

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 2857

By: Pae

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5
6 AS INTRODUCED

7 An Act relating to publication of legal notices;
8 amending 11 O.S. 2011, Section 1-102, which relates
9 to municipal definitions; modifying definition;
10 amending 25 O.S. 2011, Section 106, which relates to
11 newspapers for publication of legal notices; allowing
12 for publication on municipality's website; and
13 providing an effective date.

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

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

17 Section 1-102. As used in the Oklahoma Municipal Code:

18 1. "Charter municipality" or "Municipality governed by charter"
19 means any municipality which has adopted a charter in accordance
20 with the provisions of the Constitution and laws of Oklahoma and at
21 the time of adoption of the charter had a population of two thousand
22 (2,000) or more. Once a municipal charter has been adopted and
23 approved, it becomes the organic law of the municipality in all
24 matters pertaining to the local government of the municipality and

1 prevails over state law on matters relating to purely municipal
2 concerns;

3 2. "City" means a municipality which has incorporated as a city
4 in accordance with the laws of this state;

5 3. "Governing body" or "Municipal governing body" means the
6 city council of a city, the board of trustees of a town, or the
7 legislative body of a municipality, as it may be defined by
8 applicable law or charter provision;

9 4. "Mayor" means the official head of the municipal government
10 as defined by applicable law or charter provision. The mayor is the
11 presiding officer of the governing body in all statutory forms of
12 municipal government, and is the chief executive officer in cities
13 having the statutory aldermanic and statutory strong-mayor-council
14 forms of city government;

15 5. "Municipality" means any incorporated city or town;

16 6. "Officer or official" means any person who is elected to an
17 office in municipal government or is appointed to fill an unexpired
18 term of an elected office, and the clerk and the treasurer whether
19 elected or appointed. When "officer" or "official" is modified by a
20 term which refers to a personnel position or duty, the holder of the
21 position or duty is not an officer or official of the municipality
22 for any purpose;

23 7. "Ordinance" means a formal legislative act of a municipal
24 governing body which has the force and effect of a continuing

1 regulation and a permanent rule of conduct or government for the
2 municipality;

3 8. "Publish" or "Publication" means printing in a newspaper
4 which:

5 a. maintains an office in the municipality and is of
6 general circulation in the municipality. If there is
7 no such newspaper, then in any newspaper which is of
8 general circulation in the municipality~~+~~, and

9 b. meets the requirements of a legal newspaper as
10 provided in Section 106 of Title 25 of the Oklahoma
11 Statutes.

12 If there is no newspaper meeting the requirements as
13 provided for in this paragraph, the term publish or
14 publication shall mean posting a copy of the item ~~to be~~
15 ~~published in ten or more public places in the municipality.~~
16 ~~When a notice is required to be published for a prescribed~~
17 ~~period of time, publishing the notice one (1) day each week~~
18 ~~during the prescribed period of publication is sufficient~~
19 ~~in accordance with Section 103 of Title 25 of the Oklahoma~~
20 ~~Statutes~~ on the municipality's website;

21 9. "Quorum" means a majority of all the members of the
22 governing body, board, or commission, including vacant positions;

23 10. "Registered voter" means any person who is a qualified
24 elector, as defined by the provisions of Section 1 of Article III of

1 the Oklahoma Constitution, who resides within the limits of a
2 municipality and who has registered to vote in the precinct of his
3 residence;

4 11. "Resident" means a person whose actual dwelling or primary
5 residence is located within the corporate limits of the
6 municipality;

7 12. "Resolution" means a special or temporary act of a
8 municipal governing body which is declaratory of the will or opinion
9 of a municipality in a given matter and is in the nature of a
10 ministerial or administrative act. A resolution is not a law and
11 does not prescribe a permanent rule of conduct or government; and

12 13. "Town" means a municipality which has incorporated as a
13 town in accordance with the laws of Oklahoma.

14 SECTION 2. AMENDATORY 25 O.S. 2011, Section 106, is
15 amended to read as follows:

16 Section 106. No legal notice, advertisement, or publication of
17 any kind required or provided for by the laws of this state to be
18 published in a newspaper shall have force or effect unless published
19 in a legal newspaper of the county or on a municipality's website.

20 A legal newspaper of the county is any newspaper which, during a
21 period of one hundred four (104) consecutive weeks immediately prior
22 to the first publication of such notice, advertisement, or
23 publication:

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1 1. has maintained a paid general subscription circulation in
2 the county; and

3 2. has been admitted to the United States mails as paid second-
4 class mail matter; and

5 3. has been continuously and uninterruptedly published in the
6 county.

7 If there is no legal newspaper in a county, then all legal notices,
8 advertisements, or publications of any kind required or provided for
9 by the laws of this state shall be published ~~in a legal newspaper in~~
10 ~~an adjoining county of this state, which newspaper has general~~
11 ~~circulation in the county or political subdivision in which such~~
12 ~~notice is required~~ on the municipality's website.

13 Nothing in this section shall invalidate the publication of such
14 legal notices, advertisements, or publications in a newspaper which
15 has moved its place of publication from one location in the county
16 to another location in the same county without breaking the
17 continuity of its regular issues for the requisite length of time,
18 or the name of which may have been changed when said change of
19 location was made as permitted by United States postal laws and
20 regulations. Failure to issue or publish said newspaper for a
21 period of fourteen (14) days due to fire, accident, or other
22 unforeseen cause, or by reason of the pendency of mortgage
23 foreclosure, attachment, execution, or other legal proceedings
24 against the type, presses, or other personal property used by the

1 newspaper, shall not be deemed a failure to maintain continuous and
2 consecutive publication as required by the provisions of this
3 section, nor shall said failure invalidate the publication of a
4 notice otherwise valid. Failure to issue or publish a newspaper
5 qualified to publish legal notices, advertisements, or publications
6 of any kind, for a period totaling not more than fourteen (14)
7 consecutive days during a calendar year shall not be deemed a
8 failure to maintain continuous and consecutive publication as
9 required by the provisions of this section, nor shall said failure
10 invalidate the publication of a notice otherwise valid.

11 SECTION 3. This act shall become effective November 1, 2020.

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