

1 ENGROSSED SENATE
2 BILL NO. 588

By: Ford of the Senate

3 and

4 Martin (Steve) of the House

5
6
7 [counties and county officers - contracts with
8 private attorneys - employ general counsel -
9 effective date]

10

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

12 SECTION 1. AMENDATORY 19 O.S. 2001, Section 215.37M, as
13 amended by Section 4, Chapter 334, O.S.L. 2008 (19 O.S. Supp. 2008,
14 Section 215.37M), is amended to read as follows:

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

24

1 B. If ~~the district attorney and~~ the board of county
2 commissioners of any county ~~agree~~ approve, legal representation in
3 any civil case in which a county officer or employee is a party and
4 the district attorney is required to represent the county pursuant
5 to Section 215.25 of this title may be provided by contract with a
6 private attorney. The costs of such contract shall be paid by the
7 board of county commissioners out of its account for general
8 government operation, or other account, as may be appropriate.

9 C. If a district attorney and the District Attorneys Council
10 agree, prosecution of any criminal matter may be provided by
11 contract with an attorney not employed by a district attorney, who
12 shall be designated as a special assistant district attorney, if the
13 case load of the office of the district attorney is such that
14 adequate representation of the interest of the state is not possible
15 without appointment of one or more special assistant district
16 attorneys. The special assistant district attorney shall be
17 appointed by the district attorney. The special assistant district
18 attorney may serve with or without compensation, however,
19 compensation shall be allowed only if the cost of compensation can
20 be paid out of funds for the current fiscal year, designated for the
21 salaries and operating expenses, for the office of the district
22 attorney requesting the appointment or appointments. No
23 supplemental appropriations shall be authorized for appointment of
24 special assistant district attorneys.

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

12 SECTION 2. AMENDATORY 19 O.S. 2001, Section 527, as
13 amended by Section 1, Chapter 356, O.S.L. 2005 (19 O.S. Supp. 2008,
14 Section 527), is amended to read as follows:

15 Section 527. The Board of County Commissioners, sheriff,
16 treasurer or assessor in a county shall have the authority to employ
17 a general counsel, either in-house as a staff attorney or through an
18 outside law firm, to advise or represent that officer and his or her
19 office in the performance of the official duties of that office.
20 The Board of County Commissioners shall approve all contracts for
21 outside counsel. A general counsel employed pursuant to this
22 section shall be compensated from the funds of the employing county
23 office.

24 SECTION 3. This act shall become effective November 1, 2009.

