

SB 588

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THE STATE SENATE
Monday, February 16, 2009

Senate Bill No. 588
As Amended

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]

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

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

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

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

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

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

22 D. If the district attorney and the board of education of any
23 school district agree, legal representation in any ad valorem tax

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-9-09 -
24 DO PASS, As Amended and Coauthored.