

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 HOUSE BILL 1817

By: Dank

4  
5  
6 AS INTRODUCED

7 An Act relating to county government; creating the County  
8 Home Rule Charter Act; stating short title; allowing any  
9 county to adopt or amend a County Home Rule Charter;  
10 providing for designation of charter commission subsequent  
11 to resolution or petition; stating compensation and  
12 designation of charter commission; requiring submission of  
13 certain question to voters; specifying contents of such  
14 question; providing for replacement of charter commission  
15 members; providing for certain county officers to provide  
16 services to charter commission; permitting county to expend  
17 monies for certain expenses; setting out provisions of  
18 charter; allowing charter to provide for governing body;  
19 limiting term of service of governing body; providing for  
20 powers and duties of governing body; allowing charter to  
21 provide for organization, reorganization, establishment and  
22 administration of county government; allowing charter to  
23 authorize the creation or consolidation of any county  
24 office, department or agency except for the district court  
clerk and county assessor 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 19 O.S. 2001, Sections 8.1, 8.2, 8.3, 8.4 and  
8.5, which relate to the County Home Rule Charter Act;  
creating merger of county and municipal services; providing  
for codification; providing an effective date; and  
declaring an emergency.

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

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

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

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

10 Any county in this state may adopt or amend a County Home Rule  
11 Charter for county government which specifies those powers  
12 appropriate for the government and which are not inconsistent with  
13 the Oklahoma Constitution and laws of this state.

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

17 A. Upon a resolution approved by a majority of the members of  
18 the board of county commissioners of the county or upon a petition  
19 signed by registered voters of the county equal in number to ten  
20 percent (10%) of the total number of votes cast in the county for  
21 Governor at the immediately preceding gubernatorial election, the  
22 members of the proposed charter commission shall be designated as  
23 follows:

24

1           1. Fifteen members shall be designated by the board of county  
2 commissioners. Five members shall be designated by each county  
3 commissioner, at least two of whom shall be residents of an  
4 unincorporated portion of the county or residents of a municipality  
5 other than the largest municipality located within the county. The  
6 members designated by each county commissioner shall reside in the  
7 district of that county commissioner;

8           2. Two members shall be designated by the county court clerk,  
9 at least one of whom shall be a resident of an unincorporated  
10 portion of the county or a resident of a municipality other than the  
11 largest municipality located within the county;

12           3. Two members shall be designated by the county clerk, at  
13 least one of whom shall be a resident of an unincorporated portion  
14 of the county or a resident of a municipality other than the largest  
15 municipality located within the county;

16           4. Two members shall be designated by the county treasurer, at  
17 least one of whom shall be a resident of an unincorporated portion  
18 of the county or a resident of a municipality other than the largest  
19 municipality located within the county;

20           5. Two members shall be designated by the county assessor, at  
21 least one of whom shall be a resident of an unincorporated portion  
22 of the county or a resident of a municipality other than the largest  
23 municipality located within the county; and  
24

1       6. Two members shall be designated by the county sheriff, at  
2 least one of whom shall be a resident of an unincorporated portion  
3 of the county or a resident of a municipality other than the largest  
4 municipality located within the county.

5 The members shall be designated and their names filed with the  
6 county election board within thirty (30) days from the date the  
7 resolution was adopted by the board of county commissioners or the  
8 date the petition was filed with the board.

9       Upon the designation of the members of the proposed charter  
10 commission as provided in this subsection, the county election board  
11 shall submit to the voters of the county at the next November  
12 general election not less than ninety (90) days thereafter, or at a  
13 special election called for such purpose, the question:

14       "Shall a charter commission, to be composed of the following  
15 members: \_\_\_\_\_ be authorized to frame  
16 a proposed charter or amend an existing charter for the County  
17 of \_\_\_\_\_?"

18                    / YES  
19                    / NO"

20  
21 Nothing in the County Home Rule Charter Act shall be construed to  
22 prevent any officer of any municipality located within the county  
23 from serving as a member of the charter commission.

24

1 B. If the proposition receives approval by a majority of the  
2 votes cast thereon, the chairman of the board of county  
3 commissioners of the county shall, within sixty (60) days, call an  
4 organizational meeting of the charter commission. The commission is  
5 hereby authorized to select a chair and other officers as may be  
6 necessary to adopt rules of procedure and to draft a proposed County  
7 Home Rule Charter or amendments to an existing charter. The county  
8 clerk shall provide any necessary secretarial staffing for the  
9 commission. The district attorney shall provide any necessary legal  
10 advice or counsel to the commission. The county shall be permitted  
11 to expend monies for incidental office supplies, including the costs  
12 of copying, for the commission. The commission shall complete its  
13 work on a proposed charter or amendments to an existing charter  
14 within one (1) year from the time the organizational meeting of such  
15 commission was convened. Any proposed charter or amendments to an  
16 existing charter shall be published by the commission in a newspaper  
17 of general circulation in the county on at least two occasions. At  
18 least seven (7) days shall elapse between the first and last day of  
19 publication. The first day of the publication shall be within  
20 forty-five (45) days from the date the commission submits its  
21 proposed charter or amendments to an existing charter. Copies of  
22 the proposed charter or amendments to the existing charter shall be  
23 made available for distribution to the qualified voters of the

24

1 county at the place where meetings of the board of county  
2 commissioners of the county are usually held.

3 C. If any charter commission member is unable or unwilling to  
4 serve, the member shall be replaced with a new commission member by  
5 the appointing authority who designated the original commission  
6 member. The new member shall have the same duties, powers and  
7 responsibilities as the original commission member.

8 D. Within ninety (90) days after the commission submits its  
9 proposed charter or amendments to an existing charter to the board  
10 of county commissioners of the county, the officer or agency  
11 responsible for certifying public questions shall submit to the  
12 voters of the county at the next regular countywide election or at a  
13 special election which may be called for the purpose by the board of  
14 county commissioners, the question:

15 "Shall the proposed charter (or amendments) for \_\_\_\_\_ County  
16 be adopted?

17  / YES

18  / NO"

19  
20 The charter or the amendments shall become effective if approved by  
21 a majority of the votes cast thereon, subject to provisions of the  
22 Oklahoma Constitution and laws of this state.

23  
24

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

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

1 therein, make the same elective or appointive, and prescribe the  
2 time, qualifications and conditions of tenure in any such county  
3 office, department or agency. The district court clerk shall always  
4 be elected.

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. The  
12 county assessor shall always be elected.

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

17 D. Any county operating pursuant to such charter as authorized  
18 by the provisions of this act shall have the power to borrow money  
19 for all lawful purposes under its charter, including the refunding  
20 of a lawful debt, in a manner conforming to the Oklahoma  
21 Constitution and the general laws of the state, and may issue  
22 obligations for such purposes. Such obligations and such tax to be  
23 levied to meet the liability shall not be valid unless authorized by  
24 a vote of the registered voters of the county pursuant to the

1 provisions of the laws of this state. County obligations maturing  
2 after a period of five (5) years shall be issued to mature serially,  
3 fixing the first maturity of principal at a time not to exceed two  
4 (2) years after the date of the issuance of such obligations. The  
5 obligations may pledge the full faith and credit of the county, but  
6 in no event shall the aggregate obligations so issued, in principal  
7 amount outstanding at any one time, exceed the constitutional limits  
8 for such obligations and indebtedness, and its supporting tax shall  
9 constitute a first and superior lien upon the property taxable in  
10 such county.

11 E. Charters adopted shall make appropriate provisions for the  
12 abandonment, revocation and amendment of the charter, subject only  
13 to the requirement that a majority of the votes cast thereon must  
14 approve the proposal. The provisions of the County Home Rule  
15 Charter Act shall be self-executing.

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

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

23

24

1 SECTION 6. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 8.11 of Title 19, unless there  
3 is created a duplication in numbering, reads as follows:

4 Each municipality and county may merge services performed by the  
5 county and municipality. The board of county commissioners and the  
6 governing body of the municipality shall adopt a resolution calling  
7 for a vote of the people to merge specified county and municipality  
8 services and setting a date for such election.

9 The question presented to the registered voters of the  
10 municipality and the county shall be the following:

11 Shall the municipality of \_\_\_\_\_ and the county of  
12 \_\_\_\_\_ merge the service of \_\_\_\_\_.

13 / YES  
14 / NO"

15  
16 If a majority of the votes cast in the municipality and the  
17 county where the merger of services will take place favor merging  
18 the specified services, the county and municipality shall declare  
19 such approval.

20 SECTION 7. REPEALER 19 O.S. 2001, Sections 8.1, 8.2,  
21 8.3, 8.4 and 8.5, are hereby repealed.

22 SECTION 8. This act shall become effective July 1, 2007.

23 SECTION 9. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3

4 51-1-6828 AB 01/17/07

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24