

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1431

By: Nance

AS INTRODUCED

An Act relating to counties and county officers; amending 19 O.S. 1991, Sections 3 and 1403, which relate to the powers of a county and the County Budget Act; requiring certain counties to establish a county governing board; providing for certain number of officials; providing certain governing procedures; requiring certain counties to comply with the County Budget Act; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 3, is amended to read as follows:

Section 3. ~~The~~ A. Except as provided in subsection B of this section, the powers of a county as a body politic and corporate shall be exercised by its board of county commissioners.

B. In any county of this state having a population of more than five hundred thousand (500,000), according to the latest Federal Decennial Census, the powers of a county as a body politic and corporate shall be exercised by the eight (8) elected county officials sitting as the county governing board. In counties with a county governing board, the members shall elect a chair and vice-chair from among its members. Each member of the board shall be entitled to cast one vote. The board may develop such rules and procedures as may be necessary to ensure the orderly conduct of business. When a vacancy occurs in the office of any county officer serving as a member of the board, the position shall be filled in the manner provided by law. A majority of all members of the board then in office shall constitute a quorum and have the power to transact business. Any statutory reference to the board of county

commissioners shall be understood to include the county governing board where applicable, and the county governing board shall have all powers possessed by any board of county commissioners.

C. It is hereby declared to be contrary to law, and against public policy, for any individual county commissioner, or commissioners, when not acting as a board, to enter into any contract, or to attempt to enter into any contract, as to any of the following matters:

~~(a)~~ 1. Any purchase of equipment, machinery, supplies or materials of any kind for any county or any commissioner's district, or districts, thereof;

~~(b)~~ 2. Any contract or agreement relating to or for the leasing or rental of any equipment, machinery, supplies or materials for any county or any commissioner's district, or districts, thereof; or

~~(c)~~ 3. To do or transact any business relating to such county, or any commissioner's district, or districts thereof, or to make any contract or agreement of any kind relating to the business of such county, or any commissioner's district, or districts thereof.

~~And none~~ D. None of ~~such~~ the acts or attempted contracts as ~~above~~ set forth in subsection C of this section, done or attempted to be done, by an individual county commissioner or commissioners, when not acting as a board, shall ever be subject to ratification by the board of county commissioners, but shall be illegal, unlawful and wholly void.

~~Provided that nothing herein~~ E. Nothing in this section shall be construed as prohibiting or preventing the ~~chairman~~ chair of the board of county commissioners from performing such duty or duties as ~~he~~ the chair may be required by law to perform as ~~chairman~~ chair of such board, but only after the board, by a majority vote thereof, shall have authorized and directed such performance by said ~~chairman~~ chair.

SECTION 2. AMENDATORY 19 O.S. 1991, Section 1403, is amended to read as follows:

Section 1403. ~~This~~ Except as otherwise provided in this section, this act shall apply to any county which by resolution of the governing body elects to come under and comply with all its provisions and requirements. This act shall be mandatory for any county in this state having a population of more than five hundred thousand (500,000), according to the latest Federal Decennial Census. Once a county has selected the County Budget Act to govern its budget procedures, the provisions of this act shall take precedence over any other state laws applicable to county budgets, except as may be provided otherwise in this act and supersede any conflicting laws. Any action of a county governing body to implement, rescind or repeal the application of this act shall be effective as of the beginning or end of a budget year pursuant to this act.

SECTION 3. This act shall become effective July 1, 2001.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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