

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2619

By: Hefner

AS INTRODUCED

An Act relating to counties and county officers;
authorizing board of county commissioners to call
election to create a County Jail Trust Authority;
requiring publication of notice; providing for
directors of County Jail Trust Authority;
designating chairman; providing for certain
officers, terms of office and duties; providing for
powers of board of directors; requiring meetings;
providing for transaction of business; authorizing
action with respect to legal proceedings; requiring
formulation of plan; requiring election on bond
issuance; requiring notice and providing procedures
for notice; prescribing election procedures;
providing for issuance and payment of indebtedness;
providing procedure for bond sale; prescribing
procedure for payment of claims; providing for
dissolution of district and procedures upon
dissolution; requiring audits; prescribing
qualifications of auditors; authorizing audit by
state auditor and inspector; requiring
certification of creation of County Jail Trust
Authority; providing for codification; and
providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.1 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. The board of county commissioners of any county, if the board determines that such would be conducive to the promotion and preservation of the public safety of the county, may call an election at which shall be submitted to the qualified voters of the county the question of whether to create a County Jail Trust Authority.

B. Notice of the election shall be given by publication in some newspaper of general circulation in the county once a week for two (2) consecutive weeks next preceding the date of the election. The notice shall specify the date of the election. The election shall be conducted in accordance with the general election laws of this state. If a majority of the qualified voters of the county voting on the question at an election called for such purpose by the board of county commissioners approve, the County Jail Trust Authority shall be created.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.2 of Title 19, unless there is created a duplication in numbering, reads as follows:

The directors of the Authority so created shall consist of five (5) members and include the chairman of the board of county commissioners, the county sheriff and three appointed members who are residents of the county and who are not elected officials. Each of the county commissioners shall appoint one of the three appointed members.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.3 of Title 19, unless there is created a duplication in numbering, reads as follows:

The county sheriff shall serve as chairman of the board of directors. The board of directors of the Authority shall appoint a clerk and a treasurer. The board of directors shall fix the term and duties of the clerk and treasurer. The chairman and members of the board shall serve without compensation. The treasurer shall give an official bond, in an amount fixed with sureties approved by the board of directors, conditioned upon faithful accounting for all money pertaining to the Authority and coming into his hands.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.4 of Title 19, unless there is created a duplication in numbering, reads as follows:

The board of directors shall have the following powers and duties:

1. To manage and conduct the business and affairs of such Authority;
2. To make and execute all necessary contracts;
3. To acquire by lease, purchase, gift or otherwise and to operate and maintain all necessary and convenient county correction and detention facilities, including but not limited to facilities for incarceration of criminals, juvenile detention and correction facilities, mental health and alcohol and substance abuse correction and detention facilities, kitchen facilities, medical facilities and other equipment and supplies for the full equipment of such facilities;
4. To contract for employees, sufficient to maintain and operate the criminal justice facilities of the Authority;
5. To take by grant, purchase, gift, devise or lease, and to dispose of, real or personal property of every kind necessary or convenient for the operation of the Authority;

6. To construct or otherwise acquire buildings and structures suitable for the housing of equipment and supplies of the Authority or necessary or convenient for carrying on its business and affairs;

7. To employ such officers and employees as may be required, fix their compensation and prescribe their duties;

8. To contract with federal, state and local governments and agencies for the use of the facilities of the Authority;

9. To establish rules for the Authority; and

10. To do any and all other things necessary and proper in the management and operation of the Authority for the purpose of promoting the establishment and maintenance of an effective corrections and detention system which will enhance the preservation of the welfare and safety of the residents of the county.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.5 of Title 19, unless there is created a duplication in numbering, reads as follows:

The board of directors shall establish a time and place for regular meetings, and in addition thereto, shall hold such special meetings as may be required for the proper transaction of business. A simple majority of the members of the board shall constitute a quorum for the transaction of business and upon all questions requiring a vote there shall be a concurrence of a simple majority of the members of the entire board. All records of said board shall be open to the inspection of any elector during business hours.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.6 of Title 19, unless there is created a duplication in numbering, reads as follows:

The board of directors is hereby authorized and empowered to institute and maintain, or appear and defend, any and all actions and proceedings, suits at law or in equity, necessary or proper to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights or privileges conferred

hereby, or acquired in pursuance hereof. Actions and proceedings shall be prosecuted and defended in the corporate name of the Authority, and the board is empowered to employ attorneys to represent the Authority in any such actions or proceedings, or to advise the board in respect of its duties under this act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.7 of Title 19, unless there is created a duplication in numbering, reads as follows:

In order to fund the general operations of the Authority, a county may make a levy in an amount not to exceed five (5) mills on the dollar valuation of the taxable property in the county when approved by a majority of those registered voters voting on the question at an election called for that purpose.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.8 of Title 19, unless there is created a duplication in numbering, reads as follows:

As soon as practicable after organization of the Authority, the board of directors shall, by resolution entered on its record, formulate a general plan of proposed operation for the Authority in which shall be stated the estimated cost of operation and maintenance of the Authority, what property, real or personal, is proposed to be acquired or constructed and the estimated cost of acquiring or constructing the same.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.9 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. When the board of directors has estimated the cost of such acquisition and construction work, it shall call an election at which shall be submitted to the qualified voters of the county the question of whether or not the bonds of the Authority shall be issued in the amount so determined, including costs of issuance of the bonds. However, the bonds shall not be issued for more than the

estimated cost of such acquisition and construction, including costs of issuance of the bonds.

B. Notice of such election shall be given by publication in some newspaper of general circulation in the county once a week for two (2) consecutive weeks next preceding the date of such election.

C. The notice shall specify the date of the election and the principal amount of bonds proposed to be issued.

D. At the election, the ballots shall contain the words: "Bonds - Yes", and "Bonds - No", or words equivalent thereto.

E. The election shall be conducted in accordance with the general election laws of this state.

F. If a majority of the ballots cast are "Bonds - Yes", the board of directors may cause bonds in said amount to be issued.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.10 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. The bonds shall be payable in lawful money of the United States and shall run for a period of not more than forty (40) years, the amount, maturity dates, redemption provisions and interest rate or rates to be determined by the board of directors. The principal and interest shall be payable at the office of the treasurer of the county, or at any bank or paying agency designated by the board of directors. The bonds shall each be of a denomination of not less than One Thousand Dollars (\$1,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00), shall be in registered or bearer-coupon form, executed in the name of the Authority, and signed by the manual or facsimile signatures of the chairman of the board of directors and the clerk of the Authority. In addition and without limiting the generality of the foregoing provisions, the Authority shall be authorized to issue notes or other evidences of indebtedness for the corporate purposes enumerated in Sections 1 through 17 of this act in the same manner and subject to the same

procedures as bonds issued by the Authority. Notwithstanding the provisions of Section 11 of this act, bonds, notes or other evidences of indebtedness may be sold by the board of directors to the federal government or any agency thereof at negotiated or private sale. Bonds shall be numbered consecutively as issued and shall be dated as of a convenient date, and shall be payable with interest to date of payment.

B. The bonds shall express upon their face that they are issued pursuant to a duly adopted resolution of the board of directors for the Authority and under the provisions of Sections 1 through 17 of this act. The clerk of the Authority or agent shall keep a record of the bonds sold, their number, date of sale, the prices received and the name of the purchaser. The bonds shall bear interest at a rate not exceeding fourteen percent (14%) per annum.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.11 of Title 19, unless there is created a duplication in numbering, reads as follows:

The board shall sell such bonds from time to time in such quantities as may be necessary and most advantageous to raise the money for the construction of the proposed work, the acquisition of property and rights and otherwise to fully carry out the objects and purposes of this act. Before making any sale of bonds the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds and the day and hour and place of the sale and shall cause the resolution to be entered in the minutes and notice of the sale to be given by publication thereof in some newspaper of general circulation in the county once a week for two (2) consecutive weeks next preceding the date of such sale. The bonds may be sold either at public auction for cash to the highest bidder or upon sealed bids as determined by the board of directors. At the time appointed, the board shall award the purchase of the bonds to the bidder submitting the bid containing the lowest rate of

interest the bonds shall bear, but shall reserve and always have the right to reject any and all bids, but said board shall in no event sell any of said bonds for less than par with accrued interest.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.12 of Title 19, unless there is created a duplication in numbering, reads as follows:

The bonds and other evidences of indebtedness and the interest thereon shall be paid by revenue derived from the operating revenue of the Authority.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.13 of Title 19, unless there is created a duplication in numbering, reads as follows:

No claims shall be paid by the treasurer of the Authority until the same shall have been presented and allowed by the board of directors and only warrants signed by the chairman of the board of directors of the Authority and countersigned by the clerk, and if the treasurer of the Authority has not sufficient money on hand to pay the warrants when presented, he shall endorse thereon "not paid for want of funds" and endorse thereon the date presented, over his signature, and from the time of the presentation until paid such warrant shall draw interest at the rate not to exceed ten percent (10%) per annum. All claims against the Authority shall be verified the same as is required in the case of claims filed against the counties in this state and the clerk of the Authority is hereby authorized and empowered to administer oaths to the parties verifying such claims the same as a county clerk or notary public might do. The treasurer of the Authority shall keep a register in which he shall enter each warrant presented for payment, showing the date and amount of the warrant, to whom payable, the date of the presentation for payment, the date of payment, and the amount paid in redemption thereof, and all warrants shall be paid in the order of their presentation for payment to the treasurer of the Authority.

All warrants shall be drawn and payable to the claimant or his assignee only.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.14 of Title 19, unless there is created a duplication in numbering, reads as follows:

In the event of the dissolution of the Authority, the board of directors of the Authority shall be trustees for the disposition of the property and the proceeds of the disposition of such property and all funds remaining on hand shall be deposited with the county treasurer who shall thereupon succeed to the powers and duties of the treasurers of the Authority. When all of the property of the Authority has been disposed of and the funds of the Authority deposited with the county treasurer, the powers and functions of the board of directors of the Authority, as trustees for dissolution, shall cease and the board of county commissioners shall succeed to all of the powers and duties of the Authority insofar as it shall be necessary for them to wind up and conclude the affairs of the Authority.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.15 of Title 19, unless there is created a duplication in numbering, reads as follows:

The directors of every County Jail Trust Authority created pursuant to the provisions of this act shall cause an audit to be made of, including but not limited to, the funds, accounts and fiscal affairs of the Authority. The audit shall be ordered within thirty (30) days of the close of each fiscal year which shall commence July 1 and end June 30.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.16 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. The audits required by Section 15 of this act shall be certified with the unqualified opinion of a certified public

accountant, a licensed public accountant or the State Auditor and Inspector. The required audit shall adhere to standards set by the State Auditor and Inspector. One copy of the annual audit shall be filed with the State Auditor and Inspector not more than one hundred twenty (120) days following the close of each fiscal year of the Authority.

B. In the event that a copy of the audit as required by this section is not filed with the State Auditor and Inspector within the time herein provided or for any other reason deemed expedient by him, the State Auditor and Inspector is authorized to either commence an audit or employ a certified public accountant or licensed public accountant to make the audit herein required at the cost and expense of the County Jail Trust Authority.

C. Within one hundred eighty (180) days after the effective date of this act or within one hundred eighty (180) days after creation, whichever is first, each County Jail Trust Authority organized pursuant to the provisions of this act shall certify to the State Auditor and Inspector the date it was created.

D. Prior to the levying of any assessment by a County Jail Trust Authority, there shall be filed with the Secretary of State an executed original or certified copy of a written instrument or election return declaring creation of the Authority and a notice of said filing with the Secretary of State shall be delivered to the State Auditor and Inspector.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 904.17 of Title 19, unless there is created a duplication in numbering, reads as follows:

The necessary expense of audits required by Section 15 of this act shall be paid from the funds of the County Jail Trust Authority.

SECTION 18. This act shall become effective upon the approval by the people of this state of the constitutional amendment in House Joint Resolution No. _____.

44-2-8197

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