

ESB 588

THE HOUSE OF REPRESENTATIVES  
Wednesday, April 8, 2009

ENGROSSED

Senate Bill No. 588

As Amended

ENGROSSED SENATE BILL NO. 588 - By: FORD of the Senate and MARTIN (STEVE) of the House.

(counties and county officers - contracts with private attorneys - employ  
general counsel - effective date (

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

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

11 B. If ~~the district attorney and~~ the board of county commissioners of any county  
12 ~~agree~~ approve, legal representation in any civil case in which a county officer or employee

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

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

17 D. If the district attorney and the board of education of any school district agree,  
18 legal representation in any ad valorem tax matter in which the district attorney is  
19 required to represent the school district may be assisted by an attorney employed or  
20 retained by the school district. The board of education is authorized to pay the costs of  
21 such representation out of its account for general government operation, or other  
22 account, as may be appropriate. However, this subsection shall not be construed to

1 permit a school district or any other entity to be a party to the proceeding or give  
2 standing to such entity to be a party to the civil case in which the county is interested.

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

6 Section 527. The Board of County Commissioners, sheriff, treasurer or assessor in a  
7 county shall have the authority to employ a general counsel, either in-house as a staff  
8 attorney or through an outside law firm, to advise or represent that officer and his or her  
9 office in the performance of the official duties of that office. The Board of County  
10 Commissioners shall approve all contracts for outside counsel. A general counsel  
11 employed pursuant to this section shall be compensated from the funds of the employing  
12 county office.

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

14 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 04-  
15 07-09 - DO PASS, As Amended.