

SHORT TITLE: Counties and county officers; modifying conditions under which contracts for legal representation may be entered into. Effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1153

By: Long

AS INTRODUCED

An Act relating to counties and county officers;
amending Section 61, Chapter 316, O.S.L. 1992, as
last amended by Section 4, Chapter 337, O.S.L. 1997
(19 O.S. Supp. 1997, Section 215.37M), which
relates to contracting with private attorneys;
modifying conditions under which the contracts for
legal representation may be entered into; and
providing an effective date.

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

SECTION 1. AMENDATORY Section 61, Chapter 316, O.S.L.
1992, as last amended by Section 4, Chapter 337, O.S.L. 1997 (19
O.S. Supp. 1997, Section 215.37M), is amended to read as follows:

Section 215.37M A. If the district attorney ~~and the board of~~
~~county commissioners~~ of any county ~~agree~~ agrees, legal
representation in any civil case in which the county is interested
or a party and the district attorney is required to represent the
county pursuant to Section 215.4 of this title may be provided by
contract with a private attorney. The costs of such contract shall
be paid by the board of county commissioners out of its account for
general government operation, or other account, as may be
appropriate.

B. If the district attorney ~~and the board of county~~
~~commissioner~~ of any county ~~agree~~ agrees, legal representation in any

civil case in which ~~a county officer or employee is a party and~~ the district attorney is required to represent the county pursuant to Section 215.25 of this title may be provided by contract with a private attorney. The costs of such contract shall be paid by the board of county commissioners out of its account for general government operation, or other account, as may be appropriate.

C. If a district attorney and the District Attorneys Council agree, prosecution of any criminal matter may be provided by contract with a private attorney, who shall be designated as a special assistant district attorney, if the case load of the office of the district attorney is such that adequate representation of the interest of the state is not possible without appointment of one or more special assistant district attorneys. The special assistant district attorney shall be appointed by the district attorney. The special assistant district attorney may serve with or without compensation, however, compensation shall be allowed only if the cost of compensation can be paid out of funds for the current fiscal year, designated for the salaries and operating expenses, for the office of the district attorney requesting the appointment or appointments. No supplemental appropriations shall be authorized for appointment of special assistant district attorneys.

D. If the district attorney and the board of education of any school district agree, legal representation in any ad valorem tax matter in which the district attorney is required to represent the school district may be assisted by an attorney employed or retained by the school district. The board of education is authorized to pay the costs of such representation out of its account for general government operation, or other account, as may be appropriate. However, this subsection shall not be construed to permit a school district or any other entity to be a party to the proceeding or give standing to such entity to be a party to the civil case in which the county is interested.

SECTION 2. This act shall become effective November 1, 1998.

46-2-2044

JT