

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1008

By: Roach

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7 COMMITTEE SUBSTITUTE

8 An Act relating to county government; creating the
9 County Home Rule Charter Act; stating short title;
10 allowing certain counties to adopt or amend a County
11 Home Rule Charter; permitting charter study
12 commission to be established upon resolution or
13 petition; permitting petition to designate and set
14 forth certain items; requiring board of county
15 commissioners to establish charter study commission
16 upon petition; requiring board of county
17 commissioners to make certain determination;
18 requiring charter study commission to submit charter
19 proposal or amendments to board of county
20 commissioners; authorizing board of county
21 commissioners to review charter proposals or
22 amendments and make certain determination; requiring
23 certain question to be submitted to voters at certain
24 election; setting out provisions of charter; allowing
25 charter to provide for governing body; limiting term
26 of service of governing body; providing for powers
27 and duties of governing body; allowing charter to
28 provide for organization, reorganization,
29 establishment and administration of county
30 government; allowing charter to authorize the
31 creation or consolidation of any county office,
32 department or agency and providing procedures;
authorizing any county with such charter to levy,
assess and collect taxes and providing limit thereto;
allowing county to amend its charter; authorizing
county with charter to borrow money and issue
obligations if authorized by a vote of registered
county voters; providing for issuance of county
obligations; requiring charters to make provisions
for abandonment, revocation and amendment of charter
subject to a vote of the registered county voters;
providing for self-execution of charter; construing
act; repealing Sections 1, 2, 3, 4 and 5, Chapter
220, O.S.L. 1992 (19 O.S. Supp. 1998, Sections 8.1,
8.2, 8.3, 8.4 and 8.5), which relate to the County
Home Rule Charter Act; providing for codification;
providing an effective date; and declaring an
emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 8.6 of Title 19, unless there is
3 created a duplication in numbering, reads as follows:

4 Sections 1 through 5 of this act shall be known and may be cited
5 as the "County Home Rule Charter Act".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 8.7 of Title 19, unless there is
8 created a duplication in numbering, reads as follows:

9 Any county in this state with a population of three hundred
10 thousand (300,000) or more according to the latest Federal Decennial
11 Census may adopt or amend a County Home Rule Charter for county
12 government which specifies those powers appropriate for the
13 government and which are not inconsistent with the Oklahoma
14 Constitution and laws of this state.

15 SECTION 3. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 8.8 of Title 19, unless there is
17 created a duplication in numbering, reads as follows:

18 A. A charter study commission may be established upon a
19 resolution approved by a majority of the members of the board of
20 county commissioners of the county in order to adopt or amend a
21 County Home Rule Charter.

22 B. A charter study commission may also be established upon a
23 petition signed by registered voters of the county equal in number
24 to ten percent (10%) of the total number of votes cast in the county
25 for Governor at the immediately preceding gubernatorial election.
26 The petition may, among other things, designate the members of the
27 charter study commission and set forth any duties and
28 responsibilities of the charter study commission. The petition
29 shall require the charter study commission to submit a proposed
30 charter or amendments to an existing charter within a certain time
31 period.
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1 C. The board of county commissioners shall be required to
2 establish a charter study commission upon a petition signed by
3 registered voters of the county equal in number to ten percent (10%)
4 of the total number of votes cast in the county for Governor at the
5 immediately preceding gubernatorial election. The petition may
6 require the board of county commissioners to establish the charter
7 study commission within a certain time period.

8 D. If a petition is filed to establish a charter study
9 commission, or requiring the board of county commissioners to
10 establish a charter study commission, the board of county
11 commissioners shall review the petition and make a determination, by
12 resolution, as to whether the petition was properly filed in
13 accordance with this section.

14 E. Upon completion of the proposed charter or amendments to an
15 existing charter, the charter study commission shall submit the
16 proposal or amendments to the board of county commissioners. The
17 board of county commissioners shall review the proposal or
18 amendments to determine whether such proposal or amendments are
19 consistent with and not contrary to the Oklahoma Constitution,
20 established public policies of this state, and this act. If the
21 proposal or amendments are determined by the board of county
22 commissioners to be inconsistent with or contrary to the Oklahoma
23 Constitution, established public policies of this state, or this
24 act, the board of county commissioners shall clearly set forth their
25 objections and resubmit the proposal or amendments to the charter
26 study commission. If the proposal or amendments are determined by
27 the board of county commissioners to be consistent with or not
28 contrary to the Oklahoma Constitution, established public policies
29 of this state, and this act, the officer or agency responsible for
30 certifying public questions shall submit to the voters of the county
31 at the next regular countywide election or at a special election
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1 which may be called for that purpose by the board of county
2 commissioners, the question:

3 "Shall the proposed charter (or amendments) for _____ county be
4 adopted?

5 YES

6 NO"

7 The charter or amendments shall become effective if approved by
8 a majority of the votes cast thereon, subject to the provisions of
9 the Oklahoma Constitution and laws of this state.

10 SECTION 4. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 8.9 of Title 19, unless there is
12 created a duplication in numbering, reads as follows:

13 A. A charter shall set forth the structure of the county
14 government and the manner in which it is to function. The charter
15 may provide for a governing body, which may be other than as
16 presently constituted, which shall be elective, and service shall be
17 upon the qualifications, terms, plan of representation and
18 conditions of tenure and compensation as may be fixed by the
19 charter. The charter shall provide that the county government shall
20 be separate and distinct from any municipal government within the
21 county. The term for service of the governing body shall not exceed
22 four (4) years. In addition to the powers and duties provided by
23 the charter, the governing body shall exercise all powers and
24 discharge all duties which, in the absence of the provisions of the
25 charter, would devolve by law to the board of county commissioners
26 or any other county governmental board, agency, commission or
27 council. The charter may provide for the organization,
28 reorganization, establishment and administration of the government
29 of the county, including the control and regulations of the
30 performance of and the compensation for all duties required in the
31 conduct of county affairs. The charter may authorize the governing
32 body to create or consolidate any county office, department or

1 agency, define the duties thereof, fix the compensation for service
2 therein, make the same elective or appointive, and prescribe the
3 time, qualifications and conditions of tenure in any such county
4 office, department or agency.

5 B. Any county electing to operate pursuant to such charter as
6 authorized by the provisions of this act shall have the power by
7 charter provision to levy, assess and collect taxes pursuant to the
8 provisions of Section 20 of Article X of the Oklahoma Constitution.
9 The limit of the aggregate taxes which may be levied, assessed and
10 collected by such county shall not exceed the limit or total fixed,
11 or hereafter fixed, by the Oklahoma Constitution or by statute.

12 C. In addition to the powers provided in this act and in
13 addition to powers included in County Home Rule Charters, any county
14 may amend its charter to include powers, functions and duties which
15 may be provided for by the Oklahoma Constitution or by statute.

16 D. Any county operating pursuant to such charter as authorized
17 by the provisions of this act shall have the power to borrow money
18 for all lawful purposes under its charter, including the refunding
19 of a lawful debt, in a manner conforming to the Oklahoma
20 Constitution and the general laws of the state, and may issue
21 obligations for such purposes. Such obligations and such tax to be
22 levied to meet the liability shall not be valid unless authorized by
23 a vote of the registered voters of the county pursuant to the
24 provisions of the laws of this state. The obligations may pledge
25 the full faith and credit of the county, but in no event shall the
26 aggregate obligations so issued, in principal amount outstanding at
27 any one time, exceed the constitutional limits for such obligations
28 and indebtedness, and its supporting tax shall constitute a first
29 and superior lien upon the property taxable in such county.

30 E. Charters adopted shall make appropriate provisions for the
31 abandonment, revocation and amendment of the charter, subject only
32 to the requirement that a majority of the votes cast thereon must

1 approve the proposal. The provisions of the County Home Rule
2 Charter Act shall be self-executing.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 8.10 of Title 19, unless there
5 is created a duplication in numbering, reads as follows:

6 Nothing contained in this act shall be deemed to authorize the
7 adoption of charter provisions contrary to or inconsistent with the
8 sovereignty and established public policies of this state, and no
9 provision having such effect shall be valid.

10 SECTION 6. REPEALER Sections 1, 2, 3, 4 and 5, Chapter
11 220, O.S.L. 1992 (19 O.S. Supp. 1998, Sections 8.1, 8.2, 8.3, 8.4
12 and 8.5), are hereby repealed.

13 SECTION 7. This act shall become effective July 1, 1999.

14 SECTION 8. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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