notwithstanding the provisions of subsection A of this section, any entity organized pursuant to the Interlocal Cooperation Act that insures an Oklahoma educational institution and has within a twelve-month period received premiums or contributions of any amount for any kind of insurance that the Interlocal Entity transacts shall have an annual audit by an independent certified public accountant and shall file an audited financial report by an independent certified public accountant with the Insurance Commissioner within one hundred eighty (180) days immediately following the close of the Interlocal Entity's fiscal year. The annual audited financial report shall be presented in conformity with accounting principles generally accepted in the United States of America and include:

1. The report of an independent certified public accountant in accordance with accounting principles generally accepted in the United States of America;

2. A balance sheet reporting assets, liabilities and equity;

3. A statement of operations;

4. A statement of cash flows;

5. A statement of changes in assets, liabilities and equity;
and

6. Footnotes to financial statements; and

7. An unqualified opinion from the certified public accountant that the audited financial report represents a fair presentation of the Interlocal Entity's financial position in conformity with accounting principles generally accepted in the United States of America.

C. Any entity subject to the provisions of subsection B of this section shall file with the Insurance Commissioner an actuarial opinion prepared by a qualified actuary within one hundred eighty (180) days immediately following the close of the Interlocal

Entity's fiscal year. The actuarial opinion should certify the amount and adequacy of the Interlocal Entity's reserves for loss and loss adjustment expenses, including amounts for Incurred But Not Reported (IBNR) Claims, and the adequacy of the Interlocal Entity's premiums. The actuarial opinion shall be consistent with the appropriate Actuarial Standards of Practice (ASOP) as promulgated by the Actuarial Standards Board.

As used in this section, "qualified actuary" means an individual who is a member of the American Academy of Actuaries and who has met the Qualification Standards for Actuaries Issuing Statements of Actuarial Opinions in the United States promulgated by the American Academy of Actuaries.

D. Extensions of the filing date may be granted by the Commissioner for thirty-day periods upon a showing by the Interlocal Entity and its independent certified public accountant or qualified actuary of the reasons for requesting an extension and determination by the Commissioner of good cause for an extension. The request for extension must be submitted in writing not less than ten (10) days prior to the due date in sufficient detail to permit the Commissioner to make an informed decision with respect to the requested extension.

~~D.~~ E. The Commissioner may assess a fine for failure to file the required annual audit or actuarial opinion in an amount of not more than Five Hundred Dollars (\$500.00) per day.

~~E.~~ F. The audited financial reports and actuarial opinions required herein are subject to public inspection pursuant to the Oklahoma Open Records Act.

SECTION 2. This act shall become effective November 1, 2015.

Passed the Senate the 4th day of May, 2015.

Ana J. Griffin
Presiding Officer of the Senate

Passed the House of Representatives the 15th day of April, 2015.

John P. Brumby
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 5th

day of May, 20 15, at 11:15 o'clock A M.

By: *Audrey Lockwell*

Approved by the Governor of the State of Oklahoma this 11th

day of May, 20 15, at 2:11 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 11th

day of May, 20 15, at 5:22 o'clock P M.

By: *C. Benz*



S.B. 399

RE: S.B. 399
SUBJECT: Elections

Senate Bill 399 becomes effective November 1, 2015. This bill changes the allowable filing periods for school board elections.

- Section 3(C): Requires that in the event any day of a candidate filing period occurs on a Saturday, Sunday or an official state holiday, that day of the filing period will be scheduled for the next business day.
- Section 3(E): Requires that any school district, technology center district, municipality, or other entity seeking a special election to fill a vacancy must schedule a candidate filing period of three days that occurs not more than 20 days from the date the resolution is required to be filed with the county election board.

Note: S.B. 399 and S.B. 312 both amend the same portion of law, 26 O.S. 3-101, and as such, should be read together.

Should you have any questions related to this bill, please contact Ms. Lynn Jones, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 26 O.S. 3-101

An Act

ENROLLED SENATE
BILL NO. 399

By: Justice of the Senate

and

Banz of the House

An Act relating to elections; amending 11 O.S. 2011, Sections 16-102 and 16-114, and 26 O.S. 2011, Section 3-101, as last amended by Section 20, Chapter 15, O.S.L. 2013 (26 O.S. Supp. 2014, Section 3-101), which relate to municipal elections and election dates; modifying requirements for filing period for municipal offices; providing that county election board not be required to conduct certain municipal elections under certain circumstances; providing for submission of resolution calling election; providing for modification of candidate filing period under certain circumstances; specifying requirements for candidate filing period for certain special elections; and providing an effective date.

SUBJECT: Elections

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

SECTION 1. AMENDATORY 11 O.S. 2011, Section 16-102, is amended to read as follows:

Section 16-102. A. The provisions of Section 16-101 et seq. of this title shall not apply to any municipality which is governed by charter; provided, that elections for such municipalities which shall be conducted by the county election board shall be scheduled only on an election date identified by subsection B of Section 3-101

of Title 26 of the Oklahoma Statutes. However, such a municipality may, by indicating in its resolution calling an election, choose to follow any provision of state law governing elections conducted by a county election board when the municipality's charter or ordinances are silent on the matter addressed by such provision. In such instance, if the municipal election or any substantial portion thereof is not conducted by a county election board, the duties required of the county election board or its secretary shall be performed by the municipal authority designated by the municipal governing body and nothing herein shall be construed to require the county election board to perform any such duties. The residency requirements of Sections 16-109 and 16-110 of this title shall apply to all municipalities except to the extent that such residency requirements are governed by municipal charter.

B. The provisions of Sections 16-101 through 16-114 of this title shall not apply to any municipality subject to the provisions of the Oklahoma Town Meeting Act; provided, Section 16-103.1 of this title shall apply to such municipalities.

C. In the event that a municipality governed by charter schedules a regular or special election for a municipal office on the same date as an election involving state or federal offices, ~~the filing period for such municipal office shall be scheduled on a Monday, Tuesday and Wednesday not less than fifteen (15) days nor more than twenty (20) days following the date of the resolution or order provisions of subsection D of Section 3-101 of Title 26 of the Oklahoma Statutes shall apply.~~

D. After January 1, 2016, no county election board shall be required to conduct a regular or special election for any elective municipal office in any municipality governed by charter unless the resolution calling the election shall set a candidate filing period of three (3) days to begin not more than twenty (20) days from the date the resolution is required to be submitted to the county election board. In no case shall a resolution calling a regular or special election be submitted to the county election board less than sixty (60) days preceding the election date.

SECTION 2. AMENDATORY 11 O.S. 2011, Section 16-114, is amended to read as follows:

Section 16-114. A. When the office of a municipal elected official is to be filled at a special partisan election, the resolution or order of the governing body calling the election shall contain the following facts:

1. A filing period of three (3) days, ~~on a Monday, Tuesday and Wednesday,~~ which shall begin not less than fifteen (15) more than twenty (20) days from the date of the resolution or order is required to be filed with the county election board;

2. The date of the ~~Special Primary Election~~ special primary election, not less than forty-five (45) days after the close of the filing period; and

3. The date of the ~~Special General Election~~ special general election, not less than forty-five (45) days after the date of the ~~Primary Election~~ primary election. A copy of the resolution or order shall be filed with the secretary of the county election board not less than sixty (60) days preceding the date of the special primary election. The election shall be conducted under the laws applicable to general municipal elections.

B. When the office of a municipal elected official is to be filled at a special nonpartisan election, the resolution or order of the governing body calling the election shall contain the following facts:

1. A filing period of three (3) days, ~~on a Monday, Tuesday and Wednesday,~~ which shall begin not less than fifteen (15) more than twenty (20) days from the date of the resolution or order is required to be filed with the county election board;

2. The date of the special general election, not less than forty-five (45) days after the close of the filing period. A copy of the resolution or order shall be filed with the secretary of the county election board not less than sixty (60) days preceding the date of the special general election.

C. Special municipal elections may be called only on dates established by subsection B of Section 3-101 of Title 26 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 26 O.S. 2011, Section 3-101, as last amended by Section 20, Chapter 15, O.S.L. 2013 (26 O.S. Supp. 2014, Section 3-101), is amended to read as follows:

Section 3-101. A. No election required to be conducted by any county election board shall be scheduled for a day other than Tuesday.

B. Except as otherwise provided by law, no special election shall be held by any county, school district, technology center school district, municipality or other entity authorized to call elections except on:

1. The second Tuesday of January, February, May, June, July, August, September, October and November and the first Tuesday in March and April in odd-numbered years; provided, a municipality with a population in excess of two hundred fifty thousand (250,000) persons, according to the most recent Federal Decennial Census, may also hold an election on the second Tuesday of December in odd-numbered years; and

2. The second Tuesday of January and February, the first Tuesday in March and April, the last Tuesday in June, the fourth Tuesday in August, and the first Tuesday after the first Monday in November of any even-numbered year.

C. In the event that a regular or special election date occurs on an official state holiday, the election shall be scheduled for the next following Tuesday. In the event that any day of a candidate filing period occurs on a Saturday, Sunday or any official state holiday, that day of the filing period shall be scheduled for the next business day.

D. Notwithstanding any other provision of law or any provision of a municipal charter, any municipality, school district, technology center district, county, rural fire protection district, or any other entity seeking to hold a regular or special election to be conducted by a county election board on the same date as a regular or special federal or state election, shall file the resolution calling for the election with the county election board secretary no later than seventy-five (75) days prior to the election date. A candidate filing period of three (3) days, if so required

by the resolution, shall begin no later than ten (10) days following the deadline to file the resolution with the secretary of the county election board; provided, the filing period for such municipal office may be scheduled on the same dates as the filing period for state or federal office to be filled at such election.

E. Any school district, technology center district, municipality, including any municipality governed by charter, rural fire protection district or any other entity seeking to hold a special election for the purpose of filling a vacancy shall schedule a candidate filing period of three (3) days to begin not more than twenty (20) days following the date the resolution calling the election is required to be filed with the secretary of the county election board.

SECTION 4. This act shall become effective November 1, 2015.

Passed the Senate the 27th day of April, 2015.

Nathan Dahm
Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2015.

Joe R. Donney
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 28th
day of April, 20 15, at 3:35 o'clock P M.
By: Audrey Redwell

Approved by the Governor of the State of Oklahoma this 1st
day of May, 20 15, at 11:57 o'clock A M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 1st
day of May, 20 15, at 2:25 o'clock P. M.
By: Joe Ann McNaughton-Hayes