OKLAHOMA STATUTES
TITLE 19. COUNTIES AND COUNTY OFFICERS

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§19-1. Powers in general.

Each organized county within the state shall be a body corporate and politic and as such shall be empowered for the following purposes:

1. To sue and be sued;

2. To purchase and hold real and personal estate for the use of the county, and lands sold for taxes as provided by law;

3. To sell and convey any real or personal estate owned by the county, and make such order respecting the same as may be deemed conducive to the interests of the inhabitants;

4. To execute leases of real property owned by the county to nonprofit corporations organized for the general purpose of historical preservation;

5. To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of corporate or administrative power; and

6. To exercise such other and further powers as may be especially provided for by law.

R.L. 1910, § 1497. Amended by Laws 1986, c. 135, § 1, emerg. eff. April 17, 1986.

§19-2. Property of county.

Any real or personal estate heretofore or which may be hereafter conveyed to any county shall be deemed the property of such county. R.L. 1910, § 1498.

§19-3. Powers of county exercised by board of commissioners - Contracts while not acting as a board.

The powers of a county as a body politic and corporate shall be exercised by its board of county commissioners.

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

(b) 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;

(c) 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 of such acts or attempted contracts as above set forth, 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 shall be construed as prohibiting or preventing the chairman of the board of county commissioners from performing such duty or duties as he may be required by law to perform as chairman of such board, but only after the board, by a majority vote thereof, shall have authorized and directed such performance by said chairman.
R.L. 1910, § 1499. Amended by Laws 1955, p. 153, § 1.

§19-4. County to sue or be sued in name of board.

In all suits or proceedings by or against a county, the name in which a county shall sue or be sued shall be, "Board of County Commissioners of the County of _____," but this provision shall not prevent county officers, where authorized by law, from suing in their official name for the benefit of the county. Suit may be brought against a county by naming a county officer identified in

Section 161 of this title when it is alleged that such officer in his or her official capacity is directly or vicariously liable to plaintiff in an action not arising out of contract. Otherwise, suit may be brought against a county by naming the Board of County Commissioners of the County of _____; in actions against the Board not arising out of contract, upon motion, the Court may substitute a county officer identified in Section 161 of this title in his or her official capacity for the Board upon a showing that such county officer is better suited to represent and defend the county under the particular facts of the case.
R.L. 1910, § 1500. Amended by Laws 2019, c. 171, § 1, eff. Nov. 1, 2019.

§19-5. Process - How served.

In all legal proceedings against the county, process shall be served on the county clerk as the clerk of the board of county commissioners, and whenever suit or proceedings shall be commenced, it shall be the duty of the clerk, forthwith to notify the district attorney and lay before the board of county commissioners at their next meeting, all the information he may have in regard to such suit or proceedings.
R.L. 1910, § 1501.

§19-6. Payment of judgment against county.

When a judgment shall be rendered against the board of commissioners of any county, or against any county officer in any action prosecuted by or against him in his official name, where the same should be paid by the county, no execution shall issue upon the said judgment, but a tax sufficient to pay same shall be levied and collected in like manner as other county taxes, and when collected shall be paid by the county treasurer on the delivery of a proper receipt and the signing of an acknowledgment on the court record of said judgment, by the party in whose favor the judgment was rendered, or by his attorney of record, that same has been satisfied.
R.L. 1910, § 1502.

§19-7. County Government Council.

The board of county commissioners of each county is hereby authorized to enter into interlocal agreements to participate in the County Government Council. The Association of County Commissioners of Oklahoma, Inc., may be designated the administrator of the County Government Council.
Added by Laws 1980, c. 302, § 4, eff. July 1, 1980.

§19-8. Public works contracts.

A. Any public works contract shall provide for partial payment based upon work completed. The contract shall provide that up to ten percent (10%) of all such partial payments made shall be withheld as retainage. At any time the contractor has completed in excess of fifty percent (50%) of the total contract amount, the retainage shall be reduced to not less than five percent (5%) of the amount earned to date if the owner or owner's duly authorized representative has determined that satisfactory progress is being made, and upon approval by the surety. The amount retained shall be sufficient to ensure payment of:

1. Any taxes due the State of Oklahoma;

2. Personal property taxes or any municipal sales taxes due on the contractor's equipment and supplies;

3. Any workers compensation coverage; and

4. Any amount due and owing to any subcontractor who furnished any material or equipment to the contractor or performed any labor as a subcontractor, or as an artisan or day laborer in the employ of the contractor.

B. For purposes of this section a public works contract means a contract between a county of this state and a contractor for the construction, alteration, repair, improvement, moving, wrecking or demolition of any highway, road, railroad, earthwork, building or other structure, project, development or improvement, whether it be in whole or in part. The provisions of this section shall not apply to railroad companies operating in this state.

Added by Laws 1994, c. 72, § 1, eff. Sept. 1, 1994.

§19-8.1. Short title.

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

Added by Laws 1992, c. 220, § 1, eff. Sept. 1, 1992.

§19-8.2. Authority to adopt or amend county home rule charter.

Any county in this state with a population of less than five hundred fifty thousand (550,000), according to the latest Federal Decennial Census, which contains a metropolitan area with a population of two hundred fifty thousand (250,000) or more, according to the latest Federal Decennial Census, may adopt or amend a County Home Rule Charter for county government which specifies those powers appropriate for said government and which are not inconsistent with the Oklahoma Constitution and laws of this state.

Added by Laws 1992, c. 220, § 2, eff. Sept. 1, 1992.

§19-8.3. Designation of charter commission members - Filing of names - Submission of formation question to voters - Organizational meeting - Time for completion of work - Publication of proposed charter or amendment - Submission to voters.

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

1. Fifteen (15) members shall be designated by the board of county commissioners. Five members shall be designated by each county commissioner, at least two of which shall be residents of an unincorporated portion of the county, or residents of a municipality other than the largest municipality located within said county. The members designated by each county commissioner must reside in that county commissioner's district;

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

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

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

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

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

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

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

"Shall a charter commission, to be composed of the following members: _____ be authorized to frame a proposed charter or amend an existing charter for the County of _____?

/__/ YES

/__/ NO"

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

B. If the proposition receives approval by a majority of the votes cast thereon, the chairman of the board of county commissioners of the county shall, within sixty (60) days, call an organizational meeting of said charter commission. Such commission is hereby authorized to select a chairman and other officers as may be necessary, to adopt rules of procedure, and to draft a proposed County Home Rule Charter or amendments to an existing charter. Such commission shall complete its work on a proposed charter or amendments to an existing charter within six (6) months from the time said organizational meeting of such commission was convened. Any proposed charter or amendments to an existing charter shall be published by the commission in a newspaper of general circulation in the county on at least two occasions. At least seven (7) days shall elapse between the first and last day of publication. The first day of such publication shall be within forty-five (45) days from the date the commission submits its proposed charter or amendments to an existing charter. Copies of the proposed charter or amendments to the existing charter shall be made available for distribution to the qualified voters of the county at the place where meetings of the board of county commissioners of the county are usually held.

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

"Shall the proposed charter (or amendments) for _____ County be adopted?

/__/ YES

/__/ NO"

Said charter or said amendments shall become effective if approved by a majority of the registered voters voting thereon, subject to provisions of the Oklahoma Constitution and laws of this state. Added by Laws 1992, c. 220, § 3, eff. Sept. 1, 1992.

§19-8.4. Provisions of charter.

A. A charter shall set forth the structure of the county government and the manner in which it is to function. The charter may provide for a governing body, which may be other than as presently constituted, which shall be elective, and service shall be upon the qualifications, terms, plan of representation and conditions of tenure and compensation as may be fixed by the charter. The term for service of the governing body shall not exceed four (4) years. In addition to the powers and duties provided by the charter, the governing body shall exercise all powers, and discharge all duties which, in the absence of the provisions of said charter, would devolve by law to the board of county commissioners or any other county governmental board, agency, commission or council. Said charter may provide for the organization, reorganization, establishment and administration of the government of the county, including the control and regulations of the performance of and the compensation for all duties required in the conduct of county affairs. The charter may authorize the governing body to create or consolidate any county office, department or agency, define the duties thereof, fix the compensation for service therein, make the same elective or appointive, and prescribe the time, qualifications and conditions of tenure in any such county office, department or agency.

B. Any county electing to operate pursuant to such charter as authorized by the provisions of this act shall have the power by charter provision to levy, assess and collect taxes pursuant to the provisions of Section 20 of Article X of the Oklahoma Constitution. The limit of the aggregate taxes which may be levied, assessed and collected by such county shall not exceed the limit or total fixed, or hereafter fixed, by the Oklahoma Constitution or by statute.

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

D. Any county operating pursuant to such charter as authorized by the provisions of this act shall have the power to borrow money for all lawful purposes under its charter, including the refunding of a lawful debt, in a manner conforming to the Oklahoma Constitution and the general laws of the state, and may issue obligations for such purposes. Such obligations and such tax to be levied to meet said liability shall not be valid unless authorized by a vote of the registered voters of the county pursuant to the provisions of the laws of this state. County obligations maturing after a period of five (5) years shall be issued to mature serially, fixing the first maturity of principal at a time not to exceed two (2) years after the date of the issuance of such obligations. The obligations may pledge the full faith and credit of the county, but in no event shall the aggregate obligations so issued, in principal

amount outstanding at any one time, exceed the constitutional limits for such obligations and indebtedness and its supporting tax shall constitute a first and superior lien upon the property taxable in such county.

E. Charters adopted shall make appropriate provisions for the abandonment, revocation and amendment of such charter, subject only to the requirement that a majority of the registered voters of the county must approve such proposal. The provisions of the County Home Rule Charter Act shall be self-executing.

Added by Laws 1992, c. 220, § 4, eff. Sept. 1, 1992.

§19-8.5. Charter provision contrary to or inconsistent with sovereignty and public policy.

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

Added by Laws 1992, c. 220, § 5, eff. Sept. 1, 1992.

§19-11. Vote by people - Taxable property - Area - Population.

Before any new counties shall be established, or any county lines in this state shall be altered or changed, such question shall first be submitted to a vote of the qualified electors residing in the territory to be formed into such new county or transferred to another county, and shall be approved by the sixty percent (60%) of the votes cast in each particular territory sought to be taken from an existing county in said election; provided, no new county shall be formed of less than four hundred square miles taxable area, nor with a population of less than fifteen thousand people, nor with taxable wealth less than two and one-half million dollars, as shown by the current tax rolls. Nor shall any territory be taken from an existing county for any purpose bringing the newly created lines of such existing county nearer than ten miles to the county seat thereof. Nor shall the taxable area, population or taxable wealth of said existing county be reduced below that required for a new county. Nor shall any territory, in any case, be transferred from one county to an existing county, if, by such transfer of territory, the county from which the territory to be taken will then be smaller in area than the county to which the addition is made; provided, that when the territory is to be transferred from one existing county to either a new or an existing county, there must be sixty percent (60%) of the vote cast in such particular territory in favor of the transfer, and, in case the transfer to be to an existing county, the acceptance of such territory must first be approved by a majority vote of the electors of said county; provided, that any such election shall be governed by the general election laws, when same are not in conflict herewith.

Added by Laws 1910-11, c. 40, p. 72, § 1.

§19-12. Petition - Proclamation calling election - Counties excepted.

Upon a petition or petitions in writing, signed by fifty-one percent (51%) of the qualified electors residing in each particular territory sought to be created into a new county, or transferred to another county, such percent to be determined by the total vote cast in said territory for the head of the state ticket in the next preceding election, and it being made to appear that said petitioners are qualified electors of said territory and are fifty-one percent (51%) of each particular territory thereof, and it being made to appear that if a new county is to be formed, that same will consist of not less than five hundred (500) square miles of taxable area and will contain a population of not less than twenty thousand (20,000) people and will have not less than Four Million Dollars ($4,000,000.00) of taxable wealth as shown by the current tax rolls; that if the change or changes sought to be made are for the purpose of creating a new county it will not bring the newly created lines of such existing county or counties from which said territory is taken nearer than twenty (20) miles to the county seat thereof; that if the change or changes sought to be made for the purpose of transferring territory from an existing county or counties to another county, it will not bring the newly created lines in such existing county or counties from which any territory is taken nearer than fifteen (15) miles to the county seat thereof; that the taxable wealth of such existing county or counties will not be reduced below that required for a new county, and if the object sought is to transfer territory from one county to an existing county, it shall be made to appear that the county from which said territory is sought to be taken, will not be less in area than the county to which the addition is made, and such petition and such showing have been filed with and made before the Governor, shall within thirty (30) days issue his proclamation, calling an election to be held in said territory not less than sixty (60) nor more than seventy (70) days from the date of his proclamation. That nothing in this bill shall apply to counties now existing containing eighteen hundred (1,800) square miles in area, which counties shall be governed by the Constitutional limitations.

Added by Laws 1910-11, c. 40, p. 73, § 2. Amended by Laws 1917, c. 120, p. 185, § 1; Laws 1919, c. 213, p. 309, § 1.

§19-13. Form of petition.

The following shall be substantially the form for every petition, or petitions, filed with the Governor, asking that an election be called for the purpose of creating such new county, or detaching territory from one county, for the purpose of adding same

to another; provided, that this section shall not apply to petitions on file with the Governor, upon which an election has been called:

"Petition asking that an election be called for the creation of the proposed county of _____; said proposed county to embrace the following described territory. (Here describe proposed county by metes and bounds)", or, if the election is to be called for detaching territory from an existing county, the heading of petition shall be as follows: "Petition asking that an election be called to detach the following described territory (Here describe territory, proposed to be detached by metes and bounds) from the county of _____, for the purpose of having said described territory added to the county of _____."

State of Oklahoma,)
) ss.
County of _____)

To the Governor of the State of Oklahoma:

I most respectfully represent that I am _____ years of age; and am now, and have been for ____ years, a resident of such county and state above mentioned; that I am now residing within the precinct, or ward, in which I now propose to vote and have resided thereat for ____ years, and am a duly qualified elector in the precinct wherein I reside; and I do most respectfully petition Your Excellency to call an election for the purpose of creating the proposed county of _____; (or in event territory is to be detached from an existing county, and added to an existing county), to call an election for the purpose of detaching a portion of _____ county and adding same to _____ county; and I have not signed any other petition asking that an election be held under the provisions of this act.

Respectfully submitted

_____

Subscribed and sworn to before me this ____ day of ____ A.D. (year).

_____
Notary Public.

My commission expires _____.

Added by Laws 1910-11, c. 40, p. 73, § 3. Amended by Laws 1998, c. 246, § 5, eff. Nov. 1, 1998.

§19-14. Form of ballot - Election of officers.

The Governor shall cause to be placed upon the ballots, to be voted at any such election, the metes and bounds of the proposed new county, or the territory sought to be transferred, and if said election is for the purpose of creating a new county, the ballot shall contain the words "Shall said territory be formed into a new county?" followed by

"Yes"
"No"

If such election is for the formation of a new county, there shall also, and at the same time be held an election for the purpose of electing a full quota of county officers, for said proposed county, and there shall be separate ballots prepared for said purpose, containing the names of the various candidates to be voted for at said election, which said ballots, when voted, shall be placed in a separate box. If the change sought to be made is the transfer of territory from one county to an existing county, said ballots shall contain the words, "Shall said territory become a part of _____ county?" (filling in the name of the county, to which said territory is sought to be transferred), followed by the words

"Yes"

"No"

Added by Laws 1910-11, c. 40, p. 75, § 4.

§19-15. Election supplies - How furnished.

The county election board of any county, holding such special election, shall furnish each voting precinct, or voting place in said county, with three ballot boxes, one of said boxes to be used for the depositing therein of the ballots on the formation of such new county, or the transferring of territory as voted; one box for the purpose of depositing therein the affidavits, as made, of all qualified electors; and one box for the depositing therein of the ballots for county and township officers as voted. All ballots, affidavits, ballot boxes, and other election supplies, shall be furnished by the county election board, as provided by law, for the printing and furnishing of ballots in regular elections.

Added by Laws 1910-11, c. 40, p. 75, § 5.

§19-16. Election commissioners - Qualifications - Oath.

When any such special election is called, it shall be the duty of the Governor to select and commission one special election commissioner for each voting precinct or voting place in such county so holding such election as provided in this act; provided, that no such special election commissioner shall be, or have been a resident of the county or counties to be affected by such special election, and shall not be interested in any manner in the result thereof. Every such commission shall be in writing and shall be signed by the Governor. Before any such special election commissioner shall assume the duties of his office he shall take and subscribe to the following oath:

Oath.

I, _____ do solemnly swear (or affirm) that I will support, obey and defend the Constitution and laws of the State of Oklahoma and will discharge the duties of my office with fidelity and to the best of my ability; that I am not now and never have been a resident of the proposed county of _____; that I am not now and have never

been a resident of the county or counties to be affected by such election; and that I am not now interested in any manner, in any business proposition, or in any institution located in any county to be affected by such election.

_____

Subscribed and sworn to before me this _____ day of _____ A. D. 19__.

_____

Notary Public.

My commission expires _____.
Added by Laws 1910-11, c. 40, p. 76, § 6.

§19-17. Duties of commissioners - Substitutes.

In selecting and commissioning said special election commissioners, the Governor shall assign each said commissioner to a particular voting precinct, or voting place in said territory, proposing to hold such special election; and for the purpose of said special election, the said commissioner so selected, shall perform the duties of an inspector of election in such precinct or voting place so assigned, as provided by the general election laws, when not in conflict with the provisions of this act. It shall be the duty of each such special election commissioner to present himself to the county election board, at the office of the clerk of the county wherein said special election is to be held, not later than ten o'clock a. m. of the second day next preceding the date set for the holding of such special election, where he shall receive from said board and receipt therefor, the ballots, ballot boxes, poll books, tally sheets, stamps, pen, ink, pencils, and other material necessary for properly holding such election, and shall safely convey such material, so received, to the precinct, or voting place assigned, so that the polls may be duly and promptly opened on the date set for the holding of said special election. In the event the special election commissioner of any precinct shall fail to present himself to the county election board for such election supplies and to receive the same at the time in this act specified, then it shall be the duty of the county election board to designate and appoint in writing, some qualified elector of the county, to perform all of the duties of said special election commissioner of such precinct at said election.
Added by Laws 1910-11, c. 40, p. 76, § 7.

§19-18. Booths and conveniences - Election officers - How appointed - Oath - Fees.

On the day set for the holding of said special election, it shall be the duty of said special election board, to see that each precinct, or voting place in said county, is supplied with booths and other necessary conveniences, for the proper holding of such

election. It shall be their duty to select two judges and two clerks for such said special election in each precinct or voting place; said judges and clerks, so acting, shall receive the fees as prescribed for like services in any general election. It shall be the duty of the special election commissioner, to administer the oath to said judges or clerks of said election. One of said judges and one of said clerks at each voting precinct shall be selected from a list submitted to said board by the organization favoring the formation of such new counties or the detaching of said territory, and one of said judges, and one of said clerks in each precinct, shall be selected from a list submitted by the organization opposing the formation of such new county or the detaching of said territory. Added by Laws 1910-11, c. 40, p. 77, § 8.

§19-19. Voting - Electors' affidavits - Form.

Every person desiring to vote at such special election, after having passed the challengers whose duty shall be the same as prescribed by law governing any general election, and being admitted to the room, shall, before being given a ballot, permit the clerks to fill out an affidavit and the intended voter shall subscribe and swear to the affidavit before the special election commissioner, after which such person shall be given tickets and permitted to prepare the same and deliver the ballots to the special election commissioner who shall, in the presence of the voter, deposit the ballot in the proper ballot box, and shall deposit the affidavit in the box provided for that purpose. The form of affidavit required of all persons presenting themselves to vote at such special election shall be substantially as follows:

Affidavit.

State of Oklahoma, County of _____ ss.

_____ of lawful age, first being duly sworn, upon oath deposes and says: That he or she is a citizen of the United States, is over the age of eighteen years, that he or she has been for one year last past a bona fide resident of this state, of the county six months, and in _____ precinct thirty (30) days next preceding this date; that he or she came to his or her present residence from _____ and is a legally qualified elector in the precinct on this day and has not voted in the election.

_____

Subscribed and sworn to before me this _____ day of _____ A.D. (year).

Special Election Commissioner.

Added by Laws 1910-11, c. 40, p. 78, § 9. Amended by Laws 1998, c. 246, § 6, eff. Nov. 1, 1998.

§19-20. Count - Canvass of returns.

Upon the holding of any such special election, the precinct board of canvassers, shall canvass the vote, make and certify the returns upon the election of county and township officers, and shall make and certify the returns upon the formation of such new county, or the detaching of said territory, to their respective county election board, which said board shall, immediately, in the presence of said special election commissioners canvass all such returns of elections held, as provided herein.
Added by Laws 1910-11, c. 40, p. 78, § 10.

§19-21. Returns and ballot boxes - Custody of same - Report to Governor.

Each of the special election commissioners shall be the custodians of the ballot boxes and affidavit boxes and of all certificates and returns of his precinct, and shall safely convey the same to the office of the county clerk, not later than twelve o'clock noon of the third day, next succeeding the day of election, and shall, at said time and place, meet with the other special election commissioners. Each special election commissioner, shall deliver to the county clerk, the ballot boxes containing the ballots, affidavits and returns, relating to the election of county and township officers, and the formation of a new county, or detaching territory, and take a receipt therefor; and thereafter the county clerk shall be the custodian of said ballot boxes, and, during the canvassing of the returns and thereafter, shall preserve said boxes intact for a period of ninety days, unless relieved by an order of the court. At said time and place, in the presence of said special election commissioners, said returns shall be canvassed by said county election board, as provided herein; and when said returns are canvassed and a transcript thereof has been prepared and signed by each said special election commissioners of said county, said special election commissioners shall select one of their number and commission him to proceed at once to the office of the Governor of the state, and to deliver to the Governor, said transcript of said election returns, and said special election commissioner so selected, shall immediately perform the duty assigned.
Added by Laws 1910-11, c. 40, p. 78, § 11.

§19-22. Proclamation of Governor - Designation of county seat - Officers.

Upon the receipt by the Governor, of the transcript of all the returns, as provided herein, he shall proceed at once to declare the result of said special election, and, if said election shall have been held for the purpose of forming a new county, and sixty percent (60%) of the votes cast in each particular territory be in favor of the formation of said proposed new county, the Governor shall, within sixty (60) days thereafter, issue his proclamation, declaring

said new county legally created, and shall, after five (5) days notice to each and every place which is an applicant for the county seat of said county, give each and every such applicant a hearing as to the merits of each place to become the county seat of said county, and shall decide from the merits thus presented, which place shall be the temporary county seat thereof, and shall designate the same the county seat thereof, which place so designated shall be and remain the county seat, unless afterwards changed, as provided by law; and the candidates receiving the highest number of votes cast at said election, as returned and certified to the Governor for the various offices, shall be declared elected, and, at once, enter upon their duties as such officers.
Added by Laws 1910-11, c. 40, p. 79, § 12.

§19-23. Selection of permanent county seats.

In all new counties, created since the admission of the State of Oklahoma into the Union, and to be hereafter created, wherein temporary, or original county seat, has been, or will be, located or designated, other than by a vote of the people, an election shall be called and held to locate the permanent county seat, which election shall be called and held under the laws now in force governing the permanent location of county seats, included in Chapter Thirty-one, Article Four, of the Session Laws of 1907 and 1908; provided, that a majority of all the votes cast in the county, at such county seat election, shall be in favor of any town, such town shall thereafter be the county seat; provided, however, that where the temporary county seat theretofore designated, is within six (6) miles of the geographical center of the county (said geographical center to be determined by certificate from the Secretary of State, and said distance to be determined by measurement from said geographical center to the nearest corporate limits of such county seat) it shall require sixty percent (60%) of the total vote cast at such election by the competing town to effect the designation of such county seat, and unless such competing town be within six (6) miles of the geographical center of said county, in which event a majority vote shall suffice; provided, further, that those portions of Section 14, of Article Four of Chapter 31 of the Session Laws of 1907-1908 in conflict herewith, applying to counties created by the Constitution, shall have no force and effect with reference to elections to locate the permanent county seat of counties created since the adoption of the Constitution and since the admission of the State of Oklahoma into the Union.
Added by Laws 1910-11, c. 40, p. 80, § 12a.

§19-24. Supreme Court to decide controversies.

Exclusive, original jurisdiction is hereby conferred upon the Supreme Court of Oklahoma over all controversies that may arise

under the provisions of this act, and any person affected by such election shall have a right to a hearing before the Supreme Court upon application filed and presented within thirty (30) days after any such election shall be held.
Added by Laws 1910-11, c. 40, p. 81, § 13.

§19-25. Precedence in court.

If any application for a hearing, upon any question arising after such election has been held, is filed with the Supreme Court, it shall be the duty of said court to make said matter special and give it precedence over the other business of said court, and consider and pass upon the same as speedily as is consistent with the business of said court.
Added by Laws 1910-11, c. 40, p. 81, § 14.

§19-26. Election expenses - How paid - Commissioners' compensation.

All special election commissioners, selected and commissioned as provided herein, shall receive as compensation for their services, the sum of Three Dollars ($3.00) per day for each and every day necessarily employed in the work connected with the holding of such election, including the time spent in going to and returning from said county, and the actual and necessary traveling expenses, and for maintenance in the performance of such duties. Such commissioner shall prepare and file with the Governor a sworn itemized statement of time employed and expenses incurred, which said statement shall be by the Governor, forwarded to the county clerk of the county holding such election. The expenses connected with the holding of any such special election, including the per diem and expenses of all such special election commissioners, shall be borne and paid for by the county out of any funds in the hands of the county treasurer. The expenses of holding said election shall be paid, if the proposition is to create a new county, by the new county so created, if the proposition is successful; if the proposition is to detach territory from one county and add to another, by the county to which said territory is added, if the proposition is successful.
Added by Laws 1910-11, c. 40, p. 81, § 15.

§19-27. Challengers - Watchers - Poll book holders - How appointed.

In any such special election, the organization favoring the formation of such new county, or the detaching thereof any such territory, may appoint and designate one qualified elector in any precinct, or voting place, to act as challenger at such precinct, and may appoint or designate one poll book holder and one special watcher in any such precinct or voting place, and the organization opposing the formation of any such county, or the detaching of any such territory, shall have like privileges; provided, that the

challenger, poll book holder and watcher shall perform duties as provided by law, governing any general election.
Added by Laws 1910-11, c. 40, p. 82, § 16.

§19-28. Official neglect - Felony.
Any election officer who shall be appointed, or commissioner, under the provisions of this act or the laws of Oklahoma, and who shall knowingly and willfully fail or refuse to perform required duties shall be guilty of a felony.
Added by Laws 1910-11, c. 40, p. 82, § 17. Amended by Laws 1997, c. 133, § 144, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 144 from July 1, 1998, to July 1, 1999.

§19-29. What constitutes bribery.
Any person or corporation offering money or other thing of value, either directly or indirectly, for the purpose of influencing any voter for or against any proposition in such election shall be guilty of the felony of bribery.
Added by Laws 1910-11, c. 40, p. 82, § 18. Amended by Laws 1997, c. 133, § 145, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 145 from July 1, 1998, to July 1, 1999.

§19-30. Repealed by Laws 1961, p. 208, § 1.

§19-31. Vote for transfer of territory.
If the object sought be to transfer territory from one county to an existing county, and if sixty percent (60%) of the votes cast at said election vote "Yes", the Governor shall within ten (10) days after declaring the result of said election issue his proclamation calling an election to be held in the county to which said territory is sought to be transferred, which said election shall be held not less than thirty (30) nor more than forty (40) days thereafter.
R.L. 1910, § 1507.

§19-32. Vote to accept new territory.
Upon the holding of any election in any county to vote upon the acceptance of the territory which is seeking to be transferred to said county, the board of canvassers shall certify and return said vote to the Governor as required by law, who shall thereupon, and within ten (10) days thereafter, declare the result of said election, and if it appears that a majority of the votes cast at said election be in favor of accepting said territory, he shall, within ten (10) days thereafter, issue his proclamation declaring said territory legally transferred to said existing county, and cause the will of the election to be carried into effect.

R.L. 1910, § 1508.

§19-33. Division of assets and liabilities.

Upon the transfer of territory from a county to a new county or an existing county, said new county to which said territory is transferred shall be entitled to such proportionate part of the net assets of the county from which said territory is taken as the taxable wealth of the territory so transferred bears to the taxable wealth of the county from which said territory is taken, but if, as shown by the current tax rolls, the liabilities of the county from which said territory is taken shall exceed its resources at the time of the transfer, the county to which said transfer is made shall pay to said county that proportionate part of said excess as the taxable wealth of the territory received bears to the taxable wealth of said county.

R.L. 1910, § 1509.

§19-34. County commissioners may settle differences.

It shall be the duty of the county commissioners of the counties between which a settlement should be made by virtue of any transfer to meet and determine the amount due from one county to the other, and if a majority of said commissioners agree upon an amount found to be due, the commissioners of the county found to be indebted to the other county are hereby authorized and empowered to draw a warrant on the general fund of their county in favor of the county entitled to the same for the amount so found due: Provided, that either county through its proper officers may within sixty days appeal from said finding to the district court of the county appealing: Provided, further, that if a majority of said boards of county commissioners should fail to agree upon an amount due from one county to the other each of said boards of county commissioners shall file with the respective county clerks a report showing its finding, and also the finding of the commissioners of the other county and the county claiming an indebtedness shall, within six months after the filing of said report with the county clerk, institute suit in the district court of any county in the district in which the debtor county is situated, to recover the amount to be due by the board of county commissioners of said county.

R.L. 1910, § 1510.

§19-35. Meetings of commissioners to settle differences.

The meeting of the boards of county commissioners herein provided for shall be called by the chairman of the board of commissioners of the county to which said territory has been transferred, to meet in the county seat of said county not less than sixty (60) days from the date of issuance of the Governor's proclamation declaring said territory legally transferred, and said

chairman shall give ten (10) days' written notice to each of the county commissioners of the said counties specifying the time and place of said meeting and shall be continued from day to day until their labors are concluded.
R.L. 1910, § 1511.

§19-36. Change in watercourse bounding counties as not changing taxable situs of property.

After the first day of January, 1963, where any county is bounded by the middle of the channel of any stream or watercourse, any change of such channel, whether by accretion, reliction, or avulsion, shall not bring about a change in the taxable situs of the property, and for all county and state purposes the boundary line will remain as originally shown on the tax rolls. Provided, that, as to such property which may have become subject to litigation as a result of being carried on the tax rolls of two or more counties prior to the enactment of this section, or shall subsequently become subject to litigation as a result of being carried on the tax rolls of two or more counties without either being prior in point of time, such dispute shall be resolved by final decree of the court.
Added by Laws 1963, c. 123, § 1, emerg. eff. June 3, 1963.

§19-61. Jurisdiction and powers of Supreme Court - Summons - Scope of inquiry.

Original and exclusive jurisdiction is hereby conferred upon the Supreme Court to hear and determine any action that may be brought for the purpose of equitably dividing and distributing the property, assets and liabilities, derived through the process of taxation, bonds, warrants or other evidences of indebtedness, of any county formerly existing in the Territory of Oklahoma, between such county and any new county or counties created by the Constitution in whole or in part out of the territory of such county; and for the purpose of rendering and enforcing complete justice in any such action, the Supreme Court shall have the power to make and render all necessary orders, judgments and decrees, and to issue and enforce all necessary process, mesne, and final:

Provided, that the Supreme Court shall have exclusive original jurisdiction of all actions involving the custody of, or the right to transcribe the tax rolls or other records of any such county or counties, and the ownership and distribution of the taxes assessed and collectable therein:

Provided further, that, for the purpose of hearing and receiving evidence and reporting findings of law and fact, the Supreme Court may appoint a special master in chancery in such case.

The Clerk of the Supreme Court shall issue summons which shall be served on the defendants in any such action in the same manner as

is provided by law for the issuance and service of summons in the district courts of this state:

Provided, that the Supreme Court shall inquire into and determine whether or not public property, derived through public or private donation or otherwise, shall be subject to division under the terms of this article; and unless the court so determine, it shall not take into consideration, in dividing the property, assets and liabilities, any property so derived, and, in the event the court so determines, it shall have jurisdiction to, and shall take all such property into consideration in dividing the property, assets and liabilities aforesaid; provided, that the provisions of this act shall apply to counties created, or attempted to be created, as provided by law, and subsequently dissolved by judicial decree; and provided further, that such property, assets and liabilities acquired by any such county created and dissolved shall be divided between or among such counties as were affected by the creation and dissolution of such new county; and provided further, that where a portion of such territory formerly embraced in any such new county is now a portion of some county other than the county from which it was originally proposed to be taken to form such new county, then such other county now embracing such territory shall be construed to have been affected by the creation and dissolution of such new county as provided herein.

R.L. 1910, § 1512. Amended by Laws 1917, c. 142, p. 226, § 1.

§19-62. Method of division - Agreements as to division.

For the purpose of this article, the property, assets and liabilities of the counties, as referred to in the preceding section, at the time of the admission of the state into the Union, shall be deemed the property, assets and liabilities of the original county or counties in Oklahoma Territory, and the new county or counties created, in whole or in part out of such original county or counties; and the decree of the Supreme Court in all such actions shall be based, as near as may be, upon the fair and reasonable value of such of the property and assets belonging to such counties, and the taxable value of the property in the counties, or parts of counties, affected by such divisions or distribution, so that each county shall be charged with liability and awarded assets in the proportion which the taxable value of its property bears to the taxable value of other counties affected by and interested with it in the divisions and distribution of property, assets and liabilities, as shown by the tax rolls for the year 1907; and such decree shall be so framed as to fix and describe the assets awarded to each county and the liabilities which shall be borne by it, and determine whether such liabilities shall be borne by any such county separately or jointly with another county, and determine the amount and proportion of liabilities. All property of a permanent and

fixed nature, as mentioned herein, shall be decreed to and the title thereto be vested in the county in which the same shall be situated: Provided, however, that the board of county commissioners in any such county are hereby authorized to confer and agree upon such a division of any and all such property, assets and liabilities as may to them seem just and equitable, and when such agreement shall have been reached it shall be reduced to writing, subscribed by a majority of the members of the board of county commissioners of each of the counties that is a party to such agreement; and the same shall be entered at length upon the records of the proceedings of the board of county commissioners of the respective counties; a certified copy of such agreement shall thereupon be transmitted by one or more of the county clerks of any such county or counties to the Clerk of the Supreme Court, within thirty days of the date of such agreement; and the Supreme Court shall, thereupon, render a final judgment decreeing the division and distribution of any and all such assets and the apportionment of such liabilities according to the terms of such agreement, and vesting the title to any property mentioned in such agreement as therein provided; and such judgment shall be final and conclusive in law and equity, and no rehearing shall ever be allowed in any such case.
R.L. 1910, § 1513.

§19-63. Parties to action - Duties of district attorney.

Any suit commenced under the provisions of this article, shall be brought in the name of the board of county commissioners of any county interested in the subject matter of the suit, as plaintiff, and any or all counties having any interest adverse to the plaintiff may be joined as defendant. The district attorney of such county, at the direction of the board of county commissioners, shall commence and prosecute, or defend, as the case may be, to final judgment and determination, any and all suits that may be instituted under authority of this article.
R.L. 1910, § 1514.

§19-64. Commissioners may institute certain actions.

The board of county commissioners of any of the counties referred to in the preceding section shall have the right and power to prosecute any and all necessary actions against the county treasurer of any such counties, or against any other officer, person, firm or corporation for and on behalf of any school district, road district, municipal township, city or town, and all sums of money that may be recovered by any such board of county commissioners shall be forthwith paid over to the county treasurers of such counties for the use and benefit of the school district, road district, municipal township, city or town, to which such money shall belong; and the board of county commissioners of any such

counties shall have the authority to make demand for any and all sums of money belonging to any such school district, road district, municipal township, city or town, of and from such officer, person, firm or corporation, and exclusive original jurisdiction is hereby conferred upon the Supreme Court to hear and determine all actions authorized by this article.
R.L. 1910, § 1515.

§19-65. Penalty for refusing to pay over monies.

If any officer, person, firm or corporation having custody, control or possession of any money belonging to any school district, road district, municipal township, city or town in any such counties, shall withhold and fail to pay over the same after lawful demand shall have been made therefor, such officer, person, firm or corporation shall be liable to a penalty equal to twenty-five percent (25%) of the money wrongfully withheld, which shall belong to such county, school district, road district, municipal township, city or village, and which penalty may be recovered in any action brought to recover such money.
R.L. 1910, § 1516.

§19-71. Laws governing.

Any county desiring to hold a special election for the purpose of relocating the county seat shall be governed by the general election laws when same are not in conflict herewith.
R.L. 1910, § 1517.

§19-72. Election - How called.

Upon a petition in writing, signed by twenty-five percent (25%) of the qualified electors of the county, such percent to be determined by the total vote cast in such county for the head of the state ticket in the next preceding general election, said petitions being verified by an affidavit, showing that the petitioners are qualified electors of said county, and such petitions being filed with the Governor, the Governor shall, within thirty (30) days, issue his proclamation calling an election to be held in such county not less than sixty (60) nor more than seventy (70) days from the date of his proclamation.
R.L. 1910, § 1518.

§19-73. Form of election petition.

The following shall be substantially the form for every petition filed with the Governor asking such special election to be held as provided herein:
To the Governor of the State of Oklahoma:

We, the undersigned qualified electors of _____ County, State of Oklahoma, hereby petition the Governor of said state to call an

election to relocate the county seat of said county, under the provisions of Section 6, Article XVII, of the Constitution.
R.L. 1910, § 1519.

§19-74. Notice of election - Tickets and candidates.

Such elections shall be held upon such public notice as the Governor in his proclamation may direct; and the Governor shall cause to be placed upon the tickets to be voted at such election only the names of such cities, towns and places as may, more than twenty (20) days prior to such election, file with the Governor verified petitions therefor, as above mentioned, signed by not less than three hundred qualified electors of said county.
R.L. 1910, § 1520.

§19-75. Form of petition for place on ticket.

The following shall be substantially the form for every petition filed with the Governor asking that the name of any city, town or place be placed upon the tickets to be voted at such election:

PETITION FOR CITY - FORM OF.

Petition asking that the city, town or place of _____ be placed on the tickets to be voted in _____ County on the ____ day of _____ A.D. ____ (year).

State of Oklahoma,)
)ss.
County of _____)

To the Governor of the State of Oklahoma:

I most respectfully represent that I am _____ years of age; and am now and have been for _____ years a resident of said county and state above mentioned; that I am now residing within the precinct or ward in which I now propose to vote, and have resided thereat for _____ years, and am a duly qualified elector in the precinct wherein I reside; and I do most respectfully petition Your Excellency to cause to be placed the name of _____ (city, town or place) upon the tickets to be voted at the special election to be held in _____ County on the ____ day of _____, A.D. ____ (year), for the purpose of relocating the county seat of said county.

Respectfully submitted,

Subscribed and sworn to before me this _____ day of _____, A.D. ____ (year).

_____
Notary public.

My commission expires _____.
R.L. 1910, § 1521. Amended by Laws 1998, c. 246, § 7, eff. Nov. 1, 1998.

§19-76. Special election board.

When an election is called for the purpose of relocating the county seat, the Governor shall appoint some person, resident of the county, who does not live or reside in either city or town which is or is to be a candidate for county seat honors, and each of said rival towns is to select one person each who shall constitute said election board, with duties as provided by law for county election boards, when not in conflict herewith. The appointment of the members of such special election board shall be made upon the recommendation of the mayor or of the president of the town board of trustees, or in the event said place has neither, then upon the recommendation of the president of the organization representing said place, so being a candidate for the location of said county seat. It shall be the duty of such special election board to prepare or cause to be prepared, and to distribute ballots for said election as provided by law for general elections; said ballots to contain the names of each and every city, town or place as certified to said board by the governor. The members of said board shall serve without compensation.
R.L. 1910, § 1522.

§19-77. Duties.

Such special election board shall furnish each voting precinct or voting place with two ballot boxes; one of said boxes to be used for the depositing therein of the ballots as voted, and the other for the purpose of depositing therein the affidavits, as made, of all qualified electors. All ballots and affidavits shall be printed and furnished by the special election board as provided by law for the printing and furnishing of ballots in regular elections.
R.L. 1910, § 1523.

§19-78. Special election commissioners - Oath.

When any such special election is called it shall be the duty of the Governor to select and commission one special election commissioner for each voting precinct or voting place in such county so holding such election as provided in this article. Every such commission shall be in writing and shall be signed by the Governor. Before any such special election commissioner shall assume the duties of his office he shall take and subscribe to the following oath:

OATH.

I, _____ do solemnly swear (or affirm) that I will support, obey and defend the Constitution and laws of the State of Oklahoma, and will discharge the duties of my office with fidelity and to the best of my ability; that I am not now and have never been a resident of the County of _____, that I am not interested in any manner in any business proposition or in any institution located in any city, town or place, or otherwise interested in any such city, town or

place which is a candidate for the location of the county seat in said county of _____.

_____

Subscribed and sworn to before me this _____ day of _____ A.D. 19__.

_____

Notary public.

My commission expires _____.
R.L. 1910, § 1524.

§19-79. Qualifications.

No person shall be qualified and eligible to perform the duties of special election commissioner in any county, who shall be or have been a resident of such county, or who shall be interested in any manner in the success of any city, town or place, which is a candidate for any such county seat, or who shall be interested in any way or in any manner in any business proposition or institution located in any such city, town or place which is a candidate for the location of said county seat.
R.L. 1910, § 1525.

§19-80. Assignments - Duties of - Vacancies.

In selecting and commissioning said special election commissioners, the governor shall assign each said commissioner to a particular voting precinct, or voting place in said county, proposing to hold such special election; and for the purpose of said special election the said commissioner so selected, shall perform the duties of an inspector of election in such precinct or voting place so assigned, as provided by the general election laws when not in conflict with the provisions of this article. It shall be the duty of each such special election commissioner to present himself to the special county election board at the office of the county clerk at the present county seat of such county not later than ten o'clock a.m., of the second day next preceding the date set for the holding of such special election where he shall receive from said board, and receipt therefor, the ballots, ballot boxes, poll books, tally sheets, stamps, pen, ink, pencils and other material necessary for the proper holding of such election, and shall safely convey such material so received to the precinct or voting place assigned so that the polls may be duly and promptly opened on the day set for the holding of said special election: Provided, that the words "ballot" or "ballots" as used in this article, shall be construed to mean the same as the words "ticket" or "tickets" as used in the Constitution of the state with reference to elections for the removal or change of county seats. In the event the special election commissioner of any precinct shall fail to present himself to the county election board for such election supplies and to

receive the same at the time in this article specified, then it shall be the duty of the county election board to designate and appoint in writing some qualified elector of the county to perform all of the duties of said special election commissioner of such precinct at said election.
R.L. 1910, § 1526.

§19-81. Booths and conveniences - Precinct boards.

On the day set for the holding of the said special election, it shall be the duty of the said special election board to see that each precinct, or voting place, is supplied with booths and other necessary conveniences for the proper holding of such election. It shall be their duty to select two judges and two clerks for such special election in each precinct or voting place; said judges and clerks, so acting, shall receive the fees as prescribed for like service in any regular general election. It shall be the duty of the special election commissioner to administer the oath to such judges and clerks of such elections.
R.L. 1910, § 1527.

§19-82. Qualifications of voters - Form of affidavit.

Any person desiring to vote at such special election, after having passed the challengers whose duties shall be the same as prescribed by law governing any general election, and being admitted to the room, shall, before being given a ballot, permit the clerks to fill out an affidavit and such intended voter shall subscribe and swear to such affidavit before the special election commissioner, after which such person shall be given a ticket and permitted to prepare same and deliver the ballot to the special election commissioner who shall, in the presence of the voter, deposit the ballot in the proper ballot box, and shall deposit the affidavit in the box provided for that purpose. The form of the affidavit required of all persons presenting themselves to vote at such special election shall be substantially as follows:

AFFIDAVIT.

State of Oklahoma,)
)ss.
County of _____)

, of lawful age, first being duly sworn, upon oath deposes and says: That such person is a citizen of the United States, is over the age of 18 years, that such person has been for one year last past a bona fide resident of the state, of said county six months and in _____ precinct thirty (30) days next preceding this date; that such person came to his or her present residence from _____, and is a legally qualified elector in the precinct on this day and has not voted in the election.

_____

Subscribed and sworn to before me this _____ day of _____ A.D. ____ (year).

Special Election Commissioner.
R.L. 1910, § 1528. Amended by Laws 1998, c. 246, § 8, eff. Nov. 1, 1998.

§19-83. Canvass of vote - Declaration of result.

Upon the holding of any such special election the precinct board of canvassers shall canvass the vote, make and certify said returns to the Governor, who shall canvass all such elections held as provided herein. The Governor, upon receipt of all the ballot boxes and boxes containing all the affidavits, together with the returns from each and every precinct in such county, shall forthwith canvass said returns and shall at once declare the result of such special election and shall cause the will of the electors to be carried into effect.
R.L. 1910, § 1529.

§19-84. Two-thirds vote required to relocate - Second election.

If two-thirds of all the votes cast in the county at such special election shall be in favor of any city, town or place, other than the county seat, then such city, town or place shall thereafter be the county seat; but if more than two towns or places are voted for, and no town receives the requisite proportion of all the votes cast, then all names of towns or places voted for on said ballot except the two receiving the greatest number of votes shall be dropped; and the Governor shall, in like time and manner, cause to be called and held a second election at which only two towns or places shall be voted for, and if any city, town or place other than the county seat shall receive the requisite proportion of the votes cast at the second election, such city, town or place shall thereafter be the county seat; otherwise the county seat shall remain unchanged.
R.L. 1910, § 1530.

§19-85. Elections not oftener than once in ten years.

Elections for relocating the county seat shall not occur at intervals of less than ten years; provided, that where elections have already been held, the beginning of the said interval above-named shall date from the time of holding said elections.
R.L. 1910, § 1531.

§19-86. Duties of special commissioners.

Each of the special election commissioners shall be the custodian of the ballot boxes, and affidavit boxes, and of all certificates and returns of his precinct and shall safely convey the

same to the office of the county clerk not later than twelve o'clock noon of the second day next succeeding the day of election, and shall at said time and place, meet with other special commissioners, and shall select one of their number and commission him to proceed at once to the office of the Governor, and to deliver to the Governor all the boxes, certificates and returns; said special messenger giving a receipt to each commissioner for all boxes and returns so accepted, and taking a receipt from the Governor for all boxes and returns delivered to him.
R.L. 1910, § 1532.

§19-87. Jurisdiction of contests in Supreme Court.

Exclusive, original jurisdiction is hereby conferred upon the Supreme Court over all controversies that may arise under the provisions of this article, and any city, town or place being a candidate for the location of any county seat in any such election, shall have a right to a hearing before the Supreme Court upon application filed and presented within thirty (30) days after any such election shall be held.
R.L. 1910, § 1533.

§19-88. Cases given precedence and passed on speedily.

If any application for a hearing, upon any question arising after any such election has been held, is filed with the Supreme Court it shall be the duty of said court to make said matter special and give it precedence over the other business of said court, and consider and pass upon the same as speedily as is consistent with the business of said court.
R.L. 1910, § 1534.

§19-89. Compensation of election officials - How expenses borne.

All special election commissioners, selected and commissioned as provided herein, shall receive as compensation for their services the sum of Three Dollars ($3.00) per day for each and every day necessarily employed in the work connected with the holding of such election, including the time spent in going to and returning from said county, and the actual and necessary traveling expenses, and for maintenance in the performance of such duties. Such commissioner shall prepare and file with the Governor a sworn itemized statement of time employed and expenses incurred, which said statement shall be by the Governor forwarded to the county clerk of the county holding such election. The expense connected with the holding of any such special election, including the per diem and expenses of all such special election commissioners, shall be borne and paid for by the county out of any funds in hands of the county treasurer.
R.L. 1910, § 1535.

§19-90. Challengers and watchers - Authority.

Any city, town or place being a candidate for the location of any county seat in any such election may appoint and designate one qualified elector in any precinct or voting place to act as challenger at such precinct; and may appoint and designate one poll book holder and one special watcher in any such precinct or voting place: Provided, that the challenger, poll book holder and watcher shall perform duties as provided by law governing any general election. Any such city, town or place may appoint in writing by, the mayor or president of the board of trustees thereof or the president of the organization representing such place one qualified elector of the county for each precinct who shall have the right to be present in the room where the election is held at the precinct to which such person is assigned, and during all the time of the receipt and counting of the tickets or ballots, and until the vote is fully canvassed by such election officers, and the returns certified by the inspector, judges and clerks, and to whom the inspector, judges and clerks shall deliver a certificate, signed by each of them, of the vote received at said election by each candidate, and the refusal of any such inspector, judge or clerk, or other person to extend and enforce the right herein granted, shall constitute a felony. Such person shall deliver such written appointment to the special election commissioner of such election in proof of his authority to represent his town as aforesaid at such election.

R.L. 1910, § 1536. Amended by Laws 1997, c. 133, § 146, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 146 from July 1, 1998, to July 1, 1999.

§19-91. Violations - Felony.

Any election officer who shall be appointed or commissioned under the provisions of this article or the laws of Oklahoma, and who shall knowingly and willfully fail or refuse to perform the duties required of him, shall be guilty of a felony.

R.L. 1910, § 1537. Amended by Laws 1997, c. 133, § 147, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 147 from July 1, 1998, to July 1, 1999.

§19-92. Bribery.

Any person or corporation offering money or other thing of value, either directly or indirectly, for the purpose of influencing any voter for or against any competing city, town or place in such election shall be guilty of the felony of bribery.

R.L. 1910, § 1538. Amended by Laws 1997, c. 133, § 148, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 148 from July 1, 1998, to July 1, 1999.

§19-93. Repealed by Laws 1961, p. 208, § 1.

§19-111. Repealed by Laws 1959, p. 95, § 5.

§19-112. Violation of act a felony.

Any county treasurer violating any of the provisions of this act shall be guilty of a felony and upon conviction shall be punished by confinement in the State Penitentiary for a term not less than one (1) year nor more than four (4) years.
Added by Laws 1925, c. 88, p. 139, § 2. Amended by Laws 1997, c. 133, § 149, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 70, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 149 from July 1, 1998, to July 1, 1999.

§19-113. Treasurer's bondsmen liable for securities - Approval of securities.

The bondsmen of said county treasurer shall be liable to the bank depositing any of the securities as above named for the accounting of all such securities and the return to said bank of any or all of the securities as above named, or their value in money. Before any of the securities above named shall be accepted by the county treasurer in behalf of the county commissioners said securities shall be approved to the satisfaction of a majority of a commission composed of the judge of the district court, district attorney and county clerk.
R.L. 1910, § 1541.

§19-114. Securities - Deposit with State Treasurer.

The county treasurers of the various counties of the State of Oklahoma are hereby authorized to deposit with the State Treasurer, for safe keeping, securities received by them to secure county deposits in county depositories; provided, that the provisions of this act shall be cumulative to the provisions of Senate Bill Number 105 of the Fourteenth Legislature of the State of Oklahoma, relating to the deposit for safe keeping of securities received by county treasurers to secure county deposits.
Added by Laws 1933, c. 71, p. 127, § 1.

§19-115. Duplicate deposit slip or receipt filed with county clerk.

The county treasurer shall, when making up his deposits for the bank, make a duplicate ticket of such deposits and file the same

with the county clerk, and whenever said treasurer shall transmit any money to any designated fiscal agent outside of his county he shall file with the county clerk a duplicate receipt for the amount so transmitted.
R.L. 1910, § 1542.

§19-116. Duty of county clerk.
It shall be the duty of the county clerk of such county to charge the bank designated as the depository of public monies with all monies deposited by the treasurer and charge the fiscal agent with the amount of money transmitted to it by the county treasurer and credit the county treasurer with such amount transmitted.
R.L. 1910, § 1543.

§19-117. Fiscal agent to account monthly.
The fiscal agent of said county shall at the end of each month transmit to the clerk of such county a statement of the amounts received from said treasurer and of the amounts paid out by it and for what purpose.
R.L. 1910, § 1544.

§19-118. Treasurer's checks and drafts to show purpose of payment - Duplicate attached to voucher.
All checks or drafts of the treasurer of such county upon the bank holding the public money shall show upon their face for what purpose they were drawn, and a duplicate of said check or draft shall be attached to the warrant, voucher or order so paid.
R.L. 1910, § 1545.

§19-119. County clerk to make proper charges and credits.
The county clerk shall charge said treasurer with the check and drafts so filed and credit the bank therewith and when the same are returned, charge the treasurer with all monies disbursed by the fiscal agent of the county and credit such agent with the same.
R.L. 1910, § 1546.

§19-120. Violation of statute - Penalty.
If any such treasurer or clerk shall willfully disregard any of the provisions of this article, he shall be fined in a sum not exceeding Five Hundred Dollars ($500.00) and be removed from office.
R.L. 1910, § 1547.

§19-121. Daily deposit by county treasurer - Security.
The county treasurer of each county shall deposit daily, not later than the immediately next banking day, all the funds and monies of whatever kind that shall come into his or her possession by virtue of the office as such county treasurer in the name of the

county treasurer in one (1) or more banks located in the county and designated by the board of county commissioners as county depositories. Provided, before the deposit of any such funds, the county treasurer shall take from each of such banks security in a sum equal to the largest approximate amount that may be deposited in each bank respectively at any one time. Such security is required to be pledged, taken, approved, held and withdrawn under the provisions of the Security for Local Public Deposits Act prescribed in Sections 8 through 14 of this act.

Each bank in which such county funds are deposited shall receive all monies, checks, or drafts at par and for deposit only to the credit of the county treasurer in his or her official capacity, and each bank shall promptly honor the checks, drafts, or vouchers of the treasurer of the county on such deposit.

Added by Laws 1959, p. 94, § 1. Amended by Laws 1997, c. 164, § 1, eff. July 1, 1997; Laws 2000, c. 136, § 1, eff. July 1, 2000.

§19-122. Duties of State Auditor and Inspector - Deposit in banks outside county - Deposits with State Treasurer.

The State Auditor and Inspector, when examining the books and records of a county treasurer shall, in addition to his other duties, examine same with a view to ascertaining that the provisions of this act are being complied with, and it shall be the duty of said State Auditor and Inspector, if he shall find that the provisions of this act are being violated, to at once file a written report of such condition with the district attorney of said county. Provided, nothing in this act shall be construed to prohibit the county treasurer from depositing funds of the county in banks outside of the county when such bank shall give security in the amount and in the manner hereinbefore provided. And, provided further, where local banks or banks outside of the county fail to put up the securities required by this act, said county treasurer is hereby authorized to deposit any funds in his hands with the State Treasurer as official depository and the State Treasurer as such official depository is hereby authorized to receive said county deposits; the same to be withdrawn on the voucher of the office depositing said funds.

Added by Laws 1959, p. 94, § 2. Amended by Laws 1979, c. 30, § 65, emerg. eff. April 6, 1979.

§19-123. Deposit in bank where treasurer or commissioners have pecuniary interest prohibited.

It is hereby made unlawful for any of the funds of the county to be deposited in any bank in which the county treasurer or any member of the board of county commissioners is the owner of any stock or otherwise directly or indirectly pecuniarily interested. A county treasurer or county commissioner shall be considered to be

interested in such bank if any member of his immediate family owns any interest in said depository bank.
Added by Laws 1959, p. 94, § 3.

§19-124. Provisions cumulative.
The provisions of this act shall be cumulative with all existing laws governing deposit of funds by the county treasurer of the several counties.
Added by Laws 1959, p. 95, § 4.

§19-130.1. Commission on County Government Personnel Education and Training - Creation - Membership.
There is hereby re-created, to continue until July 1, 2026, in accordance with the provisions of the Oklahoma Sunset Law, the Commission on County Government Personnel Education and Training, hereinafter called the "Commission". The Commission shall be composed of the following five (5) members: The President of Oklahoma State University or designee; the State Auditor and Inspector or designee; the Director of the Department of Transportation or designee; the Chairman of the Oklahoma Tax Commission or designee; and the President of the Oklahoma County Officers Association or designee.
Added by Laws 1982, c. 250, § 1, emerg. eff. May 11, 1982. Amended by Laws 1988, c. 44, § 1, operative July 1, 1988; Laws 1994, c. 108, § 1, eff. July 1, 1994; Laws 2000, c. 24, § 1; Laws 2006, c. 52, § 1; Laws 2012, c. 67, § 1; Laws 2015, c. 368, § 1; Laws 2019, c. 191, § 1; Laws 2020, c. 116, § 14, eff. July 1, 2020; Laws 2023, c. 86, § 1.

§19-130.2. Duties of Commission.
The duties of the Commission shall be:
1. To oversee a professional development program for training Oklahoma county commissioners, county clerks, county treasurers, county assessors, court clerks, their deputies and employees, county sheriffs, excise board members, candidates for county office and any other persons through the Cooperative Extension Service at Oklahoma State University;
2. To provide guidance to the Cooperative Extension Service in designing curricula to be used in educational programs and materials;
3. To identify needs and set priorities for research to be conducted in cooperation with the Cooperative Extension Service in areas relevant to the study and improvement of Oklahoma county government and its functions and to accept gifts and grants for such purposes;
4. To cooperate with the advisory boards authorized in Section 130.4 of this title in determining the educational needs of county

officials and their employees so that they can perform their duties and responsibilities efficiently and professionally; and

5. To contract with the Cooperative Extension Service at Oklahoma State University to administer personnel education and training for counties and other political subdivisions.

Added by Laws 1982, c. 250, § 2, emerg. eff. May 11, 1982. Amended by Laws 1992, c. 181, § 1, eff. July 1, 1992; Laws 2000, c. 418, § 7, eff. July 1, 2000; Laws 2002, c. 348, § 1, emerg. eff. May 30, 2002; Laws 2006, c. 125, § 1, eff. July 1, 2006; Laws 2013, c. 189, § 1, eff. July 1, 2013; Laws 2014, c. 181, § 1, eff. Nov. 1, 2014.

§19-130.3. Meetings - Chair - Quorum - Reimbursement.

The President of Oklahoma State University or his or her designee shall serve as chair of the Commission on County Government Personnel Education and Training. After the first meeting, the Commission shall meet as it deems necessary or when called by the chair or by any three members. Three members shall constitute a quorum and no official action shall be taken by the Commission unless there is a quorum present.

The representative of the County Officers Association shall be reimbursed for mileage and per diem in accordance with the State Travel Reimbursement Act when attending Commission meetings or other activities associated with his or her duties. Other Commission members shall not be reimbursed.

Added by Laws 1982, c. 250, § 3, emerg. eff. May 11, 1982. Amended by Laws 2006, c. 125, § 2, eff. July 1, 2006; Laws 2017, c. 212, § 1, emerg. eff. May 5, 2017.

§19-130.4. Advisory boards.

A. The Cooperative Extension Service is hereby authorized to create advisory boards as they deem necessary. Members of such advisory boards shall be appointed by the Cooperative Extension Service and shall include, but shall not be limited to, county government officials and appropriate state agency representatives. Meetings of advisory boards shall be called by the County Training Program Director of the Cooperative Extension Service. Such advisory boards shall assist in developing educational programs and materials for training county government officers and their employees.

Advisory board members shall be reimbursed for expenses incurred in the performance of their duties under Sections 130.1 through 130.7 of this title in accordance with the State Travel Reimbursement Act.

B. The Cooperative Extension Service is authorized to contract with state agencies and private entities to provide training.

Added by Laws 1982, c. 250, § 4, emerg. eff. May 11, 1982. Amended by Laws 2002, c. 348, § 2, emerg. eff. May 30, 2002; Laws 2006, c. 125, § 3, eff. July 1, 2006.

§19-130.5. Objectives of education and training programs.

The objectives of each education and training program, as developed by the Commission in consultation with the advisory boards and administered through the Cooperative Extension Service at Oklahoma State University, shall include, but shall not be limited to:

1. Encouraging the professional development of the groups of county officials and their employees governed by this act by providing educational programs and reference materials on job-related topics on a timely basis;

2. Improving the efficiency of county government operations by providing technical assistance in the administration of mandated duties;

3. Improving the technical skills of county employees by providing technical training in the operation and maintenance of construction equipment and machinery; and

4. Serving as a reference and resource center for county officials.

Added by Laws 1982, c. 250, § 5, emerg. eff. May 11, 1982. Amended by Laws 1992, c. 181, § 2, eff. July 1, 1992; Laws 2006, c. 125, § 4, eff. July 1, 2006.

§19-130.6. Support staff - Other training programs - Expenses.

A. 1. Any professional or clerical support staff required by the Commission on County Government Personnel Education and Training shall be provided through the Cooperative Extension Service.

2. The training programs developed pursuant to Section 130.1 et seq. of this title shall not interfere with or duplicate any other existing training programs for county government personnel.

B. Expenses incurred in the performance of the duties imposed upon the Commission by law shall primarily be paid out of funds appropriated or otherwise made available to the Office of the State Auditor and Inspector and may also be paid by the collection of training expenses paid by the counties directly to the Cooperative Extension Service.

Added by Laws 1982, c. 250, § 6, emerg. eff. May 11, 1982. Amended by Laws 1986, c. 268, § 5, operative July 1, 1986; Laws 2006, c. 125, § 5, eff. July 1, 2006; Laws 2013, c. 189, § 2, eff. July 1, 2013.

§19-130.7. Certain county officials to participate in training programs and educational seminars - Expenses.

A. Each county commissioner, county clerk, county treasurer, and court clerk holding office on May 11, 1982, and those elected thereafter and the deputies of such elected county officers shall be required to participate in the appropriate training programs, as defined in subsection B of this section, and educational seminars relevant to their positions and duties conducted pursuant to Sections 130.1 through 130.7 of this title. In addition, county sheriffs and county assessors may attend the training programs specified in this section.

B. Appropriate training programs shall include those programs provided by the Cooperative Extension Service at Oklahoma State University.

Added by Laws 1982, c. 250, § 7, emerg. eff. May 11, 1982. Amended by Laws 1992, c. 181, § 3, eff. July 1, 1992; Laws 2006, c. 125, § 6, eff. July 1, 2006; Laws 2015, c. 103, § 1, emerg. eff. April 20, 2015.

§19-131. Enumeration of county officers - Election and term of office - Limitation on running for other office.

A. At the general election to be held in November 1974, there shall be elected in each county of the state, a court clerk, a county sheriff, and a county clerk who shall hold office for a term of two (2) years, the terms of the court clerk, county sheriff and county clerk beginning on the first Monday in January following their election, and until their successors are elected and qualified. At the general election to be held in November 1976, and each four (4) years thereafter, there shall be elected in each county of the state, a court clerk, a county sheriff, and a county clerk who shall hold office for a term of four (4) years; the terms of the court clerk, the county sheriff and the county clerk, beginning on the first business day in January following their election, and until their successors are elected and qualified.

B. At the general election to be held in November 1974, and each four (4) years thereafter, there shall be elected in each county of the state, a county assessor and a county treasurer, who shall hold office for a term of four (4) years. The term of the county assessor shall begin on the first business day in January following the election, and shall terminate when a successor is elected and qualified. The term of the county treasurer shall begin on the first Monday in July following the election and shall terminate when the successor is duly elected and qualified.

C. At the general election to be held in November 1990, and each four (4) years thereafter, there shall be elected in each county of the state two county commissioners, one from the first county commissioner district and one from the third county commissioner district, who shall hold office for a term of four (4) years. At the general election to be held in November 1990, there

shall be elected in each county of the state one county commissioner from the second county commissioner district who shall hold office for a term of six (6) years. At the general election to be held in November 1996, and each four (4) years thereafter, there shall be elected in each county of the state, one county commissioner from the second county commissioner district, who shall hold office for a term of four (4) years. The terms of the county commissioners shall begin on the first business day in January following their election, and shall terminate when their successors are elected and qualified.

D. A county officer shall be eligible to become a candidate for another county office or state office.

E. In order to file as a candidate for county commissioner in a county commissioner's district, the candidate must have been a qualified registered elector and have maintained a current principal residence in that district for at least six (6) months immediately preceding the first day of the filing period prescribed by law. Evidence of a "principal residence" may include, but not be limited to, the address listed on:

1. A federal or state tax return;
2. A driver license; or
3. An automobile registration.

R.L. 1910, § 1548. Amended by Laws 1917, c. 203, p. 378, § 1; Laws 1923, c. 121, p. 142, § 1; Laws 1927, c. 5, p. 4, § 1; Laws 1947, p. 190, § 1; Laws 1953, pp. 67, 68, §§ 1-3; Laws 1955, p. 154, § 1, eff. June 1, 1955; Laws 1961, p. 208, § 1, emerg. eff. Feb. 10, 1961; Laws 1968, c. 132, § 1, emerg. eff. April 8, 1968; Laws 1968, c. 377, § 1, emerg. eff. May 10, 1968; Laws 1973, c. 92, § 1, emerg. eff. May 1, 1973; Laws 1974, c. 300, § 1, emerg. eff. May 29, 1974; Laws 1982, c. 45, § 1, emerg. eff. March 26, 1982; Laws 1989, c. 71, § 1, eff. Nov. 1, 1989; Laws 1993, c. 239, § 3, eff. July 1, 1993; Laws 1995, c. 4, § 1, eff. Nov. 1, 1995; Laws 2004, c. 53, § 3, emerg. eff. April 1, 2004; Laws 2005, c. 1, § 9, emerg. eff. March 15, 2005; Laws 2013, c. 300, § 1, eff. Nov. 1, 2013.

NOTE: Laws 1973, c. 9, § 1 repealed by Laws 1974, c. 300, § 2, emerg. eff. May 29, 1974. Laws 2004, c. 44, § 1 repealed by Laws 2005, c. 1, § 10, emerg. eff. March 15, 2005.

§19-131.1. Registration requirements for candidates for county offices.

A. To file as a candidate for any county office, a person must have been a registered voter and have maintained a current principal residence within the county for the six-month period immediately preceding the first day of the filing period prescribed by law.

B. To file as a candidate for the office of county commissioner, a person must have been a registered voter within the county commissioner district and have maintained a current principal

residence within such district for the six-month period immediately preceding the first day of the filing period prescribed by law.

C. For purposes of this section, evidence of a "principal residence" may include, but not be limited to, the address listed on:

1. A federal or state tax return;
2. A driver license; or
3. An automobile registration.

Added by Laws 1973, c. 9, § 2. Amended by Laws 1975, c. 69, § 1, emerg. eff. April 18, 1975; Laws 1981, c. 178, § 3, emerg. eff. May 18, 1981; Laws 2004, c. 53, § 4, emerg. eff. April 1, 2004; Laws 2011, c. 56, § 1, eff. Nov. 1, 2011; Laws 2013, c. 300, § 2, eff. Nov. 1, 2013; Laws 2021, 1st Ex. Sess., c. 4, § 1, emerg. eff. Nov. 22, 2021; Laws 2022, c. 48, § 1, eff. July 1, 2022.

§19-132. Eligibility.

No person shall be eligible to any county office unless he shall be, at the time of his election or appointment, a qualified voter of the county.

R.L. 1910, § 1549.

§19-133. County offices.

A. Every county officer, except as may otherwise be provided in this chapter, shall keep the office and records at the county seat. However, a county officer may establish an additional office or additional offices at any location within the county. A county employee who is employed at an additional office by one county officer may perform duties on behalf of another county officer if specifically authorized by each county officer on whose behalf the employee is performing duties.

B. For purposes of filing and recording of documents, the additional county office may receive documents for the sole purpose of collection and delivery to the main county seat office. The additional county office shall not file or record the documents pursuant to law at the additional county office, but shall deliver such documents to the main county seat office. Any document which may be delivered to the additional county office for filing or recording pursuant to law shall not be deemed filed or recorded and shall not impart constructive notice of such document on third parties until such document is delivered and recorded pursuant to law at the main county seat office.

R.L. 1910, § 1550. Amended by Laws 1997, c. 340, § 1, emerg. eff. June 9, 1997.

§19-134. Repealed by Laws 1961, p. 211, § 7.

§19-134a. Repealed by Laws 1961, p. 211, § 7.

§19-134b. Repealed by Laws 1961, p. 211, § 7.

§19-134b-1. Repealed by Laws 1961, p. 211, § 7.

§19-134c. Repealed by Laws 1961, p. 211, § 7.

§19-134d. Repealed by Laws 1961, p. 211, § 7.

§19-134e. Repealed by Laws 1961, p. 211, § 7.

§19-135. Repealed by Laws 1943, p. 78, § 43.

§19-135a. Repealed by Laws 1943, p. 78, § 43.

§19-135b. Repealed by Laws 1943, p. 78, § 43.

§19-135c. Repealed by Laws 1943, p. 78, § 43.

§19-135d. Repealed by Laws 1943, p. 78, § 43.

§19-136. County clerk - Office hours - Sign.

The county clerk in each county of this state shall keep their offices open during the same hours as other county officers in such county; but, so that the public may know when their needs at such offices may be served, after the secular days and respective hours thereof have been determined upon or agreed, the said officers shall so notify the public by so noting in painting in the sign indicating the location of their respective offices, whether upon, over, or near the office door.

Added by Laws 1949, p. 148, § 1. Amended by Laws 1993, c. 239, § 4, eff. July 1, 1993.

§19-137.1. UNCONSTITUTIONAL.

This section, derived from Laws 1961, p. 226, § 1, relating to public defenders for counties of 24,727 to 60,000 population, was held to violate Const. Art. 5, § 51, by State v. Lynch, Okla., 796 P.2d 1150 (1990).

§19-137.2. Appointment - Salary - Assistants.

The position of public defender shall be filled by appointment of the board of county commissioners with an attorney authorized to practice law in this state and who has been recommended by the district attorney and the judges of the courts of record of such county. The public defender and operating expenses of such office shall be paid from the funds in the county general revenue fund an amount to be determined by the board of county commissioners which

amount shall not be in excess of ninety percent (90%) of the salary of the district attorney of such county that is paid from the general revenue fund of the county. The board of county commissioners may authorize the employment and fix the salaries of such assistants and clerical help as such board may deem necessary. Added by Laws 1961, p. 227, § 2.

§19-137.3. Liability insurance - Counties of 300,000 population.

Any elected county officer of counties of three hundred thousand (300,000) population or over may purchase liability insurance coverage not to exceed Fifty Thousand Dollars ($50,000.00) to pay all losses and damages incurred by an action against such officer, arising out of any act of negligence committed by such elected county official occurring in the operation of his office. The costs of such insurance coverage shall be paid by the county. The costs provided for herein shall be within the approved budget of the officer seeking to purchase the insurance coverage allowed herein. Added by Laws 1971, c. 262, § 1, emerg. eff. June 17, 1971.

§19-138.1. Repealed by Laws 1995, c. 240, § 5, emerg. eff. May 24, 1995.

§19-138.1a. Office created - Office space and equipment - Training - Tort liability.

A. In each county of this state possessing a population of over three hundred thousand (300,000) according to the Federal Decennial Census of 1990, or any succeeding Federal Decennial Census, there is hereby created the office of public defender, and such office shall be charged upon the order of any judge of a court of record of such county, with the protection of the rights of any defendant to a criminal action. The board of county commissioners of such county shall provide for necessary office supplies and equipment and arrange for sufficient office space in the county building, used by the courts of record of such county, to permit the efficient and effective operation of the office of public defender.

B. Subject to available funding, the board of county commissioners, along with the office of the public defender, shall provide and coordinate training and continuing legal education for attorneys employed by the office of the public defender. Curriculum for training required under this section shall include, but not be limited to:

1. Nationally recognized defense seminars; and

2. Evidence-based practices regarding behavioral health and treatment of defendants with substance abuse or mental health needs.

C. For purposes of liability under the Governmental Tort Claims Act, any public defender, assistant public defender or employee

thereof, who is employed under this section shall be deemed a state employee.
Added by Laws 1995, c. 240, § 1, emerg. eff. May 24, 1995. Amended by Laws 2001, c. 129, § 1, eff. July 1, 2001; Laws 2017, c. 351, § 1, eff. Nov. 1, 2017.

§19-138.2. Appointment of county indigent defender and assistants.

The office of county indigent defender shall be assumed by such attorneys, authorized to practice law in the State of Oklahoma, as shall be appointed either on a full-time or part-time basis by the judges of the courts of record of such county and shall continue to serve at the pleasure of said judges, and the attorney designated by said judges as the person in charge of such office shall be the county indigent defender, and all other attorneys who may be appointed to assist such county indigent defender shall be designated as assistant county indigent defender, of such county.
Added by Laws 1961, p. 210, § 2, emerg. eff. Aug. 7, 1961. Amended by Laws 1991, c. 238, § 23, eff. July 1, 1991.

§19-138.3. Determination of need for county indigent defender and assistants.

Judges of the courts of record of any county subject to the provisions of this act shall determine, at the time the county budget is submitted, the necessity of retaining a county indigent defender or assistants thereto on a full-time or part-time basis at public expense for representation of unfortunate and poverty stricken persons charged with commission of a crime, which determination shall be made after inquiry into the number impoverished or destitute defendants which have been brought before such courts during the past term and an estimate of the number that may be charged during the next fiscal year.
Added by Laws 1961, p. 210, § 3, emerg. eff. Aug. 7, 1961. Amended by Laws 1991, c. 238, § 24, eff. July 1, 1991.

§19-138.4. Compensation - Private practice.

In counties subject to the provisions of Section 138.1a et seq. of this title, wherein the district judges have determined, in accordance with Section 138.3 of this title that the protection of the unfortunate and poverty-stricken defendants subject to criminal action in such county require the employment of a county indigent defender on a full-time basis, such person so appointed shall not engage in any practice of law except in the performance of the duties as county indigent defender, and shall receive a salary commensurate with the salary received by the district attorney in said district, payable monthly, from the court fund of such county, provided such salaries shall not apply to counties of less than three hundred thousand (300,000) population; provided that if

additional assistance is required by the county indigent defender to properly fulfill the duties of the office, the indigent defender may authorize the employment of and appoint assistant defenders on a full-time or part-time basis, which assistants shall be under the same restrictions as to the practice of law as the county indigent defender of such county, and each shall receive a salary commensurate with the range of salaries of assistant district attorneys in their districts, payable monthly, out of the court fund of the county as determined by the county indigent defender. Added by Laws 1961, p. 210, § 4, emerg. eff. Aug. 7, 1961. Amended by Laws 1963, c. 189, § 1, emerg. eff. June 10, 1963; Laws 1970, c. 110, § 1, emerg. eff. April 1, 1970; Laws 1974, c. 102, § 1, emerg. eff. April 30, 1974; Laws 1991, c. 238, § 25, eff. July 1, 1991; Laws 1994, c. 343, § 16, eff. Sept. 1, 1994; Laws 2001, c. 129, § 2, eff. July 1, 2001.

§19-138.5. Duties.

A. It shall be the duty of the office of the county indigent defender to represent as counsel anyone who appears for arraignment without aid of counsel, and who has been informed by the judge that it is his right to have counsel, and who desires counsel, but is unable to employ such aid; and upon order of a district judge of such county he shall investigate any matter pending before the judge and report to him in the manner prescribed by the judge.

B. When a defendant or, if applicable, his parent or legal guardian requests representation by the county indigent defender, such person shall submit an appropriate application, the form of which shall state that such application is signed under oath and under the penalty of perjury and that a false statement may be prosecuted as such. The application shall state whether or not the defendant has been released on bond. In addition, if the defendant has been released on bond, the application shall include a written statement from the applicant that he or she has contacted three (3) attorneys, licensed to practice law in this state, and the applicant has been unable to obtain legal counsel. A nonrefundable application fee of Fifteen Dollars ($15.00) shall be paid to the court clerk at the time the application is submitted, and no application shall be accepted without payment of the fee; except that the court may, based upon the financial information submitted, waive the fee, if the person is in custody or if the court determines that the person does not have the financial resources to pay the fee. Any fee collected pursuant to this subsection shall be retained by the court clerk as an administrative fee and deposited in the court fund. Before the court appoints the county indigent defender based on the application, the court shall advise the defendant or, if applicable, his or her parent or legal guardian that the application is signed under oath and under the penalty of

perjury. A copy of the application shall be sent to the prosecuting attorney or the Office of the Attorney General, whichever is appropriate, for review, and, upon request, the court shall hold a hearing on the issue of the eligibility for appointment of the county indigent defender.

C. If the defendant is admitted to bail and the defendant or another person on behalf of the defendant posts a bond, other than by personal recognizance, the court may consider such fact in determining the eligibility of the defendant for appointment of the county indigent defender; provided, however, such consideration shall not be the sole factor in the determination of eligibility. Added by Laws 1961, p. 211, § 5, emerg. eff. Aug. 7, 1961. Amended by Laws 1991, c. 238, § 26, eff. July 1, 1991; Laws 1992, c. 357, § 3, eff. July 1, 1992; Laws 1993, c. 298, § 1, eff. July 1, 1993; Laws 2018, c. 194, § 1, eff. Nov. 1, 2018.

§19-138.6. Secretaries - Investigators - Salary.

Pursuant to the provisions of this act, the county indigent defender may authorize the employment of one or more secretaries and one or more investigators and shall determine and fix the salary to be paid; provided, that such salaries shall be commensurate with the range of salaries paid by the district attorneys' offices in their districts, payable monthly, from the court fund of such county. Added by Laws 1961, p. 211, § 6, emerg. eff. Aug. 7, 1961. Amended by Laws 1970, c. 110, § 2, emerg. eff. April 1, 1970; Laws 1974, c. 102, § 2, emerg. eff. April 30, 1974; Laws 1991, c. 238, § 27, eff. July 1, 1991; Laws 1994, c. 343, § 17, eff. Sept. 1, 1994.

§19-138.7. Conflict of interest - Reassignment of case.

In those counties subject to the provisions of Section 138.1a of this title, if the court determines that a conflict of interest exists between a defendant and the county indigent defender, the case may be reassigned by the court to another county indigent defender, an attorney who represents indigents pursuant to contract, or a private attorney who has agreed to accept such appointments. Added by Laws 1992, c. 303, § 20, eff. July 1, 1992. Amended by Laws 1992, c. 357, § 4, eff. July 1, 1992; Laws 1993, c. 298, § 2, eff. July 1, 1993; Laws 2001, c. 129, § 3, eff. July 1, 2001; Laws 2003, c. 200, § 1, emerg. eff. May 7, 2003.

§19-138.7a. Fees for attorneys defending death penalty cases.

A. In every case in which the defendant is subject to the death penalty and an attorney other than a county indigent defender is assigned to the case as provided by Section 138.7 of Title 19 of the Oklahoma Statutes, total compensation for attorneys who serve as lead counsel and co-counsel shall not exceed the limits set in Section 1355.13 of Title 22 of the Oklahoma Statutes.

B. The maximum statutory fee established pursuant to this section may be exceeded only when counsel establishes that the case is an exceptional one which requires an extraordinary amount of time to litigate and that the request for extraordinary attorney fees is reasonable.
Added by Laws 2005, c. 162, § 1, eff. Nov. 1, 2005.

§19-138.8. Expert witness compensation.
In counties subject to the provisions of Section 138.1a of this title, expert witness compensation for indigent defense shall be paid by the court fund pursuant to procedures established by the governing board of the court fund.
Added by Laws 1992, c. 303, § 21, eff. July 1, 1992. Amended by Laws 2001, c. 129, § 4, eff. July 1, 2001.

§19-138.9. Counties of 200,000 or more.
In those counties with a population in excess of three hundred thousand (300,000) under the latest Federal Decennial Census, the county indigent defenders, for those counties subject to the provisions of Section 138.1a of this title, shall perfect appeals for those defendants which they represented in the trial court unless an appellate conflict exists between two or more such defendants, in which case the county indigent defender shall represent one defendant, the Oklahoma Indigent Defense System shall represent one defendant, and the court may assign the appeal of the case for any other defendants in the same manner as provided for conflict at the trial level in Section 138.7 of this title. If an appellate conflict of interest exists between the defendant and the county indigent defender in a case in which the defendant has received the death penalty, the district court may appoint the Indigent Defense System to represent the defendant on appeal. The Oklahoma Indigent Defense System shall also represent all indigent defendants from such counties who were not represented at trial by the county public defenders unless a conflict of interest on appeal exists between defendants, in which case the Oklahoma Indigent Defense System shall represent one defendant, the county indigent defender shall represent one defendant and the court may assign the appeal of the case for any other defendants in the same manner as provided for conflict at the trial level in Section 138.7 of this title.
Added by Laws 1981, c. 207, § 5, emerg. eff. May 26, 1981. Amended by Laws 1992, c. 303, § 22, eff. July 1, 1992. Renumbered from Title 22, § 1359 by Laws 1992, c. 303, § 32, eff. July 1, 1992. Amended by Laws 1993, c. 298, § 3, eff. July 1, 1993; Laws 2001, c. 129, § 5, eff. July 1, 2001; Laws 2003, c. 200, § 2, emerg. eff. May 7, 2003.

§19-138.10. Payment and collection of costs.

A. The court shall order any person represented by a county indigent defender to pay the costs of representation. In assessing these costs, the court shall take into consideration the ability of the defendant to pay and any likely hardship which would result. The court may then order payment to be made in total or in installments and, in the case of installment payments, set the amount and due date of each installment.

B. Costs assessed pursuant to this section shall be collected by the court clerk and deposited in the court fund.

C. Costs of representation shall be a debt against the person represented until paid and shall be subject to any method provided by law for the collection of debts.

D. Any order directing the defendant to pay costs of representation shall be a lien against all real and personal property of the defendant and may be filed against such property and foreclosed as provided by law for such liens.

E. For purposes of collection of debts arising from the provisions of this section, the court clerks for the district courts of this state are authorized to utilize the procedures provided in Section 205.2 of Title 68 of the Oklahoma Statutes in the same manner and to the same extent as a state agency and the Oklahoma Tax Commission is directed to provide the same service to court clerks attempting to collect such debts pursuant to Section 205.2 of Title 68 of the Oklahoma Statutes as it provides to state agencies.
Added by Laws 1992, c. 303, § 23, eff. July 1, 1992. Amended by Laws 1995, c. 28, § 1, eff. Nov. 1, 1995; Laws 1996, c. 251, § 1, eff. July 1, 1996.

§19-138.11. Short title - County Campaign Finance and Financial Disclosure Act.

Sections 2 through 10 of this act shall be the provisions of the Local Government Campaign Finance and Financial Disclosure Act applicable to counties and shall be known as the "County Campaign Finance and Financial Disclosure Act".
Added by Laws 2014, c. 313, § 2, eff. Jan. 1, 2015.

§19-138.12. Definitions.

A. Definitions of terms used in the County Campaign Finance and Financial Disclosure Act shall be the same as those terms are defined in Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, unless otherwise provided herein.

B. As used in the County Campaign Finance and Financial Disclosure Act:

1. "Campaign committee" means a committee which may be composed of one or more persons the purpose of which is to support the

election of a specific candidate to county office, whose name as it will appear on the ballot shall appear in the name of the committee;

2. "County office" means any elective county office for which Declarations of Candidacy are filed with the secretary of the county election board as required by Section 5-103 of Title 26 of the Oklahoma Statutes; and

3. "County political committee" means any committee composed of one or more persons whose purpose includes the election or defeat of one or more candidates for county office but which is not required to register with the Ethics Commission or the Federal Election Commission.

Added by Laws 2014, c. 313, § 3, eff. Jan. 1, 2015.

§19-138.13. Campaign committee organization statements.

Each campaign committee shall file a notarized statement of organization with the county election board subject to the same requirements as set forth for candidate committees for state office to file statements of organization with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents, except as otherwise provided in the County Campaign Finance and Financial Disclosure Act. The statement of organization shall be accompanied by a check drawn upon the campaign committee's account in the amount of Fifty Dollars ($50.00) as a nonrefundable processing fee to be deposited in the County Election Board Special Depository Account. Expenditures from such fees may be made by the secretary of the county election board for any lawful purpose.

Added by Laws 2014, c. 313, § 4, eff. Jan. 1, 2015.

§19-138.14. County political committee organization statements.

Every county political committee shall file a notarized statement of organization with the county election board subject to the same requirements as set forth for political committees required to file statements of organization with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

Added by Laws 2014, c. 313, § 5, eff. Jan. 1, 2015.

§19-138.15. Contributions and expenditures reports.

Every campaign committee and every county political committee shall file reports of contributions and expenditures with the county election board subject to the same requirements as set forth for reports of contributions and expenditures filed with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant

to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.
Added by Laws 2014, c. 313, § 6, eff. Jan. 1, 2015.

§19-138.16. Organization statements and contribution and expenditure reports - Public records.

Statements of organization and reports of contributions and expenditures required under the County Campaign Finance and Financial Disclosure Act shall be public records. The county election board shall maintain statements of organization and reports of contributions and expenditures for four (4) years after the date on which they are filed or prepared, if not posted on the county's website as provided herein, at which time the documents may be destroyed or retained at the discretion of the county election board. If the county in which the statements of organization are filed maintains an Internet website, the county election board may post on the website copies of statements of organization and reports of contributions and expenditures.
Added by Laws 2014, c. 313, § 7, eff. Jan. 1, 2015.

§19-138.17. Financial interest statements.

All candidates for county office and all elected county officers shall be required to file a notarized statement of financial interests with the county election board subject to the same requirements as set forth for statements of financial interests filed with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution.
Added by Laws 2014, c. 313, § 8, eff. Jan. 1, 2015.

§19-138.18. Financial interest statements - Public records.

Statements of financial interests required under the County Campaign Finance and Financial Disclosure Act shall be public records. The county election board shall maintain statements of financial interests for four (4) years after the date on which they are filed, at which time the documents may be destroyed or retained at the discretion of the county election board.
Added by Laws 2014, c. 313, § 9, eff. Jan. 1, 2015.

§19-138.19. Enforcement.

The County Campaign Finance and Financial Disclosure Act shall be enforced by the Ethics Commission in the same manner as Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution are enforced, including but not limited to acceptance of complaints, civil prosecutions, settlement agreements and any other compliance practices or requirements. Complaints may be received by the Ethics Commission alleging filing

of statements required to be filed under the County Campaign Finance and Financial Disclosure Act later than the prescribed time for filing or failure to produce reports required to be available for public inspection and copying. Such complaints shall be in the same form as other complaints. Upon receipt of such complaints, the Ethics Commission shall investigate whether the allegation or allegations are true and, if so, shall assess a late reporting penalty of up to One Hundred Dollars ($100.00) per day, not to exceed a maximum of One Thousand Dollars ($1,000.00) for the filing of any statement or report. If the Ethics Commission determines the allegation or allegations are not true, it shall take no further action. Persons assessed a late reporting penalty may protest the assessment subject to provisions of the Administrative Procedures Act.
Added by Laws 2014, c. 313, § 10, eff. Jan. 1, 2015.

§19-141. Repealed by Laws 1943, p. 78, § 43, emerg. eff. April 12, 1943.

§19-142. Repealed by Laws 1943, p. 78, § 43, emerg. eff. April 12, 1943.

§19-143. Repealed by Laws 1941, p. 466, § 15.

§19-144. Repealed by Laws 1943, p. 78, § 43, emerg. eff. April 12, 1943.

§19-145. Repealed by Laws 1943, p. 78, § 43, emerg. eff. April 12, 1943.

§19-146. Repealed by Laws 1943, p. 78, § 43, emerg. eff. April 12, 1943.

§19-147. Repealed by Laws 1941, p. 466, § 12.

§19-148. Population, how determined.
The salaries of all county officers shall be based upon the federal census of 1910, and each additional ten (10) years thereafter, or upon any census taken subsequent to 1910, by order of the board of county commissioners under and by virtue of Section 415, Revised Laws of Oklahoma, 1910, and under the supervision of the Census Bureau of the United States Government: Provided that when any unorganized territory is attached to any county for judicial purposes, the population of such unorganized territory shall be added to the population of said county in fixing the amount of such salary.
R.L. 1910, § 3216. Amended by Laws 1919, c. 216, p. 313, § 1.

§19-149. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-149a. Repealed by Laws 1943, p. 78, § 43, emerg. eff. April 12, 1943 and by Laws 1945, p. 73, § 2, emerg. eff. April 7, 1945.

§19-150. Repealed by Laws 1941, p. 463, § 2, emerg. eff. June 7, 1941.

§19-151. Repealed by Laws 1943, p. 78, § 43, emerg. eff. April 12, 1943.

§19-152. Repealed by Laws 1943, p. 78, § 43, emerg. eff. April 12, 1943.

§19-153. Salaries - Payment periods.

The salary of all county officers, their clerks and deputies, shall be paid either monthly or twice a month, out of the county treasury by order of the board of county commissioners: Provided, however, that no salary shall be allowed or paid until their reports are filed and approved by the board of county commissioners, as provided by law.

R.L. 1910, § 3251. Amended by Laws 1989, c. 56, § 1, operative July 1, 1989.

§19-153.1. Entities receiving county sales tax revenues - Reimbursement of county for cost of collecting, maintaining and distributing funds.

A. The county treasurer or county clerk may charge a fee to any entity which is the recipient of revenue from a designated county sales tax levied for that entity as reimbursement for the cost of collecting, maintaining, and distributing the funds on behalf of the entity.

B. The county treasurer or county clerk shall prepare a special estimate of needs each fiscal year covering all expenditures of the office on behalf of the entities receiving the sales tax revenue. The estimate of need shall be itemized by personal services, maintenance, and operation expenditures for each taxing entity and filed with the county excise board or county budget board.

C. In reviewing and approving the estimate as provided in subsection B of this section, the county excise board or county budget board shall charge such costs among the various recipients receiving the revenue and shall render a statement to each entity for reimbursement to the county general fund.

Added by Laws 1998, c. 86, § 1, eff. Nov. 1, 1998.

§19-154. Surety bonds - Premiums - Payment by county.

The premiums on all surety company bonds required to be executed by any officer or his deputy of any county of this state, or by any county employee who has in his custody any county property for the purposes of his employment, whether required by law or by the board of county commissioners or by the principal officer, where such bond is executed to run to the State of Oklahoma and after being approved in accordance with requirement is filed of record in the office of the county clerk of such county, shall be paid for by the county from funds appropriated therefor.

Added by Laws 1935, p. 175, § 1. Amended by Laws 1945, p. 73, § 1.

§19-155. Repealed by Laws 1972, c. 22, § 2, emerg. eff. Feb. 11, 1972 and by Laws 1972, c. 232, § 5, emerg. eff. April 7, 1972.

§19-155.1. See the following versions:

OS 19-155.1v1 (HB 1189, Laws 2017, c. 22, § 1).

OS 19-155.1v2 (SB 48, Laws 2017, c. 212, § 2).

§19-155.1v1. Destruction of certain records filed in county assessor's offices - Digitizing.

The county assessor in any county is authorized to destroy any of the records which have been on file in his office for more than seven (7) years, including all assessment rolls, assessment listing sheets relating to tangible or intangible personal properties, monies and credits, real estate, or corporation properties, all balance sheets, and all homestead exemption applications. All records which have been on file in his office for more than two (2) years, prior to the current calendar year and less than seven (7) years, may be destroyed if compliance is made with statutes authorizing the digitizing or other reproduction of records and storage of reproductions thereof. A computer shall be provided, the costs, maintenance and supplies therefor be paid from the county general fund, to accommodate public reference to the digitized records. The State Library may be given any record which would be destroyed upon request therefor.

Added by Laws 1972, c. 22, § 1, emerg. eff. Feb. 11, 1972. Amended by Laws 1988, c. 7, § 1, operative July 1, 1988; Laws 2017, c. 22, § 1, eff. Nov. 1, 2017.

§19-155.1v2. Destruction of certain records filed in county assessor's offices - Reproduction and storage of records.

The county assessor in any county is authorized to destroy any of the records which have been on file in his or her office for more than seven (7) years, including all assessment rolls, assessment listing sheets relating to tangible or intangible personal properties, monies and credits, real estate, or corporation

properties, all balance sheets, and all homestead exemption applications. All records which have been on file in his or her office for more than two (2) years, prior to the current calendar year and less than seven (7) years, may be destroyed if compliance is made with statutes authorizing the reproduction of records and storage of reproductions thereof. Such reproduction and storage of records shall be done using any generally accepted current technology which will ensure safe documentation and accessibility of public records. The State Library may be given any record which would be destroyed upon request therefor.
Added by Laws 1972, c. 22, § 1, emerg. eff. Feb. 11, 1972. Amended by Laws 1988, c. 7, § 1, operative July 1, 1988; Laws 2017, c. 212, § 2, emerg. eff. May 5, 2017.

§19-155.2. Destruction of certain old records in clerk's office.

A. The county clerk in each county in Oklahoma is hereby authorized each year to destroy the following workbooks, reports and transient and subsidiary records that have been on file or stored in the office the period of time specifically provided herein.

1. After the expiration of one (1) year:
   a. unused blank forms printed for fiscal year series, and
   b. blank forms obsolete by change of law;
2. After the expiration of five (5) years:
   a. financing statements, except as otherwise provided by Article 9 of Title 12A of the Oklahoma Statutes or other statute, chattel mortgages, bills of sale, releases and renewals thereof, after the same ceases to be effective,
   b. all county claims, claim calendars,
   c. chattel mortgage indexes,
   d. appropriation ledgers, warrant ledgers, financial ledgers,
   e. requisitions,
   f. upon retirement, discharge, or termination of employment, loyalty oath of said employee or officer,
   g. certificates of error,
   h. copies of reports and remittances, deposits and receipts,
   i. monthly reports to the State Auditor and Inspector and reports to other officers and warrant issues,
   j. daily reports including daily report jacket and all contents therein,
   k. physician liens, insurance agent's liens, hospital liens, thresher and combiners liens, mechanic and materialmans liens, oil and gas liens, vendor liens, banker liens, mining liens, district attorney liens, labor liens, and personal property liens,

l. reports, checks, purchase orders and other bookkeeping records,
m. all tax protests, evidences, letters of orders of the board, letters of increased assessment, correspondence, reports, docket books, lists of parcels under protest, agendas, and
n. records pertaining to the Open Meetings Act and Open Records Act;

3. After the expiration of seven (7) years after the final settlement following appeal to district court, all tax protest records;

4. After the expiration of seven (7) years, balance sheets, deposit slips, tax records, W-2's and investment authorization slips for the retirement system; and

5. After the expiration of ten (10) years:
a. all tax rolls and tax roll adjustments, and
b. all special assessment rolls.

B. The State Library may be given any records that would otherwise be destroyed.

Added by Laws 1972, c. 198, § 1, emerg. eff. April 7, 1972. Amended by Laws 1979, c. 30, § 66, emerg. eff. April 6, 1979; Laws 1991, c. 93, § 1, emerg. eff. April 23, 1991; Laws 1996, c. 101, § 1, eff. Nov. 1, 1996; Laws 2000, c. 371, § 167, eff. July 1, 2001.

§19-155.2A. Destruction of certain workbooks, reports and records - Copying - Audits - Public access.

A. As to the records that are not destroyed as provided for in this title, the county clerk in each county in this state, after complying with the provisions of all state statutes governing the copying of records, storing original negatives, and providing for convenient viewing of reproductions thereof, is hereby authorized to destroy the workbooks, reports and records that have been on file or stored in his or her office for a period of time longer than the period specifically indicated, as follows:

TYPE OF RECORD	REQUISITE TIME OF RETAINING ORIGINAL
Tax Protest Records	Until final settlement
Tax Rolls and Tax Roll Adjustments	6 years
Special Assessment Rolls	6 years after due date
Miscellaneous Doctor's Certificates	5 years
Applications for Tax Deeds	5 years
Sheriff's Deputy Commission	5 years
Resolution for Cities and Towns and Ordinances	5 years
Interlocal Co-op Agreements	5 years

State Tax Liens	5 years after release, lapse, or discharge
Federal Tax Liens	5 years after release, lapse, or discharge
Sales Tax Audit Records	5 years

B. All records which have been on file in his or her office may be destroyed after two (2) years provided the same are filmed, or copied by any other method allowed by law, and the State Auditor and Inspector has audited said records and has not directed such original records to be retained. Such filmed records shall be retained for the same period of time as required of the original, if it had been retained. Arrangements shall be made to allow public access to said records.

Added by Laws 1991, c. 93, § 2, emerg. eff. April 23, 1991. Amended by Laws 1998, c. 196, § 1, eff. Nov. 1, 1998.

§19-155.3. Intangible tax records - Destruction.

County treasurers in each county in Oklahoma are hereby authorized to destroy all intangible tax records.

Added by Laws 1972, c. 232, § 1, emerg. eff. April 7, 1972.

§19-155.4. Destruction of certain types of work books, reports and records after certain length of time.

The county treasurer in each county in Oklahoma is hereby authorized, each year, to destroy the hereinafter mentioned types of work books, reports and records that have been on file or stored in his or her office for the period specifically indicated as follows:

1. After the expiration of seven (7) years:
   a. mortgage tax receipts,
   b. all records pertaining to personal tax warrants, and
   c. personal tax lien docket;
2. After the expiration of seven (7) years after the final settlement:
   a. all tax protest records, and
   b. municipal bond and judgment records;
3. After the expiration of ten (10) years:
   a. all tax rolls and tax roll adjustments,
   b. all special assessment rolls,
   c. all tax sale and resale records, and
   d. real property, personal property, special assessments and emergency or back tax receipts; and
4. After the expiration of seven (7) years, provided that the State Auditor and Inspector has completed his audit for such years and has not in his report required the record to be retained for a longer period of time:
   a. all records pertaining to school districts,

b. all bookkeeping records and instruments pertaining to apportionment and distribution of monies,
c. warrant registers,
d. miscellaneous income and distribution receipts and records, and
e. bank statements, deposit tickets, F.D.I.C. documents, depository records, reports, checks, purchase orders and other bookkeeping records.

Added by Laws 1972, c. 232, § 2, emerg. eff. April 7, 1972. Amended by Laws 1979, c. 30, § 67, emerg. eff. April 6, 1979; Laws 1990, c. 28, § 1, emerg. eff. April 4, 1990; Laws 2017, c. 212, § 3, emerg. eff. May 5, 2017.

§19-155.5. See the following versions:
OS 19-155.5v1 (HB 1189, Laws 2017, c. 22, § 2).
OS 19-155.5v2 (SB 48, Laws 2017, c. 212, § 4).

§19-155.5v1. Destruction of certain reccords after digitizing.

A. As to the records that are not destroyed as provided for in Section 155.4 of this title, the county treasurer in each county in Oklahoma, after compliance with provisions of statute as to the digitizing of records, storing original negatives, and providing for convenient viewing of reproductions thereof, is hereby authorized, each year, to destroy the hereinafter mentioned types of work books, reports and records that have been on file or stored in his office for a period of time longer than the period specifically indicated, as follows:

TYPE OF RECORD	REQUISITE TIME OF RETAINING ORIGINAL
Tax Rolls and Tax Roll adjustments	6 years
Tax Sale and Resale Records	6 years
Special Assessment Rolls	6 years after due date
Tax Protest Records	Until final settlement
Tax Receipts Real Property, personal property	7 years
Special Assessments, emergency or back assessments, and mortgage tax receipts	2 years
Municipal Bond Records	7 years after final settlement
Personal Tax, Warrants and Records	2 years

B. All the records above described in paragraph 3 of Section 155.4 of this title, may be destroyed after two (2) years provided the same are digitized; and further provided that the State Auditor and Inspector has audited said records and has not directed such original records to be retained. Such digitized records must be retained until such time as the original, if it had been retained, would have been seven (7) years old.
Added by Laws 1972, c. 232, § 3, emerg. eff. April 7, 1972. Amended by Laws 1979, c. 30, § 68, emerg. eff. April 6, 1979; Laws 2017, c. 22, § 2, eff. Nov. 1, 2017.

§19-155.5v2. Destruction of certain reccords after reproduction and storage.

A. As to the records that are not destroyed as provided for in Section 155.2 of this title, the county treasurer in each county in Oklahoma, after compliance with provisions of statute as to reproduction and storage of records and providing for convenient viewing thereof, is hereby authorized, each year, to destroy the following types of work books, reports and records that have been on file or stored in his or her office for a period of time longer than the period specifically indicated, as follows:

TYPE OF RECORD	REQUISITE TIME OF RETAINING ORIGINAL
Tax Rolls and Tax Roll adjustments	6 years
Tax Sale and Resale Records	6 years
Special Assessment Rolls	6 years after due date
Tax Protest Records	Until final settlement
Tax Receipts real property, personal property	7 years
Special Assessments, emergency or back assessments, and mortgage tax receipts	2 years
Municipal Bond Records	7 years after final settlement
Personal Tax, Warrants and Records	2 years

B. All the records above described in Section 155.2 of this title, may be destroyed after two (2) years provided the same are reproduced and stored as required by law; and further provided that the State Auditor and Inspector has audited said records and has not directed such original records to be retained. Such copied records must be retained until such time as the original, if it had been retained, would have been seven (7) years old.

Added by Laws 1972, c. 232, § 3, emerg. eff. April 7, 1972. Amended by Laws 1979, c. 30, § 68, emerg. eff. April 6, 1979; Laws 2017, c. 212, § 4, emerg. eff. May 5, 2017.

§19-155.6. Request by State Library.

The State Library may be given any record, which would otherwise be destroyed, upon its request therefor.

Added by Laws 1972, c. 232, § 4, emerg. eff. April 7, 1972.

§19-155.7. See the following versions:

OS 19-155.7v1 (SB 48, Laws 2017, c. 212, § 5).

OS 19-155.7v2 (HB 1894, Laws 2023, c. 137, § 1).

§19-155.7v1. County records - Photographing, digitizing, photostating, reproducing on film or storing on optical disks.

A. County officers may have any or all records kept by any county office photographed, digitized, photostated, reproduced on film or stored on optical disk. Such film or reproducing material shall be of durable material and the device used to reproduce such records on film or other material shall be such as to accurately reproduce and perpetuate the original records in all details.

B. The photostatic copy, photograph, digital copy, photographic film or optical disk of the original records shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all court or administrative agencies. A facsimile, exemplification or certified copy thereof shall, for all purposes recited herein, be deemed to be a transcript, exemplification or certified copy of the original.

C. Whenever such reproduced records shall be placed in conveniently accessible files and provisions made for preserving, examining and using same, the county officer may certify those facts to the board of county commissioners. All such records shall be archived or disposed of according to the provisions of the Oklahoma State Statutes and any other such restrictions as may be applicable.

Added by Laws 1991, c. 31, § 1, eff. Sept. 1, 1991. Amended by Laws 2017, c. 22, § 3, eff. Nov. 1, 2017.

§19-155.7v2. County records - Photographing, digitizing, photostating, reproducing on film or storing on optical disks.

A. County officers may have any or all records kept by any county office photographed, digitized, photostated, reproduced on film or stored on optical disk. Such film or reproducing material shall be of durable material and the device used to reproduce such records on film or other material shall be such as to accurately reproduce and perpetuate the original records in all details.

B. The photostatic copy, photograph, digital copy, photographic film or optical disk of the original records shall be deemed to be

an original record for all purposes, and shall be admissible in evidence in all court or administrative agencies, or by the county for accounts payable and inventory. A facsimile, exemplification or certified copy thereof shall, for all purposes recited herein, be deemed to be a transcript, exemplification or certified copy of the original.

C. Whenever such reproduced records shall be placed in conveniently accessible files and provisions made for preserving, examining and using same, the county officer may certify those facts to the board of county commissioners. All such records shall be archived or disposed of according to the provisions of the Oklahoma State Statutes and any other such restrictions as may be applicable.

D. The clerk of each county may elect to sign, accept, or receive documents using a digital signature system.

Added by Laws 1991, c. 31, § 1, eff. Sept. 1, 1991. Amended by Laws 2017, c. 22, § 3, eff. Nov. 1, 2017; Laws 2023, c. 137, § 1, eff. Nov. 1, 2023.

§19-156. Repealed by Laws 1953, p. 73, § 6, emerg. eff. April 30, 1953.

§19-157. Repealed by Laws 1965, c. 501, § 3.

§19-158. Repealed by Laws 1965, c. 501, § 3.

§19-159. Repealed by Laws 1965, c. 501, § 3.

§19-160. Extra help and travel expenses - Payment from separate budget items.

An item appropriated in the budget of a county officer other than the county election board for compensating regular employees of the office may not be expended for extra help or for payment of travel expenses. From, and only from, an item in the budget for his office wherein appropriation is made separate from paying regular or permanent deputies may a county officer make expenditures for extra help or travel expenses. This act shall not apply to counties with a population over three hundred thousand (300,000) at the last decennial census.

Added by Laws 1968, c. 314, § 1, emerg. eff. May 7, 1968.

§19-161. Definitions.

As used in this act:

1. "County officer" means the county clerk, county commissioner, county assessor, district court clerk, county treasurer and county sheriff;

2. "Deputy" means one or more regular employees appointed to assist a county officer in the performance of the official duties of the county officer;

3. "Traveling expenses" means reimbursement for mileage, meals, lodging, toll road fees, parking fees, telephone and other ordinary expenses incurred, except meals and lodging incurred within the county unless the meals were during a county association school, seminar or training; and

4. "Voluntary instruction" means one or more schools, courses, conferences, institutes and meetings which are available and are attended by a county officer or deputy as a discretionary training supplement to the duties of any office covered by this act.

Added by Laws 1979, c. 221, § 1, emerg. eff. May 30, 1979. Amended by Laws 1993, c. 239, § 5, eff. July 1, 1993; Laws 1999, c. 117, § 1, eff. Nov. 1, 1999.

§19-162. Deputies - Appointment - Compensation and salaries - Appropriations.

Subject to the approval of the county excise board, every county officer shall appoint such regular and special deputies as are essential to the performance of the duties of the office in an efficient manner and shall fix their salaries and compensation. In order to provide for parity among and between county offices, every county which has established a county budget board pursuant to the County Budget Act, Sections 1401 through 1421 of this title, may, upon majority vote of the members of the budget board, institute equivalent employee job descriptions and related salary levels for all full-time employment positions for uniform application by each county officer. It shall be the responsibility of the board of county commissioners to cause such job descriptions and salary levels to be established. The county officer shall annually make request for appropriation for payment of salaries, traveling expenses, supplies and equipment and other needs for performing his official duties. The board of county commissioners and the county excise board shall annually appropriate amounts that will enable a county officer to hire and keep capable deputies, provide their instruction, provide sufficient supplies and equipment for the county officer and his deputies, provide reimbursement for traveling expenses for the county officer or deputies whose assignments require expenditures therefor, or provide a monthly travel allowance for the county officer in lieu of reimbursed expenditures for travel within this state.

Added by Laws 1979, c. 221, § 2, emerg. eff. May 30, 1979. Amended by Laws 1997, c. 283, § 1, emerg. eff. May 27, 1997.

§19-163. Reimbursement for traveling expenses.

Each county officer or his deputy shall be entitled to reimbursement for all traveling expenses incurred in the performance of official duties. All expenses shall be paid upon sworn itemized claims.
Added by Laws 1979, c. 221, § 3, emerg. eff. May 30, 1979.

§19-164. Private automobiles - Reimbursement for use.

When transportation involves the use of the private automobile of a county officer, deputy, or county employee entitled to reimbursement, such county officer, deputy or employee shall be entitled to claim reimbursement for use thereof at the rate provided for in the State Travel Reimbursement Act for state officers and employees. Official duties shall include attendance by a county officer and at least one of his deputies for voluntary instruction.
Added by Laws 1979, c. 221, § 4, emerg. eff. May 30, 1979. Amended by Laws 1980, c. 302, § 1, eff. July 1, 1980.

§19-165. Travel allowance in lieu of traveling expenses - Newly elected officials - Emergency use of county-owned vehicle or equipment.

A. In lieu of reimbursement for traveling expenses within their county each county commissioner and sheriff may receive a monthly travel allowance of up to One Thousand Dollars ($1,000.00). In lieu of the reimbursement for traveling expenses authorized by law for each county officer, each county assessor may receive a monthly travel allowance of up to Nine Hundred Dollars ($900.00), and each county clerk, court clerk and county treasurer may receive a monthly travel allowance of up to Eight Hundred Dollars ($800.00). Each such county officer may be subject to the penalty provided by Section 166 of this title for failure to attend the meetings specified in that section.

B. Beginning in Fiscal Year 2028 and every fiscal year thereafter, the monthly amount of travel reimbursement allowances for county officers shall increase annually by two percent (2%).

C. All newly elected county officials shall be reimbursed by their respective counties for any approved training provided before such official takes office. Such training expenses shall be reimbursed in January when such official takes office.

D. The provisions of this section and Sections 163 and 164 of this title shall not prevent the emergency use of a county-owned vehicle or county-owned or leased equipment by a county officer when such county officer is acting on behalf of the county or when such use is related to county business. As used in this subsection, "emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action.

E. The provisions of this section and Sections 163 and 164 of this title shall not prevent the use of county-owned or leased

equipment by a county commissioner. For the purposes of this section, county-owned or leased equipment shall not include automobiles or pick-up trucks. The provisions of this subsection shall not be construed to authorize the use of county-owned or leased equipment by a county commissioner for purposes other than county business.
Added by Laws 1979, c. 221, § 5, emerg. eff. May 30, 1979. Amended by Laws 1980, c. 302, § 2, eff. July 1, 1980; Laws 1993, c. 239, § 6, eff. July 1, 1993; Laws 1998, c. 258, § 1, eff. Nov. 1, 1998; Laws 2000, c. 86, § 1, eff. Nov. 1, 2000; Laws 2005, c. 208, § 1, eff. Nov. 1, 2005; Laws 2006, c. 255, § 1, eff. Nov. 1, 2006; Laws 2007, c. 67, § 1, eff. Nov. 1, 2007; Laws 2019, c. 76, § 1, eff. Nov. 1, 2019; Laws 2023, c. 317, § 1, emerg. eff. May 26, 2023; Laws 2024, c. 229, § 1, emerg. eff. April 30, 2024.

§19-166. Forfeiture of travel allowance - Membership organizations - Attending conferences, etc. - Traveling expenses.

Failure of a county officer to attend any school, conference or meeting unless excused prior thereto shall cause the county officer to forfeit his right to the monthly travel allowance provided by Section 165 of this title for the month in which such school, conference or meeting is held. The directing state officer or agency head shall notify the county clerk of the county of the forfeiture of such county officer. Any county, county officer or deputy may join his respective state, national or international association, including but not limited to, the National Association of Counties, the International Association of Assessors and the International Association of Clerks, Recorders, Election Officials and Treasurers. It shall not be mandatory for a county officer or his deputy to attend any meeting, school, institute or conference sponsored or held by anyone other than a state officer or agency head, but if funds are available for travel to such meeting, school, institute or conference, either within or outside this state, from funds appropriated for traveling expenses in addition to the monthly travel allowance provided by Section 165 of this title, then it shall be lawful for such traveling expenses to be paid from such travel funds so appropriated to the county officer or his deputies.
Added by Laws 1979, c. 221, § 6, emerg. eff. April 19, 1985. Amended by Laws 1985, c. 32, § 1, emerg. eff. April 19, 1985.

§19-167. Blanket bond.

The board of county commissioners of each county is hereby directed to purchase from the lowest bidder a surety contract or contracts in the form known as a "blanket bond" to cover all county officers, appointive officers, employees and reserve force deputy sheriffs in the manner hereinafter provided. No other bond shall be acceptable as surety for any elected or appointed officer or

employee of this state in lieu of the blanket bond provided for herein unless the blanket bond is provided for as a specified item in an all risk insurance policy purchased by the county. For purposes of this act, a "blanket bond" is defined as a public employees' blanket position bond which covers all employees up to the penalty of the bond for each employee and the full penalty of the bond is always in force during its term and no restoration is necessary and there is no additional premium after a loss is paid. The district attorney shall bring an action on the blanket bond to recover any loss by the county which is covered by the bond. Reserve deputy sheriffs shall also be covered by workers' compensation insurance as provided in Section 1 et seq. of Title 85 of the Oklahoma Statutes.
Added by Laws 1979, c. 221, § 7, emerg. eff. May 30, 1979. Amended by Laws 1981, c. 72, § 2, eff. Oct. 1, 1981; Laws 1982, c. 367, § 1, emerg. eff. July 14, 1982; Laws 1994, c. 42, § 1, eff. Sept. 1, 1994.

§19-168. Volunteer - Protection of sovereign immunity - Travel and training expenses.

Persons who are not county employees, but who are performing substantial and necessary services to the county on a voluntary basis without compensation which have been directed and approved by a county officer, shall enjoy the protection of sovereign immunity of the state to the same extent as a paid employee. Such persons may be reimbursed for expenses incurred during authorized official travel pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes, or for training expenses, provided it is indicated on the claim the person is not a county employee, a description of services performed is entered, and the officer, by his approval of the claim, certifies such services were substantial, necessary and germane to the duties and functions of the county office.
Added by Laws 1989, c. 203, § 1, emerg. eff. May 8, 1989. Amended by Laws 1996, c. 109, § 1, eff. Nov. 1, 1996.

§19-169. Performance-based adjustment program.

A. Counties may adopt a performance-based adjustment program for county employees pursuant to this section.

B. In order to adopt a performance-based adjustment program, a county shall adopt a written performance-based adjustment plan. The plan must:

1. Indicate the manner in which the county intends to award performance-based adjustments, including a determination that performance-based adjustments will be awarded for overall ratings of "meets standards" or "exceeds standards". Performance-based adjustments shall not exceed five percent (5%) of a county

employee's annual salary for "meets standards" or ten percent (10%) of a county employee's annual salary for "exceeds standards". The plan shall include:

a. the amount or percentage that the county will award to qualifying employees, or

b. total dollar figure the county intends to set aside for performance-based adjustments to be divided among qualifying county employees;

2. Identify and define the twelve-month evaluation cycle to be used within the county, such as a calendar year or fiscal year. The plan shall not be amended within the evaluation cycle but may be discontinued according to paragraph 5 of this subsection;

3. Indicate whether the county will award performance-based adjustments as an increase to the county employee's salary, a lump-sum payment, or a combination thereof;

4. Include a written confirmation that the county can fund the performance-based adjustment program for the current and subsequent fiscal year without the need for additional funding; and

5. Include a statement that the county may discontinue performance-based adjustments at any time should it be necessary to prevent a budget shortfall. The county shall notify employees of the discontinuation of the plan and the reason therefor.

C. A county may grant only one performance-based adjustment to any county employee for any twelve-month evaluation cycle. A county shall not award a performance-based adjustment to any employee based upon a performance evaluation which is more than one (1) year old. Added by Laws 2018, c. 80, § 1, eff. Nov. 1, 2018.

§19-171. Audit by State Auditor and Inspector - Scope of audit - County government financial audits.

A. Each county of this state shall every two (2) years have an audit made by the State Auditor and Inspector or a duly appointed deputy or deputies of all of the books, records and accounts of all the officers of each county of this state, which audit shall be general in its nature and shall include an audit of the books, records and accounts of all officers who collect or disburse monies, fees, fines or public charges of any kind including therein a tax roll audit, a claim audit, and an audit of each of the justices of peace within the county.

B. 1. For purposes of this subsection, an audit shall be a financial or performance audit defined as follows:

a. the financial audit shall be planned and conducted, and the results of the work reported, in accordance with auditing standards generally accepted in the United States and Government Auditing Standards issued by the Comptroller General of the United States,

b. the performance audit shall be planned and conducted, and the results of the work reported, in accordance with Government Auditing Standards issued by the Comptroller General of the United States. The performance audit shall encompass an audit of internal controls and compliance with laws and regulations based on an individual risk assessment.

The type of audit to be performed will be determined by the State Auditor and Inspector.

2. Unless the county elects to prepare its financial statement in accordance with Generally Accepted Accounting Principles as prescribed by the Governmental Accounting Standards Board, the county shall present their financial statements in a regulatory basis of accounting as prescribed in subsection C of this section.

C. 1. For county, primary government only, financial audits, the financial statements shall be presented on a fund-basis format with, at a minimum, the general fund and all other county funds which represent ten percent (10%) or greater of total county revenue. All other funds included in the audit shall be presented in the aggregate.

2. The financial statements shall include but not be limited to the following:

a. a statement of revenues or receipts, expenditures or disbursements, and changes in cash balances for the funds identified in the preceding paragraph, and

b. notes to the financial statements.

D. The report shall include but not be limited to the following supplemental information:

1. A combining schedule detailing by fund the information presented in the aggregate;

2. A comparison of the final adopted budget to the actual expenditures for all funds required by law to have an adopted budget; and

3. Notes to the budget to actual schedule.

E. An audit may include a performance audit, a financial audit, agreed-upon procedures, or limited review of the books and records. In addition to the above, the State Auditor and Inspector may require an audit of the books and records of any county official or custodian of any of the funds of the county upon the death, resignation or removal from office of the county official, covering a period from the date of the last general audit up to the date of the death, resignation or removal therefrom.

F. Each biennial county audit shall cover the two preceding fiscal years beginning as of July 1st immediately preceding the year in which the appropriation is made for the general audit, provided, that nothing herein shall prevent the State Auditor and Inspector

from causing an audit to be made for any prior year of all the books, records and accounts of the county official.
Added by Laws 1933, c. 40, p. 77, § 1, emerg. eff. May 2, 1933. Amended by Laws 1979, c. 30, § 69, emerg. eff. April 6, 1979; Laws 2007, c. 132, § 2, eff. Nov. 1, 2007; Laws 2011, c. 18, § 1, eff. July 1, 2011.

§19-172. Repealed by Laws 1979, c. 30, § 164, emerg. eff. April 6, 1979.

§19-173. Special audit fund - Payments made from.
Salaries, traveling expenses, expenses for work sheets, supplies, typing and binding the report of audit, shall be paid from the special audit fund after filing properly itemized claim verified by attached receipts and approved by the State Auditor and Inspector, with the county clerk as provided by law for other claims against the county.
Added by Laws 1933, c. 40, p. 78, § 3. Amended by Laws 1979, c. 30, § 70, emerg. eff. April 6, 1979.

§19-174. Reports - Copies - Officers filed with.
A copy of each report of audit shall be filed with the Governor, district attorney, county clerk and the State Auditor and Inspector.
Added by Laws 1933, c. 40, p. 78, § 4. Amended by Laws 1979, c. 30, § 71, emerg. eff. April 6, 1979.

§19-174.1. Publication of notice of filing of audit report - Posting of certificate of completion.
The State Auditor and Inspector is hereby authorized upon filing of report of audit of the books, records and accounts of any county officer, board or commission to publish in a newspaper or newspapers having a general circulation in the county a notice of the filing of such audit report; and he or she may cause to be posted a certificate of completion of such audit report in the office or offices having custody of the books, records and accounts embraced in such audit report. In addition to the notice published in the newspaper, the report shall be posted on the county website and the State Auditor and Inspector's website. The State Auditor and Inspector shall transmit a copy of the letter of transmittal of each such audit report to every legal newspaper published within the county wherein said audit report is filed with the county clerk.
Added by Laws 1957, p. 92, § 1. Amended by Laws 1979, c. 30, § 72, emerg. eff. April 6, 1979; Laws 2017, c. 212, § 6, emerg. eff. May 5, 2017.

§19-174.2. Cost of publication.

The total cost of publication of such notice shall not exceed Ten Dollars ($10.00) to any one newspaper and shall be paid from any funds appropriated for county audit purposes, upon duly verified claims.
Added by Laws 1957, p. 92, § 2.

§19-175. Repealed by Laws 1941, p. 466, § 15.

§19-176. Partial invalidity - Effect.
In case any section, sentence, or clause of this act is held unconstitutional then it is hereby declared to be the intention of the Legislature to enact each and all of the sections, sentences and clauses remaining in said act as if that, if any, which is held unconstitutional had not been included in this act.
Added by Laws 1933, c. 40, p. 78, § 6.

§19-177.1. Purpose of law.
It is hereby declared to be the purpose and intention of the Legislature to strengthen the system of checks and balances upon receipt and disbursement of county funds through audit by the independent state agency of the department of the State Auditor and Inspector and to that end and by this act mandatorily require the appropriation and dedication of certain funds to that purpose in order to provide more nearly adequate and sufficient means for complete annual audit and report thereof.
Added by Laws 1953, p. 282, § 1. Amended by Laws 1979, c. 30, § 73, emerg. eff. April 6, 1979.

§19-177.2. Use of ad valorem levy for county audit - Lapse and cancellation of unexpended balance.
The net proceeds of the one-tenth mill annual ad valorem levy upon the net total assessed valuation in any county for any year authorized and mandatorily required to be appropriated and dedicated to county audit by Section or paragraph 331 of Title 62, Oklahoma Statutes 1951 (H.B. 367, page 282, S.L. 1941), shall henceforth be restricted to and used only for audit survey and reporting receipt, disbursement and management of county affairs financed by county ad valorem levy and miscellaneous revenues other than ad valorem taxation accruing to the general fund of such county, whether such audit be in the performance of duties charged to the State Auditor and Inspector and instigated at his own initiative and directive, or on request of the board of county commissioners of such county or order of the Governor as provided by Section or paragraph 212 of Title 74, Oklahoma Statutes 1951. If, after completion of audit of all county accounts so financed, and report thereof, including report of audit of cash funds where possible, as by this act provided, unless there be directive from the Governor for other

and/or further inquiry, the board of county commissioners may, upon certificate of completion by the State Auditor and Inspector, request that any unexpended and unencumbered balance of appropriation therein be, by the county excise board, lapsed and cancelled and the county revenues restricted thereby revert to surplus, available for appropriation to any lawful county purpose. Upon request by the board of county commissioners, the State Auditor and Inspector shall, after making a determination that sufficient funds are encumbered to cover the cost of the audit of all county accounts so financed, issue a certification of release of the unencumbered balance of these funds prior to completion of the audit.
Added by Laws 1953, p. 283, § 2. Amended by Laws 1979, c. 30, § 74, emerg. eff. April 6, 1979; Laws 2010, c. 65, § 2, eff. July 1, 2010.

§19-177.3. Repealed by Laws 1963, p. 769, § 1, eff. June 25, 1963.

§19-177.4. Expense of typing, binding and distribution of audit reports.

To the extent general fund audit appropriations are sufficient, the same shall bear the expense of typing, binding and distribution of audit reports for all county financial operations; if otherwise, report of a "Cash Fund" receipts, disbursements, and management shall be separately reported and the cost thereof charged to the audit account set apart therefrom for audit purposes.
Added by Laws 1953, p. 283, § 4.

§19-177.5. Annual defined - Audit of current acounts.

The term "annual" as applied to the mandatory function of audit as provided by this act is hereby defined as for the fiscal period terminating as of June 30th of the fiscal year immediately preceding the fiscal year in which the one-tenth mill levy proceeds is appropriated; but if, during the fiscal year current there arises occasion sufficiently necessary to examine the current accounts of a county office or department to which another person succeeds for any reason and there be request or emergency to determine the condition of accounts newly coming into his custody, it shall be lawful for the State Auditor and Inspector, to make audit and report thereof, provided regular audit of the preceding fiscal year or years be not neglected to do so. Likewise, on demand by any inquisatorial body or officer such as the district attorney or Attorney General, audit and report of accounts current may be made.
Added by Laws 1953, p. 283, § 5. Amended by Laws 1979, c. 30, § 75, emerg. eff. April 6, 1979.

§19-177.6. Audit of property accounts.

If and when the Legislature shall require property accounting in the several counties of this state, audit and verification of such accounts and physical count and verification of the properties of the county so required to be kept account of, shall be deemed comprehended and included in the definition of "audit" as by this act provided.
Added by Laws 1953, p. 284, § 6.

§19-177.7. Purveyors of services, goods, wares or merchandise to county - Verification of accounts - Privileged information - Inspection of accounts.

To the extent available funds permit, but only after audit analysis of the books, accounts, and records kept by county officers, and in addition to the written exhibits the State Auditor and Inspector may now require of county officers, managers and employees under Section or paragraph 215 of Title 74, Oklahoma Statutes 1951, the State Auditor and Inspector shall have the same authority and under the same penalty provisions to require of any purveyor of services, goods, wares, or merchandise to the county, whether for money or property, a verification in writing under oath in full detail of dates, items, descriptions, unit rates, and amounts charged for and, if paid, how and when paid. Purveyors of goods, wares, and merchandise of any sort for which public money or property is anticipated, demanded, or received, shall, at the time and for five (5) years thereafter keep careful and complete account thereof, which accounts shall be private and privileged to the public generally but open to inspection as public records at any time to the officer who required the same or to the Governing Board who allowed payment of the same, or to the district attorney of such county, to the State Auditor and Inspector, to the Attorney General, or to a grand jury.
Added by Laws 1953, p. 284, § 7. Amended by Laws 1979, c. 30, § 76, emerg. eff. April 6, 1979.

§19-177.8. Repealed by Laws 1957, p. 550, § 3, emerg. eff. May 31, 1957.

§19-178.1. Inventory - Continuous inventory - Accounting.

The board of county commissioners in each county of this state shall take, or cause to be taken, an inventory of all working tools, apparatus, machinery and equipment belonging to the county or leased or otherwise let to it or to any department thereof, other than that which is affixed to and made a part of lands and buildings, the cost of which as to each complete working unit thereof is more than Five Hundred Dollars ($500.00), and thereafter maintain or cause to be maintained a continuous inventory record thereof and of like tools, apparatus, machinery and equipment purchased, leased or otherwise

coming into the custody of the county or of any office, board, department, commission or any or either thereof, and the disposition thereof whether sold, exchanged, leased or let where authorized by statute, junked, strayed or stolen, and annually thereafter, or oftener in event of death, resignation or removal of an elective officer with a term, to verify or cause to be verified by count and report of the same as of the end of a term of office and as part and parcel of the accounting required by law of a retiring or re-elected officer, and, as to appointive heads of departments amenable directly to the board of county commissioners and as to quasi-governmental boards and commissions such as free fair boards, hospital boards and the like, the same shall be as of the last business day immediately preceding the day certain commencing a new term of the board of county commissioners; all in the manner as provided by law.
Added by Laws 1953, p. 66, § 1, emerg. eff. June 10, 1953. Amended by Laws 1981, c. 60, § 1, eff. Oct. 1, 1981; Laws 1988, c. 145, § 1, emerg. eff. April 27, 1988; Laws 2005, c. 201, § 1, eff. July 1, 2005; Laws 2012, c. 49, § 1, emerg. eff. April 16, 2012.

§19-178.2. Duty of officers and employees to conform to law.

It shall be and is hereby made the duty of every county officer, board, commission, or department, and by record directive of the board of county commissioners may be made the duty of any employee of the board of county commissioners subject to summary discharge and removal by the board, to conform in all respects and be amenable to all uniform resolutions adopted by their respective boards of county commissioners directing the taking, recording, maintaining and reporting inventories of properties in their respective custody in accordance with the provisions of this act. It shall be the duty and responsibility of each elected county official to create and maintain inventory records of said office. Such inventory shall be filed with the county clerk.
Added by Laws 1953, p. 67, § 2, emerg. eff. June 10, 1953. Amended by Laws 2011, c. 176, § 1, eff. Nov. 1, 2011.

§19-178.3. Custodian of records, files and reports - Destruction.

A. The county clerk shall be custodian and repository of all inventory records, files and reports.

B. The county clerk in each county in Oklahoma is hereby authorized to destroy all inventory records, files and reports of any inventory of the county which has been disposed of for three (3) years or more if the inventory account has been subject to a full audit by the State Auditor and Inspector.
Added by Laws 1953, p. 67, § 3, emerg. eff. June 10, 1953. Amended by Laws 1993, c. 334, § 1, emerg. eff. June 9, 1993.

§19-178.4. Systems and forms - Audit and verification of accounts.

It shall be and is hereby made the duty of the State Auditor and Inspector to prescribe all systems and forms to be used in property accounting in keeping with the provisions of this act, whether for record or reporting, and of indentification of such properties for said purposes, and to enforce the use of the same in his own right as such public officer. It shall be his further duty to audit and verify said accounts so kept in as full and ample manner as is now required by law of county finance records.

Added by Laws 1953, p. 67, § 4, emerg. eff. June 10, 1953. Amended by Laws 1979, c. 30, § 77, emerg. eff. April 6, 1979.

§19-178.5. Penalties.

No special penalties shall apply to any public officer charged with the performance of duties under this act other than that provided in 51 O.S. 1951 Section 91-105.

Added by Laws 1953, p. 67, § 5, emerg. eff. June 10, 1953.

§19-179.1. Repealed by Laws 1959, p. 100, § 4.

§19-179.2. Repealed by Laws 1959, p. 100, § 4.

§19-179.3. Repealed by Laws 1959, p. 100, § 4.

§19-179.4. Repealed by Laws 1959, p. 100, § 4.

§19-179.5. Repealed by Laws 1959, p. 100, § 4.

§19-179.6. Repealed by Laws 1959, p. 100, § 4.

§19-179.7. Repealed by Laws 1959, p. 100, § 4.

§19-179.8. Repealed by Laws 1959, p. 100, § 4.

§19-179.9. Repealed by Laws 1959, p. 100, § 4.

§19-179.10. Repealed by Laws 1959, p. 100, § 4.

§19-179.11. Repealed by Laws 1959, p. 100, § 4.

§19-179.12. Repealed by Laws 1959, p. 100, § 4.

§19-179.13. Repealed by Laws 1968, c. 162, § 8, eff. Jan. 13, 1969 and Laws 1968, c. 412, § 19, eff. Jan. 13, 1969.

§19-179.14. Repealed by Laws 1968, c. 162, § 8, eff. Jan. 13, 1969.

§19-179.15. Repealed by Laws 1968, c. 412, § 19, eff. Jan. 13, 1969.

§19-179.16. Repealed by Laws 1969, c. 14, § 1, eff. Feb. 10, 1969.

§19-179.17. Repealed by Laws 1968, c. 162, § 8, eff. Jan. 13, 1969 and Laws 1968, c. 412, § 19, eff. Jan. 13, 1969.

§19-179.18. Repealed by Laws 1968, c. 162, § 8, eff. Jan. 13, 1969.

§19-179.19. Repealed by Laws 1969, c. 14, § 1, eff. Feb. 10, 1969.

§19-179.20. Repealed by Laws 1957, p. 106, § 3, emerg. eff. March 28, 1957.

§19-179.21. Repealed by Laws 1969, c. 14, § 1, eff. Feb. 10, 1969.

§19-180.1. Repealed by Laws 1949, p. 139, § 12.

§19-180.2. Repealed by Laws 1949, p. 139, § 12.

§19-180.3. Repealed by Laws 1949, p. 139, § 12.

§19-180.4. Repealed by Laws 1949, p. 139, § 12.

§19-180.5. Repealed by Laws 1949, p. 139, § 12.

§19-180.6. Repealed by Laws 1949, p. 139, § 12.

§19-180.7. Repealed by Laws 1949, p. 139, § 12.

§19-180.8. Repealed by Laws 1949, p. 139, § 12.

§19-180.9. Repealed by Laws 1949, p. 139, § 12.

§19-180.10. Repealed by Laws 1949, p. 139, § 12.

§19-180.11. Repealed by Laws 1949, p. 139, § 12.

§19-180.12. Repealed by Laws 1949, p. 139, § 12.

§19-180.12a. Repealed by Laws 1949, p. 139, § 12.

§19-180.12b. Repealed by Laws 1949, p. 139, § 12 and Laws 1949, p. 151, § 2.

§19-180.13. Repealed by Laws 1949, p. 139, § 12.

§19-180.14. Repealed by Laws 1949, p. 139, § 12.

§19-180.15. Repealed by Laws 1949, p. 139, § 12.

§19-180.16. Repealed by Laws 1949, p. 139, § 12.

§19-180.16a. Repealed by Laws 1949, p. 139, § 12.

§19-180.17. Repealed by Laws 1949, p. 139, § 12.

§19-180.18. Repealed by Laws 1949, p. 139, § 12.

§19-180.19. Repealed by Laws 1949, p. 139, § 12.

§19-180.20. Repealed by Laws 1949, p. 139, § 12.

§19-180.21. Repealed by Laws 1949, p. 139, § 12.

§19-180.22. Repealed by Laws 1949, p. 139, § 12.

§19-180.23. Repealed by Laws 1949, p. 139, § 12.

§19-180.24. Repealed by Laws 1949, p. 139, § 12.

§19-180.25. Repealed by Laws 1949, p. 139, § 12.

§19-180.26. Repealed by Laws 1949, p. 139, § 12.

§19-180.27. Repealed by Laws 1949, p. 139, § 12.

§19-180.28. Repealed by Laws 1949, p. 139, § 12.

§19-180.29. Repealed by Laws 1949, p. 139, § 12.

§19-180.30. Repealed by Laws 1949, p. 139, § 12.

§19-180.31. Repealed by Laws 1949, p. 139, § 12.

§19-180.32. Repealed by Laws 1949, p. 139, § 12.

§19-180.33. Repealed by Laws 1949, p. 139, § 12.

§19-180.34. Repealed by Laws 1947, p. 194, § 2 and Laws 1949, p. 139, § 12.

§19-180.35. Repealed by Laws 1949, p. 139, § 12.

§19-180.36. Repealed by Laws 1949, p. 139, § 12.

§19-180.37. Repealed by Laws 1949, p. 139, § 12.

§19-180.37a. Repealed by Laws 1949, p. 139, § 12.

§19-180.37b. Repealed by Laws 1949, p. 139, § 12.

§19-180.38. Repealed by Laws 1949, p. 139, § 12.

§19-180.38a. Repealed by Laws 1949, p. 139, § 12.

§19-180.39. Repealed by Laws 1949, p. 139, § 12.

§19-180.40. Repealed by Laws 1949, p. 139, § 12.

§19-180.41. Repealed by Laws 1949, p. 139, § 12.

§19-180.42. Repealed by Laws 1949, p. 139, § 12.

§19-180.42a. Repealed by Laws 1949, p. 139, § 12.

§19-180.42b. Repealed by Laws 1949, p. 139, § 12.

§19-180.42c. Repealed by Laws 1955, p. 608, § 2.

§19-180.42d. Repealed by Laws 1968, c. 262, § 8, eff. Jan. 13, 1968 and Laws 1968, c. 412, § 19, eff. Jan. 13, 1969.

§19-180.42e. Repealed by Laws 1968, c. 262, § 8, eff. Jan. 13, 1968 and Laws 1968, c. 412, § 19, eff. Jan. 13, 1969.

§19-180.42f. Repealed by Laws 1961, c. 212, § 2.

§19-180.42g. Repealed by Laws 1968, c. 162, § 8.

§19-180.42h. Repealed by Laws 1968, c. 262, § 8, eff. Jan. 13, 1968, and Laws 1968, c. 412, § 19, eff. Jan. 13, 1969.

§19-180.42i. Repealed by Laws 1959, p. 100, § 14.

§19-180.43. Feeding, care, housing, and upkeep of prisoners - Expenses - Travel reimbursement - Violations.

A. Each county sheriff may contract with any public or private entity engaged in the business of transportation of prisoners, the Department of Justice of the United States of America, the

Department of Corrections, or any municipality of this state for the feeding, care, housing, and upkeep of federal, state, or municipal prisoners, or alien detainees incarcerated in the county jail. Any funds received pursuant to said contract shall be the funds of the county where the federal, state, or municipal prisoners, or alien detainees are incarcerated and shall be deposited in the Sheriff's Service Fee Account. All purchases made pursuant to the provisions of this subsection shall be made pursuant to the purchasing procedures specified in Sections 1500 through 1507 of this title, including the use of blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes. The sheriff shall be permitted to expend the funds for capital expenditures. The sheriff shall be permitted to expend any funds in the Sheriff's Service Fee Account for administering expenses for salaries, training, equipment or travel.

The claim for said expenses shall be filed with and allowed by the board of county commissioners as other claims. The sheriff shall receive no compensation for said services. The sheriff shall file an annual report with the board of county commissioners not later than January 15 of each year. The State Auditor and Inspector shall conduct an audit of the report as on other public records of the county.

B. In lieu of the travel reimbursement or monthly travel allowance provided for by law, the board of county commissioners may purchase and provide for the operation, maintenance, insurance, equipping, and repair of an automobile for each county commissioner to be used in performing the duties of his office. In lieu of the travel reimbursement or monthly travel allowance provided for by law, the board of county commissioners, with the concurrence of the county sheriff, may purchase and provide for the operation, maintenance, insurance, equipping, and repair of automobiles for the use of the sheriff in performing the duties of his office. Any automobile purchased pursuant to the authority granted in this section shall be purchased by competitive bids. The use of any said automobile for private or personal purposes is hereby prohibited. In any county having a population of at least three hundred fifty thousand (350,000), where it is determined by the sheriff to be more economical and advantageous to the county, the sheriff may establish a monthly automobile allowance of not more than Four Hundred Dollars ($400.00) per month in lieu of the mileage per mile for in-county driving as authorized in this section. Any travel reimbursement other than in-county driving as provided for in this section shall be for actual and necessary expenses as provided for in the State Travel Reimbursement Act. Any person violating the provisions of this subsection, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars ($100.00) or by imprisonment in the county jail for not more than

thirty (30) days, or by both said fine and imprisonment, and in addition thereto shall be discharged from county employment.

C. The State of Oklahoma hereby declares and states that the increased number of persons impersonating law enforcement officers by making routine traffic stops while using unmarked cars is a threat to the public health and safety of all of the citizens of the State of Oklahoma; therefore it shall be unlawful for any county sheriff, deputy sheriff or reserve deputy sheriff to use any vehicle which is not clearly marked as a law enforcement vehicle for routine traffic enforcement except as provided in Section 12-218 of Title 47 of the Oklahoma Statutes. In addition to Section 12-218 of Title 47 of the Oklahoma Statutes, the peace officer operating the law enforcement vehicle for routine traffic stops shall be dressed in the official uniform including shoulder patches, badge, and any other identifying insignias normally used by the employing law enforcement agency.

D. Each county sheriff may operate, or contract the operation of, a commissary for the benefit of persons lawfully confined in the county jail under the custody of the county sheriff. Any funds received pursuant to said operations shall be the funds of the county where the persons are incarcerated and shall be deposited in the Sheriff's Commissary Account. The sheriff shall be permitted to expend the funds to improve or provide jail services. The sheriff shall be permitted to expend any surplus in the Sheriff's Commissary Account for administering expenses for training equipment, travel or for capital expenditures. The claims for expenses shall be filed with and allowed by the board of county commissioners in the same manner as other claims. The sheriff shall receive no compensation for the operation of said commissary. The sheriff shall file an annual report on any said commissary under his or her operation no later than January 15 of each year. The State Auditor and Inspector shall conduct an audit of the report in the same manner as other public records of the county.

E. Each county sheriff may operate, or contract the operation of, a telephone system for the benefit of persons lawfully confined in the county jail under the custody of the county sheriff. Any funds received pursuant to said operations shall be the funds of the county where the persons are incarcerated and shall be deposited in the Sheriff's Service Fee Account. Such funds may be expended according to the guidelines previously established for expenditures from the general fund. The claims for expenses shall be filed with and allowed by the board of county commissioners in the same manner as other claims.

Added by Laws 1943, p. 76, § 32, emerg. eff. April 12, 1943. Amended by Laws 1945, p. 50, § 1, emerg. eff. Feb. 19, 1945; Laws 1951, p. 44, § 1, emerg. eff. Feb. 24, 1951; Laws 1957, p. 92, § 1, emerg. eff. June 7, 1957; Laws 1965, c. 111, § 1, emerg. eff. May

19, 1965; Laws 1965, c. 508, § 1, emerg. eff. July 20, 1965; Laws 1974, c. 180, § 1, emerg. eff. May 11, 1974; Laws 1979, c. 30, § 78, emerg. eff. April 6, 1979; Laws 1979, c. 221, § 8, emerg. eff. May 30, 1979; Laws 1980, c. 120, § 1, emerg. eff. April 15, 1980; Laws 1981, c. 101, § 1, emerg. eff. April 22, 1981; Laws 1982, c. 79, § 1; Laws 1984, c. 108, § 1; Laws 1989, c. 348, § 3, eff. Nov. 1, 1989; Laws 1991, c. 166, § 1, eff. July 1, 1991; Laws 1992, c. 237, § 1, emerg. eff. May 19, 1992; Laws 1994, c. 91, § 1, eff. Sept. 1, 1994; Laws 1999, c. 24, § 2, eff. July 1, 1999; Laws 2003, c. 33, § 1, eff. Nov. 1, 2003; Laws 2004, c. 19, § 1, emerg. eff. March 29, 2004; Laws 2017, c. 263, § 2; Laws 2018, c. 83, § 1, eff. Nov. 1, 2018; Laws 2019, c. 25, § 8, emerg. eff. April 4, 2019; Laws 2024, c. 394, § 4, eff. July 1, 2024.
NOTE: Laws 2018, c. 19, § 1 repealed by Laws 2019, c. 25, § 9, emerg. eff. April 4, 2019.

§19-180.44. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-180.45. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-180.46. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-180.47. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-180.48. Repealed by Laws 1953, p. 73, § 6, emerg. eff. April 30, 1953.

§19-180.49. Repealed by Laws 1953, p. 73, § 6, emerg. eff. April 30, 1953.

§19-180.50. Repealed by Laws 1970, c. 107, § 1, eff. April 1, 1970.

§19-180.51. Unforeseen increase of work - Abnormal conditions - Transfer of employees between offices.

In case of unforeseen increase of work in any county office of any county in the state or in case of abnormal conditions in any county in the state, such as, oil development, military posts located within the county, defense areas, state or federal reformatories or prisons, or an excessive area or any other emergency or abnormal condition, the board of county commissioners may declare an emergency and set up additional funds during the fiscal year or include in the budget, at the beginning of the fiscal

year, additional funds to employ additional help in any office to the extent that said office may function properly.

Provided, however, that a seasonal or unexpected short-term increase of work in any county office of any county in the state may be met by the temporary transfer of a deputy, deputies, or other employees from any other county office in the county to the office requiring additional personnel. The board of county commissioners of the county in which the transfer is to be made shall, if in its judgment the temporary transfer is in the best interests of the county, authorize the temporary transfer of designated persons and shall cause a notation of the fact to be entered in the minutes of its meeting. A period of temporary transfer shall be for not longer than sixty (60) calendar days, except that the transfer may be once renewed upon a second authorization of the board of county commissioners for an additional period of not more than sixty (60) calendar days. No employee shall be transferred under the provisions of this section for a total of more than one hundred and twenty (120) calendar days in any one fiscal year. A transfer of designated employees may be terminated by the board of county commissioners upon giving notice in writing to the county official who heads the office to which the employees have been temporarily transferred. Such notice shall specify the date of termination but in no case shall this date be less than three (3) days after delivery of said notice. Employees temporarily transferred under the provisions of this section may be reimbursed from the same fund or account and in the same manner and amount as they would have been, had the temporary transfer not been effected. During the period of transfer, the employees transferred shall be under the exclusive jurisdiction of the county official who heads the office to which they have been temporarily transferred.
Added by Laws 1943, p. 78, § 40. Amended by Laws 1947, p. 210, § 1.

§19-180.52. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§19-180.53. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§19-180.54. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§19-180.55. Repealed by Laws 1949, p. 139, § 12.

§19-180.56. Repealed by Laws 1949, p. 139, § 12.

§19-180.57. Repealed by Laws 1949, p. 139, § 12.

§19-180.58. Application and purpose of act - Legislative determination.

A. Sections 180.58 through 180.68 of this title shall apply to all counties.

B. The purpose of Sections 180.58 through 180.68 of this title is to codify and revise the laws of the state relating to the salaries and wages of county officers and their deputies and employees, and to establish said salaries and wages by general law applicable throughout the state under a uniform schedule fixing such salaries and wages and future increases and reductions thereof upon the following bases:

1. The available revenues of the several counties out of which such salaries and wages may be paid;

2. The amount of services required to be performed;

3. The monetary value of such services in relation to that of nongovernmental services of similar nature in the areas wherein such services are performed; and

4. The relative amounts of services required of the various county officers, their deputies and employees upon investigation and full consideration of the applicable facts.

C. The Legislature has determined that the foregoing bases of such schedule gradations generally are cognate to the combination of the following factors:

1. The gross assessed valuation of all tangible taxable property of the county, hereinafter referred to as "service-ability"; and

2. The population of the county, hereinafter referred to as the "service-load".

The application of said factors properly establishes a rational and relevant formula for uniformity of salaries and wages and of future increases and decreases thereof.

Added by Laws 1959, p. 96, § 1. Amended by Laws 1993, c. 334, § 2, emerg. eff. June 9, 1993; Laws 1997, c. 119, § 1, eff. July 1, 1997; Laws 2021, c. 65, § 1, eff. Nov. 1, 2021.

§19-180.59. County assessor's certificate controlling as to valuations.

The gross assessed total tangible property valuation for ad valorem tax purposes in each county, or service-ability factor, shall be determined from the county assessor's certificate of such valuations as filed with the excise board of the county for the purpose of computation of ad valorem tax levies of each year, and no subsequent amendments thereto to effect an increase or decrease in such valuations shall have any effect for such year whatsoever.

Added by Laws 1959, p. 96, § 2. Amended by Laws 2021, c. 65, § 2, eff. Nov. 1, 2021.

§19-180.60. Federal census controlling as to population.

The population of each county, or service-load factor, shall be determined from the announced population of counties of Oklahoma based on the Federal Decennial Census. No other census however authorized shall have any effect insofar as this act is concerned.
Added by Laws 1959, p. 96, § 3.

§19-180.61. Classification of officers.

For purposes of fixing salaries under this act, county officers shall be grouped in the following classifications:

1. Enforcement officers or those charged with enforcing the laws relating to public peace and safety: the county sheriff, the county treasurer, the county clerk, the court clerk, the county assessor, and the members of the board of county commissioners; and

2. Other elective county officers.

Added by Laws 1959, p. 96, § 4. Amended by Laws 1968, c. 198, § 1, emerg. eff. April 19, 1968; Laws 1979, c. 221, § 9, emerg. eff. May 30, 1979; Laws 1993, c. 239, § 7, eff. July 1, 1993.

§19-180.62. Basic salaries.

A. The basic salaries of county officers upon which all salaries and future increases or decreases thereof shall not be less than Nineteen Thousand Dollars ($19,000.00) per annum nor shall they exceed Forty-nine Thousand Five Hundred Dollars ($49,500.00) per annum, provided the basic salary for the sheriff, which shall be no less than other salaries for county officers controlled by this section, shall not be less than Forty-four Thousand Dollars ($44,000.00) per annum nor shall it exceed Seventy-four Thousand Five Hundred Dollars ($74,500.00) per annum.

B. The board of county commissioners, or if the county has elected to come under the County Budget Act, the budget board members of the county, shall set the salaries for all elected county officials within the limits allowed by law.

C. The annual salaries fixed by this act shall be paid either monthly or twice a month, by order of the board of county commissioners, for each month or fraction thereof the incumbent lawfully occupies and holds title to such office.

Added by Laws 1959, p. 96, § 5. Amended by Laws 1968, c. 412, § 19, eff. Jan. 13, 1969; Laws 1969, c. 14, § 1, eff. Feb. 10, 1969; Laws 1974, c. 72, § 1, emerg. eff. April 19, 1974; Laws 1978, c. 234, § 1, eff. Jan. 8, 1979; Laws 1981, c. 257, § 1, eff. July 1, 1981; Laws 1982, c. 191, § 1, operative July 1, 1983; Laws 1989, c. 56, § 2, operative July 1, 1989; Laws 1993, c. 109, § 1, eff. July 1, 1993; Laws 1993, c. 239, § 8, eff. July 1, 1993; Laws 1998, c. 195, § 1, eff. Nov. 1, 1998; Laws 2000, c. 133, § 1, eff. Nov. 1, 2000; Laws 2019, c. 27, § 1, eff. Nov. 1, 2019; Laws 2021, c. 65, § 3, eff. Nov. 1, 2021; Laws 2024, c. 394, § 3, eff. July 1, 2024.

§19-180.63. Increase to basic salary.

In every county in this state, the salary of all county officers named in paragraph 1 of Section 180.61 of this title shall be increased from the applicable basic salary named in Section 180.62 of this title, for gross assessed valuation or serviceability, according to the following scale:

A. To the basic salary:

1. Add the product of One Hundred Dollars ($100.00) times each One Million Dollars ($1,000,000.00) gross assessed valuation, or major fraction thereof, until a gross assessed valuation of Seventy-five Million Dollars ($75,000,000.00) is reached;

2. Thereafter add the product of One Hundred Dollars ($100.00) times each additional Five Million Dollars ($5,000,000.00) gross assessed valuation, or major fraction thereof, until a gross assessed valuation of Five Hundred Million Dollars ($500,000,000.00) is reached;

3. Thereafter add the product of One Hundred Twenty-five Dollars ($125.00) times each additional Seven Million Dollars ($7,000,000.00) gross assessed valuation, or major fraction thereof, until a gross assessed valuation of Two Billion Dollars ($2,000,000,000.00) is reached; and

4. Thereafter as to all additional gross assessed valuation add the product of One Hundred Twenty-five Dollars ($125.00) times each additional Twenty Million Dollars ($20,000,000.00) gross assessed valuation, or major fraction thereof.

B. Also, the salary of each county officer shall be additionally increased from the basic salary named in Section 180.62 of this title, and the additions thereto heretofore provided in this section, for population or service load according to the following scale:

1. The product of Twelve Dollars and fifty cents ($12.50) times each one thousand (1,000) population, or major fraction thereof, until a population of seventy-five thousand (75,000) is reached; thereafter;

2. The product of Twelve Dollars and fifty cents ($12.50) times each additional five thousand (5,000) population, or major fraction thereof, until a population of one hundred fifty thousand (150,000) is reached; thereafter add; and

3. The product of Twelve Dollars and fifty cents ($12.50) times each additional ten thousand (10,000) population, or major fraction thereof.

C. This section shall not reduce the present salary of any county officer in Oklahoma during their present term of office. Added by Laws 1959, p. 97, § 6. Amended by Laws 1961, p. 212, § 1, emerg. eff. April 10, 1961; Laws 1963, c. 66, § 1, emerg. eff. May 14, 1963; Laws 1967, c. 352, § 1, emerg. eff. May 18, 1967; Laws

1968, c. 138, § 9; Laws 1968, c. 412, § 16; Laws 1969, c. 14, § 1, emerg. eff. Feb. 10, 1969; Laws 1972, c. 115, § 1, emerg. eff. March 31, 1972; Laws 1974, c. 72, § 2, emerg. eff. April 19, 1974; Laws 1977, c. 239, § 1, eff. July 1, 1977; Laws 1978, c. 234, § 2, eff. Jan. 8, 1979; Laws 1981, c. 257, § 2, eff. July 1, 1981; Laws 1982, c. 191, § 2, operative July 1, 1983; Laws 1985, c. 293, § 2, emerg. eff. July 23, 1985; Laws 1989, c. 324, § 1, eff. July 1, 1989; Laws 1993, c. 239, § 9, eff. July 1, 1993; Laws 2010, c. 362, § 1, eff. Nov. 1, 2010; Laws 2011, c. 9, § 1; Laws 2021, c. 65, § 4, eff. Nov. 1, 2021.

§19-180.63a. Repealed by Laws 1969, c. 14, § 1, eff. Feb. 10, 1969.

§19-180.63b. Repealed by Laws 1969, c. 14, § 1, eff. Feb. 10, 1969.

§19-180.63d. Withholding of salary increase.

The salary increase authorized by this measure shall be withheld in those counties in which the composite ad valorem assessment ratio for the county is less than nine percent (9%) of the property value as certified by the Board of Equalization at any time during the calendar year 1979, or any year thereafter.

Added by Laws 1978, c. 234, § 3, eff. Jan. 8, 1979.

§19-180.63e. Certain increases or decreases in salaries of county officers prohibited.

County officers shall not receive any salary increase or decrease during their term of office unless by operation of law enacted prior to their election or appointment.

Added by Laws 1985, c. 293, § 3, emerg. eff. July 23, 1985. Amended by Laws 1987, c. 209, § 3, eff. July 1, 1987.

§19-180.64. Repealed by Laws 1968, c. 412, § 20, eff. May 17, 1968.

§19-180.64A. Repealed by Laws 2021, c. 65, § 6, eff. Nov. 1, 2021.

§19-180.64B. Appropriations and payments.

The above salaries shall be paid from annual appropriations made from the general fund of the county for such purpose, and it is hereby made the mandatory duty of the county commissioners and the excise board that such funds be appropriated and paid.

Added by Laws 1965, c. 451, § 2, eff. July 1, 1965.

§19-180.64C. Restrictions.

The provisions of Section 1 shall be subject to the restrictions set forth in 19 O.S. 1961, Section 180.67(b).

Added by Laws 1965, c. 451, § 3, eff. July 1, 1965.

§19-180.64D. Repealed by Laws 1976, c. 208, § 11, operative July 1, 1976.

§19-180.64E. Repealed by Laws 1976, c. 208, § 11, operative July 1, 1976.

§19-180.64F. Definition of "a major fraction thereof".

As used in Sections 180.63 and 180.64A of Title 19 of the Oklahoma Statutes, "a major fraction thereof" means any amount greater than one-half (1/2).

Added by Laws 1978, c. 234, § 5, eff. Jan. 8, 1979.

§19-180.65. Deputies and other help.

A. The officers named in paragraph 1 of Section 180.61 of this title shall have such number of regular or technical deputies, assistants, investigators, evidence persons, aides, stenographers or reporters, technicians, undersheriffs, jailers, matrons, handwriting and fingerprint experts, probation officers, juvenile officers, bailiffs or other help, whatever title the principal officer may ascribe to the duties or functions to be performed as authorized by law and clearly related to the proper accomplishment of lawful functions, whether on whole or part-time basis, at such rates of salary or pay, subject to the provisions of this section as hereinafter set forth, as the principal officer may propose and establish the need of and which the county excise board may approve, for the adequate accomplishment of the functions of the office and the performance of the duties imposed thereon by law, with due weight being given to employment on whole or part-time basis. However, no such employments shall exceed the amount of lawful funds appropriated for such purpose, provided however, nothing in this section shall be interpreted to prohibit additional salary payments or stipends paid from the Sheriff's Service Fee Account.

B. Each principal officer named in paragraph 1 of Section 180.61 of this title, except judges, shall designate of record in the office of the county clerk a first or chief deputy, undersheriff or assistant who shall be chargeable with all the duties of such principal officer, while subject to the direction of the same. The first or chief deputy, undersheriff or assistant shall carry on the duties of the office during the absence of the principal officer or, in the event of the death, removal or resignation of said principal officer, until a successor shall have qualified. During periods of vacancy of the principal office, resulting from the death, removal or resignation of the principal officer, the chief deputy, undersheriff or assistant shall be bonded in the same manner and in the same sum as required for the principal officer.

C. No deputy, as defined in paragraph 2 of Section 161 of this title, shall receive a salary in excess of the principal officer.

Any employee employed to perform duties that are not in assistance to a county officer in the performance of the official duties of the county officer including, but not limited to, specialized or technical duties, may receive a salary in excess of a county officer. The salaries set forth in this subsection within the limitations shall be such amounts as the principal officer may propose and establish the need for and which the county excise board may approve within salary and staffing requirements as may be prescribed by law. The numerical rank of any deputy or assistant to be effective must be by designation of the principal officer by the signature of the principal officer and filed with the county clerk. The numerical rank of any deputy or assistant shall be within the sole discretion of the principal officer.

D. The board of county commissioners shall continue to have the authority to recommend the total amount of funds that can be used for the combined salaries in each of the county offices covered by this title. However, the approval of the funding for such offices shall continue to be the responsibility of the county excise board. County officers shall have no authority to make salary commitments beyond the amount of the funding so provided.

E. The county excise board shall meet with each of the principal officers of the county in budget planning conference or conferences, before July 1 of each year, to discuss personnel needs for each office for the succeeding fiscal year. The excise board shall provide the principal officers a tentative estimate of anticipated revenues for the next fiscal year prior to the budget planning conferences.

Added by Laws 1959, p. 98, § 8. Amended by Laws 1961, p. 214, § 1; Laws 1961, p. 215, § 1, emerg. eff. July 31, 1961; Laws 1976, c. 292, § 2, emerg. eff. June 17, 1976; Laws 1977, c. 7, § 1, emerg. eff. Feb. 25, 1977; Laws 1979, c. 26, § 1, emerg. eff. April 3, 1979; Laws 1981, c. 72, § 3; Laws 1993, c. 239, § 11, eff. July 1, 1993; Laws 1997, c. 283, § 2, emerg. eff. May 27, 1997; Laws 1998, c. 195, § 3, eff. Nov. 1, 1998; Laws 2005, c. 117, § 1, eff. July 1, 2005; Laws 2012, c. 123, § 1, eff. Nov 1, 2012; Laws 2021, c. 464, § 1, eff. Nov. 1, 2021; Laws 2024, c. 394, § 5, eff. July 1, 2024.

§19-180.66. Repealed by Laws 1969, c. 14, § 1, eff. Feb. 10, 1969.

§19-180.67. Act to be comprehensive salary code.

A. Except as otherwise provided in subsection B of this section, it is hereby declared to be the intent of the Legislature that this act shall be the comprehensive salary code for all counties of the state and no county officer in paragraph 1 of Section 180.61 of this title, or their assistants, deputies, or other employees by whatever title designated, shall receive any

salary or wages except as provided in Section 180.58 et seq. of this title.

B. Counties may opt to utilize the appropriate State of Oklahoma pay structure in lieu of or in addition to the salary code referenced in subsection A of this section.

Added by Laws 1959, p. 99, § 10. Amended by Laws 1993, c. 239, § 12, eff. July 1, 1993; Laws 1998, c. 195, § 4, eff. Nov. 1, 1998; Laws 2021, c. 464, § 2, eff. Nov. 1, 2021.

§19-180.68. Date changes in salaries and rates of pay to take effect.

The date on which changes in the salaries and rates of pay for county officers and their deputies, aides and assistants under this act due to changes in population, gross assessed valuation or both population and gross assessed valuation in any county shall take effect, shall be as of, on or after the first day of July based upon the population as shown by the latest Federal Decennial Census for the State of Oklahoma, and the total gross assessed valuations of tangible taxable properties for such fiscal year as shown by the official certificate which the county assessor files with the county excise board for the purpose of computing appropriations and levies for such current fiscal year.

Added by Laws 1959, p. 100, § 11. Amended by Laws 1994, c. 6, § 1, eff. Sept. 1, 1994; Laws 2019, c. 27, § 2, eff. Nov. 1, 2019; Laws 2021, c. 65, § 5, eff. Nov. 1, 2021.

§19-180.69. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-180.70. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-180.71. Repealed by Laws 2021, c. 65, § 6, eff. Nov. 1, 2021.

§19-180.72. Repealed by Laws 2021, c. 65, § 6, eff. Nov. 1, 2021.

§19-180.73. Repealed by Laws 2021, c. 65, § 6, eff. Nov. 1, 2021.

§19-180.74. Repealed by Laws 2021, c. 65, § 6, eff. Nov. 1, 2021.

§19-180.75. Repealed by Laws 2021, c. 65, § 6, eff. Nov. 1, 2021.

§19-180.76. Repealed by Laws 2021, c. 65, § 6, eff. Nov. 1, 2021.

§19-180.77. Repealed by Laws 2021, c. 65, § 6, eff. Nov. 1, 2021.

§19-180.78. Repealed by Laws 2021, c. 65, § 6, eff. Nov. 1, 2021.

§19-180.79. Repealed by Laws 2021, c. 65, § 6, eff. Nov. 1, 2021.

§19-180.80. Repealed by Laws 2021, c. 65, § 6, eff. Nov. 1, 2021.

§19-180.81. Repealed by Laws 2021, c. 65, § 6, eff. Nov. 1, 2021.

§19-180.82. Repealed by Laws 2021, c. 65, § 6, eff. Nov. 1, 2021.

§19-180.83. Repealed by Laws 2021, c. 65, § 6, eff. Nov. 1, 2021.

§19-180.84. Longevity pay program.

The board of county commissioners of each of the counties in this state may be authorized to establish a longevity pay program for employees of the county. The longevity pay program may be consistent with the longevity pay program for state employees authorized pursuant to Section 840-2.18 of Title 74 of the Oklahoma Statutes. The longevity pay program shall not include any elected county officers.
Added by Laws 2004, c. 99, § 1, eff. Nov. 1, 2004.

§19-180.87. Direct deposit payment system.

The board of county commissioners in each of the counties of the state may establish a direct deposit payment system to pay county employees instead of physical checks or cash.
Added by Laws 2022, c. 21, § 1, eff. Nov. 1, 2022.

§19-180.90. National disaster leave.

A. The board of county commissioners may grant leave with pay not to exceed fifteen (15) working days to a county employee who is affected by a presidentially declared national disaster in Oklahoma after May 1, 1999, if:

1. The employee suffered a physical injury as a result of the disaster;

2. A relative or household member of the employee suffered a physical injury or died as a result of the disaster; or

3. The domicile of the employee or the domicile of a relative of the employee was damaged or destroyed as a result of the disaster.

B. As used in this section:

1. "Relative of the employee" shall be limited to the spouse, child, stepchild, grandchild, grandparent, stepparent, or parent of the employee; and

2. "Household members" means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term

does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

C. The authority to grant leave with pay pursuant to subsection A of this section shall extend for a period of not more than six (6) months after the date of a presidentially declared national disaster.

D. Annual leave, sick leave, or compensatory time which was charged to a county employee as a result of the presidentially declared national disaster resulting from the May 3, 1999, tornadoes that would have otherwise been eligible for the leave provision in subsection A of this section, may be reinstated by the board of county commissioners. A county employee entitled to leave with pay pursuant to this section who was charged leave without pay shall be compensated at the base rate of pay of the employee.

E. The board of county commissioners may amend an existing leave sharing program or establish a leave sharing program to allow county employees to share sick or annual leave with county employees who are eligible for leave pursuant to subsection A of this section. The disaster-related leave sharing plan shall be subject to the following conditions:

1. An employee eligible for disaster-related leave may receive up to fifteen (15) days donated leave;

2. The donated leave must be used for disaster-related injuries or matters;

3. The eligible employee shall not be required to take or exhaust any of the employee's regular sick, personal, or emergency leave in order to receive donated leave;

4. Donated leave may be used to reinstate regular emergency, sick, or personal leave an employee used after May 1, 1999, for disaster-related injuries or matters;

5. An eligible employee who was required to take leave without pay for disaster-related injuries or matters may be compensated for up to fifteen (15) days if leave is donated to cover the leave without pay; and

6. The county may require documentation to support a request to use donated leave pursuant to this section.

Added by Laws 1999, c. 306, § 5, eff. July 1, 1999.

§19-181. Repealed by Laws 1965, c. 256, § 22.

§19-182. Repealed by Laws 1965, c. 256, § 22.

§19-183. Repealed by Laws 1965, c. 256, § 22.

§19-184. Repealed by Laws 1941, p. 59, § 5.

§19-185. Repealed by Laws 1965, c. 256, § 22.

§19-185a. Repealed by Laws 1959, p. 101, § 2.

§19-185b. Repealed by Laws 1965, c. 256, § 22.

§19-186. Repealed by Laws 1965, c. 256, § 22.

§19-187. Repealed by Laws 1965, c. 256, § 22.

§19-188. Repealed by Laws 1965, c. 256, § 22.

§19-189. Repealed by Laws 1965, c. 256, § 22.

§19-190. Repealed by Laws 1965, c. 256, § 22.

§19-191. Repealed by Laws 1965, c. 256, § 22.

§19-201. Repealed by Laws 1943, p. 78, § 43.

§19-202. Repealed by Laws 1965, c. 256, § 22.

§19-203. Repealed by Laws 1965, c. 256, § 22.

§19-204. Repealed by Laws 1965, c. 256, § 22.

§19-205. Repealed by Laws 1965, c. 256, § 22.

§19-206. Repealed by Laws 1965, c. 256, § 22.

§19-207. Repealed by Laws 1965, c. 256, § 22.

§19-211. Suits brought by Commissioners of Land Office.

It shall be the duty of each district attorney in the State of Oklahoma, under the direction of the Commissioners of the Land Office, when requested by such Commission, to represent the state in all actions and proceedings now or hereafter brought or authorized or directed to be brought in his county by the Commissioners of the Land Office.

Added by Laws 1931, p. 83, § 1.

§19-212. Land Office suits - Duties - Instructions of Commissioners.

The district attorney in performing the duties required of him by Section 1, of this act, shall follow the instructions of the Commissioners of the Land Office and shall furnish said Commission with copies of all process issued in such action and proceedings, and the return of service thereof. He shall also furnish reports to

said Commissioners, covering the different steps taken in such actions and proceedings and keep them advised as to the status thereof.
Added by Laws 1931, p. 84, § 2.

§19-213. Land Office suits - Failure of district attorney.
The neglect or failure on the part of a district attorney to diligently and faithfully perform the duties required of him by this act, will be grounds for removal from office in an action brought by the Attorney General by direction of the Governor upon resolution of the Commissioners of the Land Office, unless said district attorney was disqualified from appearing in said matter or matters.
Added by Laws 1931, p. 84, § 3.

§19-215.1. Office created - Method of filling - Number.
There is hereby created the office of district attorney in the State of Oklahoma, which office shall be filled and in the same manner as now prevails for district judge. Filing for said office shall be accomplished by filing with the State Election Board. There shall be one district attorney for each of the district court judicial districts as they are composed and exist on March 1, 1965, with the following exceptions. Provided, however, that that part of Judicial District No. (14) which is Pawnee County shall be consolidated with Osage County to form District Attorney's District No. (10) and Judicial District No. (25) shall be consolidated with Judicial District No. (19) for the purposes of this act; and, provided further, that District Court Judicial District No. (5) be divided into two district attorney districts, one composed of Caddo, Grady, Stephens and Jefferson Counties to be denominated District Attorney's District No. (6) and the other composed of Comanche and Cotton Counties, to be denominated District Attorney's District No. (5); and, that District Court Judicial District No. (4) shall be composed of Canadian, Kingfisher, Blaine, Garfield and Grant Counties to be denominated District Attorney's District No. (4) and the other composed of Alfalfa, Major, Dewey, Woodward and Woods Counties, to be denominated District Attorney's District No. (26); that District Court Judicial District No. (15) be divided into two district attorneys' districts, one composed of Muskogee County to be denominated District Attorney's District No. (15) and the other composed of Wagoner, Cherokee, Sequoyah and Adair Counties to be denominated District Attorney's District No. (27); that Creek and Okfuskee Counties shall be denominated as District Attorney's District No. (24); Okmulgee and McIntosh Counties shall be denominated as District Attorney's District No. (25); and Pittsburg and Haskell Counties shall be denominated as District Attorney's District No. (18); and Latimer and LeFlore Counties shall be denominated as District Attorney's District No. (16); and District

Attorney's District No. (7) shall consist of Oklahoma County; and, effective January 6, 2003, Kiowa, Jackson, Tillman, Harmon and Greer Counties shall be denominated as District Attorney's District No. (3); and, effective January 6, 2003, Washita, Ellis, Roger Mills, Custer and Beckham Counties shall be denominated as District Attorney's District No. (2). The State Election Board shall conduct the elections in 2002 for District No. (2) and District No. (3) in accordance with the provisions of this section.
Added by Laws 1965, c. 256, § 1. Amended by Laws 2001, c. 87, § 1, eff. Nov. 1, 2001.

§19-215.2. District Attorney - Qualifications.

Any person, otherwise qualified, who has been a resident of the state for two (2) years, a registered voter in the district and a resident residing within such district for at least six (6) months immediately preceding the filing period, a duly licensed attorney for at least five (5) years, and at least twenty-eight (28) years of age, prior to the date of filing for the office, shall be eligible to hold the office of district attorney. The district attorney shall reside in the district from which the district attorney was elected during the term of office.
Added by Laws 1965, c. 256, § 2. Amended by Laws 1967, c. 265, § 1, emerg. eff. May 8, 1967; Laws 1970, c. 320, § 1, emerg. eff. April 27, 1970; Laws 1974, c. 229, § 1, emerg. eff. May 15, 1974; Laws 1987, c. 224, § 2, eff. Nov. 1, 1987; Laws 1989, c. 348, § 4, eff. Nov. 1, 1989; Laws 2011, c. 72, § 1, eff. Nov. 1, 2011.

§19-215.3. Bond.

Before entering upon the duties of their office, the district attorneys, the assistant district attorneys, and the district investigators shall each execute a bond payable to the State of Oklahoma with some surety company authorized to do business in this state, as surety, conditioned upon the faithful performance of their duties as such officers, and that they will pay over, in the manner provided by law, all money which comes into their hands by virtue of their office. The bond executed by a district attorney shall be in the sum of Five Thousand Dollars ($5,000.00), and the bonds executed by an assistant district attorney or a district investigator shall each be in the sum of Two Thousand Dollars ($2,000.00). The premium on said bonds shall be paid by the state. The provisions of this section shall not apply to special assistant district attorneys appointed pursuant to subsection C of Section 215.37M of this title.
Added by Laws 1965, c. 256, § 3. Amended by Laws 1967, c. 265, § 2, emerg. eff. May 8, 1967; Laws 1996, c. 24, § 1, emerg. eff. April 3, 1996.

§19-215.4. Duties.

The district attorney, assistant district attorneys, or special assistant district attorneys authorized by subsection C of Section 215.37M of this title, shall appear in all trial courts and prosecute all actions for crime committed in the district, whether the venue is changed or not; the district attorney or assistant district attorneys shall prosecute or defend in all courts, state and federal, in any county in this state, all civil actions or proceedings in which any county in the district is interested, or a party unless representation for the county is provided pursuant to subsection A of Section 215.37M of this title; and the district attorney or assistant district attorneys shall assist the grand jury, if required, pursuant to Section 215.13 of this title. The district attorney may at all times request the assistance of district attorneys, assistant district attorneys, district attorney investigators from other districts, or any attorney employed by the District Attorneys Council who then may appear and assist in the prosecution of actions for crime or assist in investigation of crime in like manner as assistants or investigators in the district.
Added by Laws 1965, c. 256, § 4. Amended by Laws 1967, c. 265, § 3, emerg. eff. May 8, 1967; Laws 1988, c. 109, § 2, eff. Nov. 1, 1988; Laws 1989, c. 179, § 1, eff. Nov. 1, 1989; Laws 1992, c. 316, § 59, eff. July 1, 1992; Laws 1992, c. 327, § 9, eff. July 1, 1992; Laws 1996, c. 24, § 2, emerg. eff. April 3, 1996; Laws 2008, c. 334, § 1, eff. Nov. 1, 2008.

§19-215.5. Advice to county officers.

The district attorney or his assistants shall give opinion and advice to the board of county commissioners and other civil officers of his counties when requested by such officers and boards, upon all matters in which any of the counties of his district are interested, or relating to the duties of such boards or officers in which the state or counties may have an interest.
Added by Laws 1965, c. 256, § 5.

§19-215.6. Repealed by Laws 1971, c. 345, § 6, emerg. eff. June 25, 1971.

§19-215.7. Private practice.

The district attorney shall not engage in the private practice of law but he is authorized to complete all civil cases, not in conflict with the interest of any of the counties of his district, in which he is counsel, pending in court before he takes office.
Added by Laws 1965, c. 256, § 7.

§19-215.8. Candidate for other office.

The district attorney shall be ineligible to be a candidate for any office which has a term any portion of which is the same as the term for which he was elected.
Added by Laws 1965, c. 256, § 8. Amended by Laws 1974, c. 153, § 17-107, operative Jan. 1, 1975.

§19-215.9. First assistant - Temporary appointments - Vacancies.
The district attorney shall designate one of the assistants in his district to be his first assistant district attorney and file such designation with the Secretary of State. Should the district attorney be absent, unable to attend to his duties, or disqualified to act, the first assistant district attorney may perform the duties required by law to be performed by the district attorney. In the event that the district attorney and all of his assistants are for any reason disqualified to act in a particular matter, the Attorney General of Oklahoma shall appoint a district attorney or assistant district attorney from another district to act in such matter. Whenever the office of district attorney shall be vacated by reason of resignation or death of the district attorney, the Governor of the State of Oklahoma shall appoint a qualified person to serve the balance of the unexpired term of said office.
Added by Laws 1965, c. 256, § 9. Amended by Laws 1967, c. 265, § 5, emerg. eff. May 8, 1967; Laws 1987, c. 224, § 3, eff. Nov. 1, 1987.

§19-215.10. Receipts for monies received.
It shall be the duty of the district attorney, whenever he shall receive any monies for fines, recognizances, penalties or costs, to deliver to the officer or person paying the same, duplicate receipts, one of which shall be filed by such officer or person in the office of the county treasurer of the county for which said business was transacted.
Added by Laws 1965, c. 256, § 10.

§19-215.11. Payments to county treasurer.
Every district attorney shall pay over to the county treasurer of the county in which same is receivable all money the district attorney may receive as such district attorney within ten (10) days after receiving said money.
Added by Laws 1965, c. 256, § 11. Amended by Laws 2010, c. 226, § 3, eff. Nov. 1, 2010.

§19-215.12. Failure to account or pay over.
If the district attorney shall refuse or neglect to account for or pay over the monies received by him as required by the foregoing section, he shall be liable to a fine of not less than Fifty Dollars ($50.00), nor more than Two Hundred Dollars ($200.00); and it shall be the duty of the county treasurer, in his official name and

capacity, to cause an action to be instituted upon the bond of such district attorney for the recovery of the monies so received and unpaid by him.
Added by Laws 1965, c. 256, § 12.

§19-215.13. Grand jury.

Whenever required by the grand jury, it shall be the duty of the district attorney of the district or his assistant or assistants, to attend them for the purpose of examining witnesses in their presence or of giving them advice in any legal matter, and to issue subpoenas and other process to enforce the attendance of witnesses, and to draw up bills or indictments when found by such grand jury. The district attorney is authorized to issue subpoenas upon his own motion during the grand jury for the purpose of examining witnesses in the presence of the grand jury and the district attorney is further authorized to issue subpoenas upon his own motion for the purpose of examining witnesses before a grand jury that is to be called within ninety days from the issuance of said subpoenas. If, for any reason, the district attorney and all of his assistants are disqualified to act in a particular matter being investigated by the grand jury, the Attorney General of Oklahoma shall appoint one or more Assistant Attorney(s) General or a district attorney or assistant district attorney from another district to act in such matter, as provided in Section 215.9 of this title.
Added by Laws 1965, c. 256, § 13. Amended by Laws 1989, c. 179, § 2, eff. Nov. 1, 1989.

§19-215.14. Repealed by Laws 1982, c. 340, § 24, eff. Jan. 1, 1983.

§19-215.15. Repealed by Laws 1982, c. 340, § 24, eff. Jan. 1, 1983.

§19-215.15a. Renumbered as § 215.33 of this title by Laws 1982, c. 340, § 25, emerg. eff. June 2, 1982.

§19-215.16. Powers and duties of district attorney.

The district attorney shall exercise and perform all the powers, duties and functions provided by law for the county attorney of each county, and shall appoint all of his assistants. Wherever in the Statutes of Oklahoma, in existence at the effective date of this act, reference is made to the county attorney, the district attorney, acting personally or by his duly appointed assistant, shall perform all the powers, functions and duties and be subject to removal from office and to all the obligations and liabilities and shall stand in the stead of the county attorney under such statutes.
Added by Laws 1965, c. 256, § 16.

§19-215.17. Repealed by Laws 1982, c. 340, § 24, eff. Jan. 1, 1983.

§19-215.18. Repealed by Laws 1982, c. 340, § 24, eff. Jan. 1, 1983.

§19-215.19. Office of county attorney abolished.

The office of the county attorney in and for each county in Oklahoma is hereby abolished, to become effective when the district attorney, as provided for in this act, shall be elected and qualified.

Added by Laws 1965, c. 256, § 19.

§19-215.20. Election of district attorney - Tenure.

At the primaries and general elections held in 1966, and each four (4) years thereafter, there shall be nominated and elected in each and every district attorney's district in the State of Oklahoma, a district attorney, who shall hold office for a term of four (4) years, beginning on the first Monday of January following his election, and until his successor is elected and qualified.

Added by Laws 1965, c. 256, § 20.

§19-215.21. Repealed by Laws 1974, c. 232, § 5, emerg. eff. May 16, 1974.

§19-215.22. Destruction of certain records - Reproduction of records.

A. The district attorney is hereby authorized to destroy all or a portion of his or her office records and files relating to:

1. Any felony case or record relating to a felony investigation except where a homicide is involved, provided a period of ten (10) years shall have elapsed since the last action in said case, or where the district attorney has digitized or provided computer storage for such felony cases;

2. Any misdemeanor case, traffic case, wildlife case or record relating to a misdemeanor, traffic or wildlife investigation, provided a period of five (5) years shall have elapsed since the last action in said case, or where the district attorney has digitized or provided computer storage for such misdemeanor, traffic or wildlife cases to be destroyed;

3. Any juvenile case, provided a period of ten (10) years shall have elapsed since the last action in said case, or where the district attorney has digitized or provided computer storage for such juvenile case to be destroyed; and

4. Any civil case, provided a period of ten (10) years shall have elapsed since the last action in said case, or where the district attorney has digitized or provided computer storage for such civil case to be destroyed.

B. The district attorney is authorized to reproduce a copy of such record, file or case stored digitally or in computer storage as

provided in this section and such copy or computer-generated image or record may be used by the district attorney in lieu of the destroyed record, file or case, for all purposes.
Added by Laws 1970, c. 264, § 1, eff. Jan. 1, 1971. Amended by Laws 1985, c. 293, § 1, emerg. eff. July 23, 1985; Laws 1988, c. 109, § 3, eff. Nov. 1, 1988; Laws 2013, c. 305, § 1, eff. Nov. 1, 2013; Laws 2017, c. 22, § 4, eff. Nov. 1, 2017; Laws 2021, c. 256, § 1, eff. Nov. 1, 2021.

§19-215.23. District attorney's payroll clerk - Assistant - Duties - Qualifications of assistant district attorneys - Tenure.

There are hereby created the positions of district attorneys' payroll clerk and assistant payroll clerk whose duties shall be to prepare and process payroll and other claims and do all other necessary acts connected with receiving funds from counties and disbursing such funds, together with any funds appropriated from state funds to the district attorneys for payroll, travel and other expenses. Such payroll clerk and assistant payroll clerk shall work under the supervision of the District Attorneys Council which shall fix compensation for these positions. The compensations paid for these positions shall be made from state funds appropriated to the District Attorney System.
Added by Laws 1970, c. 275, § 2, emerg. eff. April 22, 1970. Amended by Laws 1974, c. 232, § 3, emerg. eff. May 16, 1974; Laws 1977, c. 40, § 2, eff. July 1, 1977; Laws 1988, c. 109, § 4, eff. Nov. 1, 1988.

§19-215.24. Repealed by Laws 1982, c. 340, § 24, eff. Jan. 1, 1983.

§19-215.25. County officer or employee - Legal defense services.

A. Except as otherwise provided in this section, in the event an action is brought against a county employee in any civil action or special proceeding in the courts of this state or of the United States by reason of any act done or omitted in good faith in the course of employment, it is the duty of the district attorney for that county, when requested in writing by the employee, to appear and defend the action or proceeding in his behalf. Such written request shall be made within fifteen (15) days after service of summons on the employee and a copy of the request shall be transmitted by the employee to his immediate supervisor and the district attorney.

B. The district attorney shall not represent a county employee if that employee did not perform a statutorily required duty and such duty is a basis of the civil action or special proceeding.

C. The district attorney may intervene in any such action or proceeding and appear on behalf of any county within his district,

or any of its officers or employees, where he deems the state to have an interest in the subject matter of the litigation.

D. The district attorney shall determine the method of preparation and presentation of such defense. The district attorney or other legal officer under his direction shall not be held civilly liable for the exercise of such discretion.

E. The employee named in the action may employ private counsel at his own expense to assist in his defense.

F. Any officer or employee who acts outside of the scope of his official authority shall be liable in damages in the same manner as any private citizen.

G. The district attorney's duty to represent county officers and employees pursuant to this section shall be fulfilled if a contract for such representation is entered into pursuant to subsection B of Section 215.37M of this title.

H. In any proceeding in which a county officer brings an action against another county officer, the district attorney shall not represent either county officer in the action.

Added by Laws 1976, c. 208, § 4, operative July 1, 1976. Amended by Laws 1992, c. 316, § 60, eff. July 1, 1992; Laws 1992, c. 327, § 10, eff. July 1, 1992; Laws 2003, c. 474, § 1, eff. Nov. 1, 2003.

§19-215.26. Defense duties - Evidence.

A. Before any such defense is undertaken, an inquiry shall be made by the district attorney of the facts on which the action or special proceedings are based. Unless the district attorney determines that the employee was acting in good faith and in the course of his employment, representation shall not be provided pursuant to this act.

B. It shall be the duty of any county law enforcement agency to provide investigators at the request of the district attorney to assist him in carrying out the provisions of this act.

C. No findings or reports of the district attorney or persons making inquiry under his direction pursuant to the provisions of this section shall be admissible as evidence in any such action or special proceedings and no reference thereto shall be made in any such trial or hearing.

Added by Laws 1976, c. 208, § 5, operative July 1, 1976.

§19-215.27. Repealed by Laws 1982, c. 340, § 24, eff. Jan. 1, 1983.

§19-215.28. District Attorneys Council.

A. There is hereby created the District Attorneys Council which shall be organized and administered as herein provided. Any reference in the Oklahoma Statutes to the District Attorneys Training Coordination Council shall mean the District Attorneys Council.

B. The chief executive officer of the office of the Council is the Executive Coordinator who shall be appointed and supervised by the Council. The Executive Coordinator shall serve at the pleasure of the Council. The Executive Coordinator shall be licensed to practice law in Oklahoma and shall have been a district attorney or assistant district attorney or have held an equivalent position in state or federal government for at least three (3) years prior to appointment. The Executive Coordinator may appoint an Assistant Coordinator, both of whom shall be in the unclassified service of the state. The Executive Coordinator and the Assistant Coordinator, who shall also be licensed to practice law in Oklahoma, shall devote full time to their duties and shall not engage in the private practice of law. The Executive Coordinator shall perform the functions and duties as may be assigned by the Council. The Executive Coordinator shall be named the project director and fiscal officer of any grant or fund received by the Council. The Executive Coordinator and the Assistant Coordinator shall receive compensation for their services within the pay scale limits for district attorneys.

C. 1. The Council shall be composed of the following members:

a. the Attorney General, or a designated representative of the Attorney General,

b. the President of the Oklahoma District Attorneys Association,

c. the President-elect of the Oklahoma District Attorneys Association,

d. one district attorney selected by the Court of Criminal Appeals for a three-year term, and

e. one district attorney selected by the Board of Governors of the Oklahoma Bar Association for a three-year term.

2. A member of the Council shall vacate the appointment upon termination of the member's official position as Attorney General or district attorney. A vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member whom the appointed member is to succeed in the same manner as the original appointment. Any member may serve more than one term.

D. The Council shall designate from among its members a Chairman and Vice Chairman who shall serve for one-year terms and who may be reelected. Membership on the Council shall not constitute holding a public office. The Council shall not have the right to exercise any portion of the sovereign power of the state. A member of the Council shall not be disqualified from holding any public office or employment by reason of appointment or membership

on the Council, nor shall the member forfeit the office or employment, by reason of appointment to the Council.

E. The Council shall meet at least four times in each year and shall hold special meetings when called by the Chairman, or, in the absence of the Chairman, by the Vice Chairman or when called by the Chairman upon the written request of two members of the Council. The Council shall establish its own procedures and requirements with respect to quorum, place and conduct of its meetings and other matters.

F. The members of the Council shall not receive a salary for duties performed as members of the Council but shall be entitled to be reimbursed for their travel expenses in accordance with the State Travel Reimbursement Act.

G. The Council shall make an annual report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the President of the Oklahoma District Attorneys Association regarding its efforts to implement the purposes of this section.

H. The Council shall have the power to perform such functions as in its opinion shall strengthen the criminal justice system in Oklahoma, to provide a professional organization for the education, training and coordination of technical efforts of all state prosecutors and to maintain and improve prosecutor efficiency and effectiveness in enforcing the laws of this state including, but not limited to, the following:

1. Organize, supervise and perform functions consistent with this section;

2. Convene regional or statewide conferences and training seminars for the purpose of implementing the provisions of this section;

3. Accept and expend monies, gifts, grants or services from any public or private source; contract or enter into agreements with educational institutions or state or federal agencies; and employ personnel as the Council in its judgment finds necessary to effectively carry out the provisions of this section. Such employees shall be in the unclassified service of the state;

4. Serve in an advisory capacity to the district attorneys of the state;

5. Provide and coordinate training and continuing legal education for district attorneys and their assistants, including participation in nationally recognized prosecutorial seminars conducted in other states. Subject to available funding, curriculum for training required under this paragraph shall include, but not be limited to:

a. dynamics of domestic violence,

b. the impact of domestic violence on victims and their children including victim trauma and the neurobiology of trauma,
c. identifying dominant aggressor,
d. tactics and behavior of batterers,
e. victim protection orders and full faith and credit under the Violence Against Women Act of 1994,
f. rights of victims, and
g. evidence-based practices regarding behavioral health and treatment of those with substance abuse or mental health needs;

6. Gather and disseminate information to district attorneys relative to their official duties, including changes in the law relative to their office;

7. Coordinate with law enforcement officers, the courts and corrections workers providing interdisciplinary seminars to augment the effectiveness of the criminal justice system;

8. Require statistical reports from district attorneys' offices relating to functions and workload performance;

9. Recommend additional legislation necessary to upgrade the Oklahoma District Attorneys System to professional status;

10. Establish an equitable distribution plan for allocation of any funds or gifts received from public or private sources for state prosecution and distribute such funds in accordance with such plan; and

11. Appoint a larger Advisory Council made up of district attorneys and assistant district attorneys to discuss problems and hear recommendations concerning necessary research, minimum standards, educational needs, and other matters imperative to upgrading Oklahoma prosecution to professional status.

I. There is hereby created in the State Treasury a revolving fund for the Council, to be designated the "District Attorneys Council Revolving Fund". The fund shall consist of all monies received by the Council other than appropriated funds. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the Council. Expenditures from this fund shall be made pursuant to the purposes of this act and without legislative appropriation. Warrants for expenditures shall be drawn by the State Treasurer based on claims signed by the authorized employee or employees of the Council and approved for payment by the Director of the Office of Management and Enterprise Services.

J. The Council may accept operation and supervision of the Law Enforcement Assistance Administration grants presently being administered by the Oklahoma District Attorneys Association. Added by Laws 1976, c. 73, § 2, eff. July 1, 1976. Amended by Laws 1977, c. 40, § 4, eff. July 1, 1977. Renumbered from § 3311.1 of

Title 70 by Laws 1977, c. 40, § 5, eff. July 1, 1977. Amended by Laws 1979, c. 47, § 6, emerg. eff. April 9, 1979; Laws 1980, c. 77, § 1, eff. Oct. 1, 1980; Laws 1982, c. 340, § 19, emerg. eff. June 2, 1982; Laws 1985, c. 178, § 13, operative July 1, 1985; Laws 1988, c. 109, § 5, eff. Nov. 1, 1988; Laws 2008, c. 334, § 2, eff. Nov. 1, 2008; Laws 2012, c. 304, § 67; Laws 2017, c. 351, § 2, eff. Nov. 1, 2017.

§19-215.29. District attorney, assistant district attorney, and former district attorney may carry a firearm for personal protection.

A. A district attorney or former district attorney may carry a firearm on his or her person anywhere in the state to use only for personal protection if the person has successfully completed a handgun qualification course for court officials developed by the Council on Law Enforcement Education and Training. The Council on Law Enforcement Education and Training may provide for an identification card to be issued to the district attorney or former district attorney and may provide application forms. If the person issued an identification card is no longer eligible, that person shall immediately return the identification card to the Council on Law Enforcement Education and Training.

B. At the discretion of the district attorney, the district attorney may allow an assistant district attorney to carry a firearm on his or her person anywhere in the state to use only for personal protection if the person has successfully completed a handgun qualification course for court officials developed by the Council on Law Enforcement Education and Training. The Council on Law Enforcement Education and Training may provide for an identification card to be issued to the assistant district attorney and may provide application forms.

If an assistant district attorney ends his or her employment, the assistant district attorney shall immediately return the identification card to the Council on Law Enforcement Education and Training. If the person issued an identification card is no longer eligible, that person shall immediately return the identification card to the Council on Law Enforcement Education and Training. Added by Laws 1982, c. 291, § 1. Amended by Laws 2010, c. 77, § 1, eff. Nov. 1, 2010; Laws 2011, c. 41, § 1, eff. Nov. 1, 2011; Laws 2014, c. 368, § 1, eff. Nov. 1, 2014.

§19-215.30. Salaries and expenses.

A. Beginning January 1, 1997, each district attorney shall receive a salary of Seventy-one Thousand Six Hundred Sixty-three Dollars ($71,663.00) per year, payable monthly. Beginning January 1, 1999, each district attorney shall receive a salary of Eighty-five Thousand Dollars ($85,000.00) per year, payable monthly.

Beginning July 1, 2003, each district attorney shall receive a salary equal to ninety-eight percent (98%) of the salary of a district judge. Any increase in salary in fiscal year 2015 must be paid from existing available funds.

B. All appointees and employees of district attorneys, except special district attorneys appointed pursuant to subsection C of Section 215.37M of this title, shall be deemed to be state officers or employees for all purposes. All special district attorneys appointed pursuant to subsection C of Section 215.37M of this title shall be deemed to be state officers only for purposes of The Governmental Tort Claims Act and Rule 1.11 of the Rules of Professional Conduct for attorneys licensed to practice law in this state.

C. Population, for the purposes of Section 215.1 et seq. of this title, shall be as determined by the last Federal Decennial Census. The salaries of the district attorneys and the salaries of the assistant district attorneys and their operating and maintenance expenses in each county shall be paid by the state. Provided however:

1. In counties having a population of four hundred thousand (400,000) or more, the salary of the district attorney and assistant district attorneys may be supplemented by the county. Such supplement for the district attorney shall not exceed twenty-five percent (25%) of the salary provided for district attorneys by this section. Such supplement for the assistant district attorneys shall not exceed twenty-five percent (25%) of the salary authorized for assistant district attorneys in Section 215.34 of this title.

2. The salaries and operating expenses of those assistant district attorneys who are assigned to child support enforcement duties shall be paid by funds received as reimbursement from the Department of Human Services under terms of a contract with the office of the district attorney as authorized by Section 237.1 of Title 56 of the Oklahoma Statutes.

D. The District Attorneys Council, which may hereinafter be referred to as the "Council", is hereby designated as the state agency for the administration and disbursement of all salaries and expenses of the offices of district attorneys authorized by law. All such payrolls and claims against State Treasury funds must be approved by the Council prior to submission to the Office of Management and Enterprise Services for payment. The Council and the Director of the Office of Management and Enterprise Services shall promulgate reasonable rules and regulations covering the preparation of estimates of needs, budgets and claims for the administration of this act, Section 215.1 et seq. of this title, the transmittal of county funds to the State Treasury and the disbursement of all state and county funds under this act.

Added by Laws 1982, c. 340, § 11, emerg. eff. June 2, 1982. Amended by Laws 1985, c. 306, § 1, emerg. eff. July 24, 1985; Laws 1988, c. 109, § 6, eff. Nov. 1, 1988; Laws 1990, c. 264, § 28, operative July 1, 1990; Laws 1991, c. 58, § 1, emerg. eff. April 10, 1991; Laws 1994, c. 239, § 2; Laws 1996, c. 24, § 3, emerg. eff. April 3, 1996; Laws 1997, c. 384, § 9, eff. Jan. 1, 1999; Laws 2000, c. 261, § 1, eff. Nov. 1, 2000; Laws 2002, c. 389, § 1, emerg. eff. June 4, 2002; Laws 2008, c. 334, § 3, eff. Nov. 1, 2008; Laws 2012, c. 304, § 68; Laws 2014, H.J.R. No. 1096, § 2, eff. July 1, 2014.

§19-215.31. Retirement and pensions - Staff and other personnel salaries - Leave time payments.

A. Officers and employees in counties with a retirement system who are presently enrolled in the county retirement system may remain in such county system in lieu of enrolling in the Oklahoma Public Employees Retirement System. The state shall pay to the county retirement system the employer's contribution, not to exceed the amount which would be paid by the employer, if the employee was a member of the Oklahoma Public Employees Retirement System; however, effective July 1, 1981, all new employees of the district attorney's staff will belong to the Oklahoma Public Employees Retirement System, as required by Section 902(16) of Title 74 of the Oklahoma Statutes. All employees of the office of a district attorney shall serve at the pleasure of the district attorney.

Employees who did not elect to remain in the county retirement system by July 1, 1981, shall be enrolled in the Oklahoma Public Employees Retirement System and said employees must cease participation in said county retirement system. These employees shall further elect to have their county service transferred to the Oklahoma Public Employees Retirement System or withdraw their contributions from the county retirement system. This election to waive transfer of the county service shall be final. For those employees who elected to transfer their county service, the county retirement system shall transfer to the Oklahoma Public Employees Retirement System all funds contributed by the individual members and all funds contributed by the county for such members no later than September 30, 1981, and the county retirement system shall provide the Oklahoma Public Employees Retirement System a certified statement of service accrued on a fiscal year basis. Certification shall include annual salaries, individual contributions and county contributions for each transferred member.

B. Effective January 1, 1983, the entire salaries of all investigators, support staff or other employees of the offices of district attorneys and their operating and maintenance expenses shall be paid by the state; provided however, the salaries and operating expenses of those employees of the office of the district attorney who are assigned child support enforcement duties shall be

paid with funds received as reimbursement from the Department of Human Services under terms of a contract with the office of the district attorney as authorized by Section 237.1 of Title 56 of the Oklahoma Statutes. The term "support staff" shall include all secretaries, clerks, receptionists, paralegals, legal assistants, law clerks, victim-witness coordinators and other office management personnel of the offices of district attorneys.

C. Effective January 1, 1983, the state will assume liability for payment to any officer or employee of the various district attorney offices for any earned and unused leave time accruing from and after January 1, 1983, and the state will also assume liability for payment of leave time to which such officers or employees shall be entitled which accrued prior to January 1, 1983, up to a maximum limit of fifteen (15) days prior leave time credit for each such officer or employee. The various respective counties shall remain liable for and shall pay to any such officer or employee entitled to such leave time payment any amount representing unused leave time credit in excess of the fifteen (15) days assumed by the state, to which such officer or employee shall be entitled, and which accrues or has accrued prior to January 1, 1983. At the written option of each individual officer or employee concerned, the portion of leave time credit accrued as of January 1, 1983, for which the counties are liable for payment, shall either be paid in a lump sum to said officer or employee, or be paid to the State Treasurer to be carried forward to the credit of such officer or employee, to be later paid upon termination of employment with the state, or when it should otherwise be lawfully paid. Whether paid to the State Treasurer to be carried forward, or paid to the individual officer or employee, such payment shall be made by the county. It shall be the duty of the district attorney to prepare and submit to each county concerned in his district an estimate of needs and budget request for appropriation of the amount needed to accomplish such payment, whether same is made to the individual officer or employee, or to the State Treasurer, and the respective county excise board shall approve, appropriate and levy for such budget item in the amount requested. The portion of accrued leave time not exceeding fifteen (15) days which is assumed by the state shall be carried forward, to be used or paid thereafter as provided by law.

D. The entitlement to accrued and unused leave time of each such officer and employee shall be determined as of January 1, 1983, by each district attorney for his own respective officers and employees. On or before January 10, 1983, a certificate of entitlement of such leave time will be furnished by each district attorney to the District Attorneys Council, and also to the county clerk of each county affected thereby, as the former payroll administrator of such employees. Leave records for all such officers and employees shall be continuously maintained thereafter

by said Council, upon information furnished monthly by each district attorney for his own officers and employees. Local records thereof shall be kept upon each individual officer and employee in each district attorney office, the local record to be the primary and controlling record in case of any conflict of information between the Council and office of the district attorney. Such records shall be kept in the same manner as for other state offices, or as the Council may approve and direct.

E. The provisions of this act are based upon the usual allowance of leave time per year for full-time state officers and employees as provided for in Section 803 of Title 74 of the Oklahoma Statutes, as amended, and other related statutory authority governing the offices and positions in the unclassified service. In the case of those officers or employees working less than full time, such provisions and credits shall be apportioned on a pro rata basis according to the percentage time expended by a part-time officer or employee as compared to that expended by a full-time officer or employee.

Added by Laws 1982, c. 340, § 12, emerg. eff. June 2, 1982. Amended by Laws 1988, c. 109, § 7, eff. Nov. 1, 1988.

§19-215.32. Repealed by Laws 1992, c. 316, § 63, eff. July 1, 1992.

§19-215.33. Victim-witness coordinator training.

All victim-witness coordinators appointed to perform the services specified in subsection A of Section 4 of this act shall complete a minimum of twelve (12) hours in-service training annually. The training shall be conducted pursuant to the direction of the District Attorneys Council and the Crime Victims Compensation Board.

Added by Laws 1981, c. 219, § 2. Renumbered from § 215.15a of this title by Laws 1982, c. 340, § 25, emerg. eff. June 2, 1982. Amended by Laws 1987, c. 224, § 5, eff. Nov. 1, 1987; Laws 1988, c. 109, § 8, eff. Nov. 1, 1988; Laws 1991, c. 296, § 25, eff. Sept. 1, 1991; Laws 1992, c. 136, § 1, eff. July 1, 1992; Laws 1993, c. 325, § 1, emerg. eff. June 7, 1993; Laws 1994, c. 2, § 7, emerg. eff. March 2, 1994; Laws 1996, c. 292, § 1, emerg. eff. June 10, 1996; Laws 1997, c. 357, § 5, emerg. eff. June 9, 1997; Laws 2003, c. 341, § 1, eff. Nov. 1, 2003; Laws 2009, c. 165, § 1, eff. July 1, 2009; Laws 2009, c. 234, § 113, emerg. eff. May 21, 2009; Laws 2010, c. 135, § 1, eff. Nov. 1, 2010.

NOTE: Laws 1993, c. 302, § 2 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994.

§19-215.34. Assistant district attorneys.

A. All assistant district attorneys who are paid in excess of fifty percent (50%) of the salary of the district attorney shall not

engage in the private practice of law, but may complete pending cases of a civil nature, not in conflict with the interests of any county of the district in which appointed. No assistant district attorney permitted to practice law shall accept employment in a case investigated by the office of the district attorney.

B. Each county in a district shall have at least one assistant district attorney who shall reside in the county or an adjoining county.

C. Each assistant district attorney shall: be at least twenty-one (21) years of age; be a resident of the district, if required by the district attorney; and have a license to practice law in the courts of record of this state at the time of appointment. All assistant district attorneys shall serve at the pleasure of the district attorney.

Added by Laws 1982, c. 340, § 14, emerg. eff. June 2, 1982. Amended by Laws 1988, c. 254, § 8, operative July 1, 1988; Laws 1994, c. 295, § 2, eff. July 1, 1994; Laws 1995, c. 235, § 1, eff. Sept. 1, 1995; Laws 2001, c. 418, § 2, eff. July 1, 2001; Laws 2002, c. 460, § 1, eff. Nov. 1, 2002.

§19-215.35. Repealed by Laws 2001, c. 418, § 4, eff. July 1, 2001.

§19-215.35A. District attorney investigators - Certification as peace officers.

A. District attorney investigators serve under the direction of the district attorney, and shall perform such services as are necessary in the investigation of criminal activity or preparation of civil litigation within the district.

B. If the district attorney's investigator is certified as a peace officer by the Council on Law Enforcement Education and Training the investigator shall be considered a peace officer and shall have the powers now or hereafter vested by law in peace officers.

C. While in the performance of official duties as an investigator for the district attorney, an investigator who has been certified as a peace officer by the Council on Law Enforcement Education and Training shall have jurisdiction in any portion of the state.

D. Any district attorney’s investigator certified as a peace officer by the Council on Law Enforcement Education and Training may at the discretion of the district attorney be entitled to receive at the time of retirement, by reason of length of service, the continued custody, possession and ownership of the sidearm and badge carried by the investigator immediately prior to retirement.

Added by Laws 1988, c. 109, § 9, eff. Nov. 1, 1988. Amended by Laws 1989, c. 348, § 5, eff. Nov. 1, 1989; Laws 1994, c. 295, § 3, eff.

July 1, 1994; Laws 1995, c. 240, § 2, emerg. eff. May 24, 1995; Laws 2011, c. 41, § 2, eff. Nov. 1, 2011.

§19-215.35B. Administration of payrolls and claims.

All personnel employed by a district attorney, regardless of funding source, shall be carried on the payroll administered by the District Attorneys Council. It shall be the duty of the Council to prepare and process payroll and other claims and do all necessary acts connected with receiving funds for such purposes.
Added by Laws 1988, c. 254, § 7, operative July 1, 1988.

§19-215.35C. Compensation of district attorney personnel determined by district attorney.

Notwithstanding any other provision of law, the compensation of all district attorney personnel shall be determined by the district attorney of each district. On affixing the compensation, the district attorney shall base the compensation upon the responsibilities assigned to the position and the qualifications, training, experience, length of employment of each employee and budgetary consideration. All district attorney personnel shall serve at the pleasure of the district attorney.
Added by Laws 2002, c. 460, § 2, eff. Nov. 1, 2002.

§19-215.36. Boards of county commissioners to provide certain facilities and services.

A. Effective January 1, 1983, it shall be the duty of the board of county commissioners of each county in each district attorney's district to provide:

1. Sufficient office space in the county courthouse, and the costs of utility services for power, lighting, heat, cooling, appropriate janitorial service, and costs of maintenance, upkeep, and repair of such space, for the personnel and programs of the office of the district attorney;

2. A sufficient law library and subscriptions to legal publications necessary for the performance of the duties of the district attorney, the same to remain an asset and property of the county;

3. Sufficient funds for the costs and necessary expenses of investigation, prosecution or defense of any action, whether contemplated or actual, wherein the county officers, county appointees or employees, while acting in their official capacity may be party plaintiffs, defendants or intervenors.

B. Capital assets or properties presently owned by each county and assigned for use to the office of the district attorney shall continue to be furnished and owned by said county for use by the office of the district attorney, with the expense of ordinary maintenance and repair to be paid by the state. At such time as the

utility of the same shall be of no benefit and, when authorized by the District Attorneys Council, such property shall be returned to the county for disposal as provided by law. Said equipment's equitable replacement is to be provided by the state. Capital assets or properties presently leased by the county and assigned for use to the office of the district attorney shall be assigned to the state by the county, at the request of the Council; thereafter, said capital assets or properties shall be leased by the state, subject to the terms and conditions of the lease agreements. Lease payments shall become the responsibility of the state. Capital assets or properties presently held by the county under an approved lease-purchase agreement for equipment or properties assigned to the office of the district attorney, may, at the election of the Council, be assumed by the state and any existing intangible worth by reason of such assumption shall be the property of the state. The county shall be released from financial responsibility of lease-purchase payments under the terms of said agreement and held harmless therefrom by the state. In the event the agreement is completed to full term, the asset acquired shall be the property of the state. In the event the state, through the Council, declines to assume such obligation under any pending lease-purchase agreement, said county shall retain such agreement and the equipment or the property held thereunder, and shall have the right to assign such equipment or property and its use to any county use which may be provided by law.

C. Counties having a population of three hundred thousand (300,000) or more shall, and counties having a population of less than three hundred thousand (300,000) may, furnish sufficient equipment and personnel for equipment operation for such computer services and digitizing as the district attorney deems necessary. Added by Laws 1982, c. 340, § 16, emerg. eff. June 2, 1982. Amended by Laws 1988, c. 109, § 10, eff. Nov. 1, 1988; Laws 2017, c. 22, § 5, eff. Nov. 1, 2017.

§19-215.37. Repealed by Laws 1983, c. 207, § 13, emerg. eff. June 15, 1983.

§19-215.37A. Maintenance and operating expenses.

The furniture, books, records, papers and documents provided for the use of the former county attorneys of this state which may be still in use by the district attorney and his staff shall remain in that service until such time as provided hereinafter. Effective January 1, 1983, the state shall assume financial responsibility for all proper expenses of maintenances and operations and capital outlay of said offices except as provided in Section 215.36 of Title 19 of the Oklahoma Statutes. All expenses of the various district attorney offices in the respective counties relating to maintenance,

operation and capital outlay of said offices shall be processed by purchase orders and accounted for in the respective counties wherein the expenses are incurred, such expenses to be paid by funds appropriated and advanced by the respective counties and reimbursed to said counties by the state, in the manner set out hereafter. Expenditures shall be by county purchasing procedures.
Added by Laws 1983, c. 207, § 1, emerg. eff. June 15, 1983.

§19-215.37B. Certification of funds available for operation of district attorney's office.

Prior to June 25 of each fiscal year, the District Attorneys Council shall certify to each county clerk the amount of funds which will be made available for the operation of the district attorney's office in that county for the ensuing fiscal year. A copy of the certification shall also be sent to the district attorney in whose district the county is situated. The funds so certified shall not exceed the state funds made available for such purposes. Provided, if the amount of state funds has not been finalized, the Council shall estimate the amount available and adjust the estimate when the available funds have been determined in the manner hereinafter provided.
Added by Laws 1983, c. 207, § 2, emerg. eff. June 15, 1983. Amended by Laws 1988, c. 109, § 11, eff. Nov. 1, 1988.

§19-215.37C. Estimate of needs.

On or before July 1 of each fiscal year, each district attorney shall file with the county clerk of each county in his district an estimate of needs for the operation of his office in such county for the ensuing fiscal year. The estimate of needs shall consist of two sections as follows:

1. The first section shall include those appropriation requests which are to be reimbursed from state funds. This section shall consist of appropriation requests for "maintenance and operation" and for "capital outlay" as defined in Section 2490 of Title 68 of the Oklahoma Statutes, and such other accounts as may be prescribed by the State Auditor and Inspector and approved by the District Attorneys Council. The total of these requests shall not exceed the amount certified by the Council as being available for that county; and

2. The second section shall include those appropriation requests which are to be financed by county funds as provided by law.
Added by Laws 1983, c. 207, § 3, emerg. eff. June 15, 1983. Amended by Laws 1988, c. 109, § 12, eff. Nov. 1, 1988.

§19-215.37D. Incorporation of district attorney's requested estimate of needs into county general fund's estimate of needs.

The district attorney's requested estimate of needs shall be incorporated without change in the county general fund's estimate of needs in the same manner as the estimate of needs of the various offices, departments and agencies of the county are compiled for submission to the county excise board. The amount certified by the District Attorneys Council as being available to the county shall also be included in the estimate of the county general fund's miscellaneous revenue receivable.
Added by Laws 1983, c. 207, § 4, emerg. eff. June 15, 1983. Amended by Laws 1988, c. 109, § 13, eff. Nov. 1, 1988.

§19-215.37E. Approval of appropriation requests.

A. It shall be mandatory for the county excise board to approve the appropriation requests in the first section of the district attorney's estimate of needs which are for expenditures to be reimbursed from state funds, provided that the total does not exceed the amount certified as available by the District Attorneys Council.

B. Appropriation requests in the second section of such estimate of needs which are for expenditures to be financed from county funds shall be considered in the manner provided by law for similar requests for county general fund appropriations.
Added by Laws 1983, c. 207, § 5, emerg. eff. June 15, 1983. Amended by Laws 1988, c. 109, § 14, eff. Nov. 1, 1988.

§19-215.37F. Changes in amount of funds certified as available for operating expenses - Transfer of appropriations - Lapse of county funds.

If for any reason, the District Attorneys Council should determine that the amount originally certified as available to a county for the current fiscal year has changed, it shall be the duty of the Council to certify such change to the county clerk and district attorney of the county. Within five (5) working days after receipt of such notice, the district attorney shall give written notice to the county excise board of the amount each appropriation account is to be increased or decreased and the total net effect of the change. If the net total of the changes agrees with the total change certified by the Council, it shall be mandatory for the county excise board to approve the requested changes. Provided, any transfer of appropriations between state reimbursable accounts which does not change the net total appropriations of such funds shall be requested in writing by the district attorney and shall be approved as requested by the county excise board without other formality. Provided further, no transfers shall be made between state reimbursable appropriation accounts and county financed appropriation accounts nor shall county funds be used to supplement or otherwise increase the appropriation accounts required to be financed from state funds. The unused or unencumbered balances in

the district attorney's county appropriation accounts at the end of the fiscal year shall lapse to surplus in the same manner as other county general fund appropriation accounts.
Added by Laws 1983, c. 207, § 6, emerg. eff. June 15, 1983. Amended by Laws 1988, c. 109, § 15, eff. Nov. 1, 1988.

§19-215.37G. Purchases from district attorney appropriations.

Purchases made from district attorney appropriations shall be made in accordance with the procedures prescribed by statute for county officers, departments and agencies except that neither the purchases nor the expenditures for such purchases shall be subjected to the approval of the board of county commissioners. It shall be the mandatory duty for the designated county officials to issue, sign, attest, register and pay the warrants required to pay such obligations.
Added by Laws 1983, c. 207, § 7, emerg. eff. June 15, 1983.

§19-215.37H. Temporary appropriations - Availability of funds.

The requirements for temporary appropriations pending final approval of the county's estimate of needs and the prohibition on expenditures during the tax protest period shall not apply to the requested appropriations for the district attorney's office which are to be reimbursed from state funds. The entire amount certified by the District Attorneys Council shall be available for the purposes requested unless otherwise restricted in writing by the Council and filed with the county clerk.
Added by Laws 1983, c. 207, § 8, emerg. eff. June 15, 1983. Amended by Laws 1988, c. 109, § 16, eff. Nov. 1, 1988.

§19-215.37I. Report of expenditures or encumbrances - Reimbursement.

Within five (5) working days after the end of each month, the county clerk shall report to the District Attorneys Council the amount expended or encumbered from the state reimbursable appropriations during the preceding month. The report shall list each warrant or purchase order number, the payee and the amount and shall be totaled to show the full amount to be reimbursed to the county. Warrants or purchase orders issued from appropriations of a prior fiscal year shall be listed separately in the report of the month in which the warrants or purchase orders were issued. The Council shall immediately reimburse the county from state funds appropriated for that purpose.
Added by Laws 1983, c. 207, § 9, emerg. eff. June 15, 1983. Amended by Laws 1988, c. 109, § 17, eff. Nov. 1, 1988; Laws 1995, c. 168, § 1, eff. July 1, 1995.

§19-215.37J. Exemptions from reimbursement provisions.

The reimbursement provisions contained herein shall not apply to county appropriations made and provided for office space, law library, legal publications, expenses connected with handling of county suits and matters and other matters to be borne by the county as provided in Section 215.36 of Title 19 of the Oklahoma Statutes.
Added by Laws 1983, c. 207, § 10, emerg. eff. June 15, 1983.

§19-215.37K. Costs and expenses of investigation, prosecution or defense of county action - Claims - Audits.

Payment by the county to the office of the district attorney for the costs and necessary expenses of investigation, prosecution or defense of any action, actual or contemplated on behalf of said county, called for by Section 215.4 of Title 19 of the Oklahoma Statutes, shall be made upon certification of the amount of such expense by the district attorney by the filing of a regular purchase order with the county commissioners for payment out of their account for general government operation, or other account, as may be appropriate. Such claim shall be approved and paid forthwith whether or not encumbered in advance. An audit as to procedure and accounting of the process shall be made by the State Auditor and Inspector as a part of the regular county audit, the costs of which shall be part of the costs of regular county audit performed by such office.
Added by Laws 1983, c. 207, § 11, emerg. eff. June 15, 1983.

§19-215.37L. Forms and procedures.

It shall be the duty of the State Auditor and Inspector to prescribe the necessary forms and procedures necessary to implement the provisions and requirements of this act.
Added by Laws 1983, c. 207, § 12, emerg. eff. June 15, 1983.

§19-215.37M. Contracts with private attorneys.

A. If the district attorney and the board of county commissioners of any county agree, 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, legal representation in any civil case in which a county officer or employee is a party and the district attorney is required to represent the county pursuant to Section 215.25 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.

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

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

Added by Laws 1992, c. 316, § 61, eff. July 1, 1992. Amended by Laws 1996, c. 24, § 4, emerg. eff. April 3, 1996; Laws 1997, c. 337, § 4, eff. July 1, 1997; Laws 2008, c. 334, § 4, eff. Nov. 1, 2008.

§19-215.38. Travel expenses - Allocation of funds.

Effective January 1, 1983, travel expenses for district attorneys, investigators and all personnel of district attorney offices incurred in the performance of necessary official duties shall be paid pursuant to the State Travel Reimbursement Act. The District Attorneys Council shall allocate to the district attorney offices the funds appropriated in such manner as it deems equitable.

Added by Laws 1982, c. 340, § 18, emerg. eff. June 2, 1982. Amended by Laws 1988, c. 109, § 18, eff. Nov. 1, 1988.

§19-215.39. Narrative report of offenses for offenders sentenced to incarceration for more than five years.

A. Upon the arrest, conviction and sentencing of any defendant to the custody of the Department of Corrections, the district

attorney of the county in which the crime was committed shall prepare a written narrative report describing the commission of the offense and any factors which might enhance or diminish the gravity of the offender's conduct.

B. The report shall be provided to the Department of Corrections and the Pardon and Parole Board, together with the judgment and sentence in the case and any victim impact statements presented to the court in the case.

C. The form to be used for this report shall be developed and distributed by the District Attorneys Council.

D. The provisions of this section shall not apply to offenders sentenced to terms of incarceration of five (5) years or less.

E. No allegations or recitations of alleged facts contained in any narrative submitted pursuant to the requirements of this section shall give rise to any cause of action by the defendant against the submitting agency unless the defendant shall first object to such allegation or recitation in writing, with notice to the submitting agency. The submitting agency shall be given thirty (30) days following such notice to withdraw or amend any such allegation or recitation objected to. Nothing contained herein shall be construed as creating a cause of action.

Added by Laws 1983, c. 318, § 1, eff. Nov. 1, 1983. Amended by Laws 1985, c. 112, § 1, eff. Nov. 1, 1985; Laws 1988, c. 109, § 19, eff. Nov. 1, 1988; Laws 1992, c. 136, § 2, eff. July 1, 1992; Laws 1993, c. 325, § 2, emerg. eff. June 7, 1993; Laws 2017, c. 365, § 1, eff. Nov. 1, 2017.

§19-215.40. District Attorneys Evidence Fund.

There is hereby created in the State Treasury a revolving fund for the Office of the Attorney General to be designated the "District Attorneys Evidence Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies transferred thereto by an act of the Legislature. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the District Attorneys Council for necessary expenses relative to any pending case within the official responsibility of the offices of the district attorneys. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1987, c. 203, § 40, operative July 1, 1987. Amended by Laws 1988, c. 109, § 20, eff. Nov. 1, 1988; Laws 2012, c. 304, § 69.

§19-215.41. Sexual Assault Nurse Examiner (SANE) Statewide Coordinator.

Subject to availability of funding, there is established until October 1, 2025, within the District Attorneys Council under the direction of the Executive Coordinator of the District Attorneys Council, the position of Sexual Assault Nurse Examiner (SANE) Statewide Coordinator. The Statewide Coordinator shall oversee forensic medical examination training throughout the state, recruit and develop SANE professionals, create and expand local Sexual Assault Nurse Examiner programs and Sexual Assault Response Team programs throughout this state, and coordinate payments from the Sexual Assault Examination Fund.
Added by Laws 2023, c. 343, § 2, eff. Nov. 1, 2023.

§19-220. Court Clerk's Revolving Fund – Administrative fee – District Court Revolving Fund.

A. Beginning July 1, 1991, there is hereby created with the county treasurer of each county within this state a depository revolving fund to be designated the "Court Clerk's Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received as grants from the federal government and any other monies designated by law for deposit into the fund. All monies accruing to the credit of the fund shall be expended by the court clerk for the lawful operation of the court clerk's office. Claims against the fund shall include only expenses incurred for the operation of the court clerk's office in each county, and payment may be made after the claim is approved by the court clerk and either the district or the associate district judge of that county. The monies shall be reported quarterly to the Administrator of the Courts. The necessary forms and procedures shall be developed and implemented by the Administrative Director of the Courts.

B. There shall be no monies, other than federal funds, deposited into the fund created herein, unless expressly authorized by the Legislature.

C. Notwithstanding any other provision of law, the court clerk shall assess an administrative fee of ten percent (10%) on all fees collected by the court clerk for agencies other than the court and not deposited into the court fund. The administrative fee shall not attach to the sheriff's service fees provided for in Sections 153 and 153.2 of Title 28 of the Oklahoma Statutes, monies deposited into the Law Library Fund, witness fees paid by the district attorney pursuant to the provisions of Section 82 of Title 28 of the Oklahoma Statutes, and dispute resolution fees provided for in Section 1809 of Title 12 of the Oklahoma Statutes. The administrative fees shall be deposited in the Court Clerk's Revolving Fund.

D. Effective July 1, 2016, in addition to the amount collected in subsection C of this section, the court clerk shall assess an

administrative fee of fifteen percent (15%) on all fees collected by the court clerk for agencies other than the court and not deposited into the court fund.

E. There is hereby created in the State Treasury a revolving fund to be allocated by the Supreme Court for the administration of the district courts designated as the "District Court Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies collected pursuant to subsection D of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Supreme Court as necessary to perform the duties imposed upon the district courts by law. Expenditures from the District Court Revolving Fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1991, c. 110, § 1, emerg. eff. April 25, 1991. Amended by Laws 1998, c. 310, § 3, eff. Nov. 1, 1998; Laws 2001, c. 258, § 2, eff. July 1, 2001; Laws 2012, c. 47, § 1, eff. Nov. 1, 2012; Laws 2016, c. 362, § 2, eff. July 1, 2016; Laws 2018, c. 105, § 1.

§19-221. Clerks of court - Consolidation of offices - Court clerk to perform duties.

The office of clerk of the district court, clerk of the county court in all counties and clerk of the superior court in a county in which a superior court is located, are hereby consolidated, and the successor to the clerks of the different courts herein referred to shall be designated and known as the "court clerk" and shall perform all duties now provided by law to be performed by the district clerk, clerk of the county court, and clerk of the superior court.

Added by Laws 1913, c. 161, p. 330, § 1. Amended by Laws 1915, c. 6, § 1.

§19-221.1. Repealed by Laws 1970, c. 107, § 1, emerg. eff. April 1, 1970.

§19-221.2. Renumbered as § 36 of Title 12 by Laws 1970, c. 107, § 2.

§19-222. Renumbered as § 37 of Title 12 by Laws 1970, c. 107, § 2.

§19-223. Repealed by Laws 1943, p. 78, § 43.

§19-224. Repealed by Laws 1943, p. 78, § 43.

§19-225. Consolidation of offices of register of deeds and county clerk.

The office of the register of deeds is hereby consolidated with the office of county clerk in all counties in this state, and said office so consolidated shall be hereafter known as the office of the county clerk, and in addition to the duties now imposed by law upon the county clerk he shall perform the same duties that are now performed by the register of deeds.

Added by Laws 1913, c. 161, p. 332, § 5. Amended by Laws 1915, c. 6, § 2.

§19-226. Repealed by Laws 1943, p. 78, § 43.

§19-228. Repealed by Laws 1943, p. 78, § 43.

§19-229. Repealed by Laws 1941, pp. 463 and 464, §§ 3 and 4.

§19-230. Repealed by Laws 1941, pp. 463 and 464, §§ 3 and 4.

§19-231. Repealed by Laws 1959, p. 101, § 1.

§19-232. Repealed by Laws 1970, c. 210, § 2, eff. Jan. 1, 1971.

§19-233. Repealed by Laws 1970, c. 210, § 2, eff. Jan. 1, 1971.

§19-234. Repealed by Laws 1970, c. 210, § 2, eff. Jan. 1, 1971.

§19-235. Repealed by Laws 1970, c. 210, § 2, eff. Jan. 1, 1971.

§19-241. Repealed by Laws 1980, c. 180, § 6, emerg. eff. May 13, 1980.

§19-241.1. Potential state taxes list issued to building permit applicants.

A. After the effective date of this act, the county clerk of a county or any other designated employee or official authorized to issue building permits shall provide to an applicant for a building permit a list, which shall be developed by the Oklahoma Tax Commission, of state taxes which may potentially be assessed against any Oklahoma taxpayer or out-of-state taxpayer who applies for a building permit in this state. Such list shall include a paragraph in bold, conspicuous type indicating the requirement for certain building permit applicants to register with the Oklahoma Business Registration System of the Tax Commission.

B. Upon the request for issuance of an occupancy permit, the clerk or other designated employee or official shall request proof of registration with the Tax Commission under their Oklahoma

Business Registration System. If the applicant does not provide proof of registration, the clerk shall immediately issue the occupancy permit and shall advise the Tax Commission that the entity has not registered under the Oklahoma Business Registration System.

C. The Tax Commission may maintain, as part of its online Business Registration System, the capability for an applicant to obtain a document electronically which will serve as proof of registration under the system.

D. This section shall not apply to building permits for new construction or remodel projects less than Fifty Thousand Dollars ($50,000.00) in value.

Added by Laws 2010, c. 399, § 2, eff. Nov. 1, 2010.

§19-242. Appointment of deputies.

Every such clerk may, by instrument in writing, by permission of the board of county commissioners, appoint one or more deputies, and shall file such appointments in his office; and said deputies shall have such authority as the clerk may delegate, and, in case of a vacancy in the office of county clerk, shall fill such vacancy until a county clerk shall be appointed or elected.

R.L. 1910, § 1565.

§19-243. Duties.

The county clerk shall attend the sessions of the board of county commissioners, either in person or by deputy, shall keep the seals, records and papers of said board of commissioners and shall sign the records of the proceedings of the board of county commissioners and attest the same with the seal of the county.

R.L. 1910, § 1566.

§19-244. Records and accounts.

It shall be the duty of the county clerk:

First. To record in a book to be provided for that purpose, all proceedings of the board.

Second. To make regular entries of their resolutions and decisions in all questions concerning the raising of money.

Third. To record the vote of each commissioner, on any question submitted to the board, if required by any member thereof, and not otherwise.

Fourth. To attest all orders issued by the board and signed by the chairman thereof for the payment of monies.

Fifth. To preserve and file all accounts acted upon by the board, with their action thereon. And he shall perform such special duties as are required of him by law.

R.L. 1910, § 1567.

§19-245. Duties as to audited accounts - Certified copies of papers – Fee for providing records in electronic format – Exemptions.

A. It shall be the duty of the county clerk to designate upon every account, which shall be audited and allowed by the board, the amount so allowed, and the clerk shall deliver to any person a copy certified or otherwise of any record in the clerk's office and any account on file thereon, upon receiving the fee allowed pursuant to the Oklahoma Open Records Act or the county clerk fee schedule, Section 32 of Title 28 of the Oklahoma Statutes, for every page contained in the copy. Upon demand, the clerk shall furnish a certified copy in the form as it exists and at the preference of the requestor as provided by the Oklahoma Open Records Act or the county clerk fee schedule. Certified copies may be provided in paper or digital format in accordance with the Uniform Real Property Electronic Recording Act.

B. If the clerk provides records in an electronic format, the clerk may charge a reasonable fee for providing such records. For purposes of this section, "reasonable fee" shall mean the fee charged by the clerk shall not exceed twenty-five cents ($0.25) per image or fifteen cents ($0.15) per image for providing more than three thousand five hundred (3,500) images in an electronic format. If the clerk provides certified records, the clerk may charge a fee for the certification in accordance with the current fee schedule found in subsection A of Section 32 of Title 28 of the Oklahoma Statutes. All recording devices for providing records in an electronic format shall be supplied by the county clerk. News media obtaining records in an electronic format for a news purpose and licensed abstractors performing their duties pursuant to state law shall be exempt from the fees provided for in this subsection. Nothing in this section shall be construed to allow county clerks to provide all or part of a tract index for use in any commercial purpose.

R.L. 1910, § 1568. Amended by Laws 1989, c. 243, § 1, emerg. eff. May 12, 1989; Laws 2013, c. 360, § 1, emerg. eff. May 29, 2013; Laws 2019, c. 48, § 1, eff. Nov. 1, 2019; Laws 2023, c. 98, § 1, eff. Nov. 1, 2023.

§19-246. County orders.

Such clerk shall not attest any county order unless ordered by the board of commissioners authorizing the same, and signed by chairman, and every such order shall be numbered, and the date, amount and number of the same, and the name of the person to whom it is issued, shall be entered in a book kept by such clerk in his office for that purpose.

R.L. 1910, § 1569.

§19-247. Accounts must be filed within two years - Exception.

No account against the county shall be allowed unless presented within two years after the same accrued: Provided, that should any person having a claim against the county be (at the time the same accrued) under any legal disability, every such person shall be entitled to present the same within one year after such disability shall be removed.
R.L. 1910, § 1570.

§19-248. Duty when new township organized.
The clerk of each county shall as often as new townships shall be organized in his county, or the boundaries of any township therein shall be altered, and immediately thereafter make out and transmit to the State Auditor and Inspector a certified statement of the name and boundaries of the township so organized, and of the boundaries of any township the boundaries of which shall have been altered.
R.L. 1910, § 1571. Amended by Laws 1979, c. 30, § 3, emerg. eff. April 6, 1979.

§19-249. Repealed by Laws 1997, c. 79, § 1, eff. Nov. 1, 1997.

§19-250. Record of accounts.
The county clerk shall keep a book in which he shall keep a record of the receipts and expenditures of his county and all accounts of his county with the different county, township, district and other officers.
R.L. 1910, § 1573.

§19-251. Accounts with county treasurer.
The county clerk in keeping the accounts of his county with the county treasurer, shall charge the county treasurer as follows: With the amount of taxes levied and assessed by the state and county, and each city, town, township, school district, or any other special tax levied for any purpose in his county in each year, and the same shall be kept in separate accounts; with the amount of any sinking funds in separate accounts, with the amount of money and with the amount of state, county, township, school, road, and city warrants, or orders, or other evidences of indebtedness which the county treasurer may be authorized by law to receive from his predecessor in office; with the amount of taxes on each tax roll made out, and delivered to him during his term of office; with the amount of the additional assessments made after the tax roll is made out and delivered to the county treasurer; with the amount of penalty added to the taxes after the first day of February of each year; with the amount of redemption money on land and town lots sold to the county for delinquent taxes when the same are redeemed; with the amount of the state school fund received from the State

Treasurer; with the amount received from the sale of property belonging to the county; with the amount received from the sales of estrays; with the amount received as fines and forfeitures; with the amount received from groceries or other licenses. And upon presentation of proper vouchers, he shall credit him as follows: With the amount of all county, city, town, township, school district or other tax, which has been paid over to the proper authority and receipted for; with the amount of county orders received by the county treasurers and returned to the county board and canceled; with the amount paid to the State Treasurer, and township trustees, city treasurers, or other officers entitled by law to receive the same; with the amount of delinquent taxes and the penalty thereon; on lands and town lots bid off for the county, which said taxes have been transferred from the tax roll to the book of tax sales; with the amount of double or erroneous assessments of property, except the assessments on lands and town lots which have been sold or entered on the book of tax sales for delinquent taxes; with the amount of percentage fees allowed by law to the county treasurer for collecting taxes; with the amount of money and the amount of warrants or orders, or other evidence of indebtedness, which the county treasurer is allowed by law to receive for taxes or which he pays over to his successor in office; with the amount of taxes uncollected on the tax roll delivered over to his successor in office.
R.L. 1910, § 1574.

§19-252. Charges and credits - How stated.
The county clerk, in making the above charges, credits and entries, shall state each different fund and each item of each different fund separately.
R.L. 1910, § 1575.

§19-253. Repealed by Laws 1941, p. 462, § 1.

§19-254. Repealed by Laws 1993, c. 105, § 3, emerg. eff. April 23, 1993.

§19-255. Repealed by Laws 1993, c. 105, § 3, emerg. eff. April 23, 1993.

§19-256. Unclaimed warrants.
Whenever any county warrant issued to any person remains in the office of the county clerk unclaimed for a period of one (1) year from the date thereof, such warrant shall be returned by him to the board of county commissioners and canceled.
R.L. 1910, § 1579. Amended by Laws 1993, c. 105, § 1, emerg. eff. April 23, 1993.

§19-257. List and signatures of county officers to Secretary of State.

The county clerk shall annually on the fourth Monday of January prepare and file in the office of the Secretary of State, a list of the officers of the county, elected at the last preceding general election, which list shall contain the genuine signatures of all county officers, and the county clerk shall certify under the seal of his office, that such signatures are the genuine signatures of the respective officers, and that they were attached in his presence: Provided, that in case of any vacancy in any county office, the county clerk shall immediately transmit to the Secretary of State the genuine signature of the person elected or appointed to fill such vacancy: Provided, further, that any county clerk failing or refusing to comply with the provisions of this article, shall be deemed guilty of a misdemeanor and punished by a fine of not less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00).
R.L. 1910, § 1580.

§19-258. Repealed by Laws 1941, p. 462, § 1.

§19-259. Repealed by Laws 1949, p. 148, § 2.

§19-260. Repealed by Laws 1945, p. 50, § 2.

§19-261. Instruments filed for record - Printed or typed name of signer.

From and after the effective date of this act, all instruments filed for record in the office of any county clerk within the State of Oklahoma shall, under the signature affixed to said instrument, bear the printed or typed name of the signer thereof. Provided, that the failure of any such instrument to bear the printed or typed name of the signer thereof, shall not affect the validity of such instrument or the filing or recordation thereof.
Added by Laws 1943, p. 79, § 1.

§19-262. Bankruptcy petitions, orders and decrees to be filed.

Copies of any and all petitions, or orders or decrees of any United States court, in bankruptcy proceedings, duly certified as correct by the clerk of such court or his deputy, may be filed and recorded in the office of any county clerk of this state. Said county clerk shall accept the same for filing when certified by the clerks of said courts as true copies of said instruments and file and record the same in his office and also shall cause the same to be indexed.
Added by Laws 1945, p. 80, § 1. Amended by Laws 1947, p. 211, § 1.

§19-263. Copies of bankruptcy orders to be constructive notice after filing.

All of such certified copies of said petitions, orders or decrees so filed, whether acknowledged or not, shall be constructive notice of their contents from and after the filing and recording thereof.

Added by Laws 1945, p. 80, § 2. Amended by Laws 1947, p. 211, § 1.

§19-264. Release of filed information over telephone - Fees.

A county clerk may release over the telephone any information requested from files that are open to public inspection within the county clerk's office. There may be a fee not to exceed Three Dollars ($3.00) for each individual phone request answered over the telephone. The provisions of this section shall also apply to any Uniform Commercial Code information requested. For the purposes of this act, an "individual phone request answered," is defined as the release by telephone of all information pertinent to any one individual. "Individual" includes husband and wife.

Added by Laws 1979, c. 273, § 4, emerg. eff. June 5, 1979.

§19-265. County Clerk's Lien Fee Account.

There is hereby created a cash account to be known as the "County Clerk's Lien Fee Account". Monies from the account shall be expended by the county clerk in the lawful operation of his office.

Added by Laws 1984, c. 268, § 2, eff. Nov. 1, 1984.

§19-266. Fees - Charges to state governmental entities.

The county clerk may charge any state agency or other state governmental entity, except child support enforcement offices operated by or for the benefit of the Oklahoma Department of Human Services, rural water districts organized pursuant to the Rural Water, Sewer, Gas and Solid Waste Management Districts Act and the Oklahoma Boll Weevil Eradication Organization for liens filed pursuant to the Boll Weevil Eradication Act, the usual and customary fee for filing any document with the county clerk and may charge the usual and customary fee for making copies of any document.

Added by Laws 1994, c. 221, § 1, eff. Sept. 1, 1994. Amended by Laws 1997, c. 381, § 6, eff. July 1, 1997.

§19-267. Sham legal process.

A. The county clerk may refuse to file any instrument presented for filing if the clerk believes that the instrument constitutes sham legal process, as defined by Section 1533 of Title 21 of the Oklahoma Statutes.

B. 1. Any person aggrieved by the refusal of a county clerk to file an instrument may petition the district court for a writ of mandamus to compel the county clerk to record the instrument.

2. At the time of refusal, the person aggrieved shall file a notice of refusal with the county clerk for the purpose of preserving priority of filing in the event the person prevails in any action so commenced, if the person wishes to preserve priority of filing. The refusal notice shall be submitted on a form provided by the county clerk, but must be filled out by the aggrieved party. A copy of the instrument that the clerk refused to file must be attached to the notice of refusal. The county clerk shall stamp the date of refusal on the notice of refusal.

3. The refusal notice shall be in the following form:

STATE OF OKLAHOMA

_____ COUNTY

NOTICE OF REFUSAL

The Office of County Clerk of _____ County, Oklahoma, has on _____ (date) refused to file a document designated _____ (title of document or brief description of document). The document constitutes a claim or lien on the following property:

_____ _____

(Description of property. In case of real property, description must be the legal description for the property.) A copy of the refused document must be attached to this notice of refusal or the clerk cannot accept it for filing.

Signed:_____ Signed: _____

County Clerk Aggrieved party or attorney for aggrieved party

_____County, Oklahoma

Address:_____

_____

4. The action for mandamus must be filed with the district court within twenty (20) days after the notice of refusal is filed with the county clerk. If the writ of mandamus is granted, the court clerk shall refund the fee for filing the action. Notice of the pendency of a mandamus action filed pursuant to this section shall be filed in accordance with Section 2004.2 of Title 12 of the Oklahoma Statutes. A file-stamped copy of the notice of the pendency of the action, identifying the case and the court in which the action is pending and the legal description of the land affected by the action shall be filed with the county clerk. If the court determines that the instrument is not sham legal process or is not for the purpose of slandering title, the court shall order the county clerk to record the instrument. The court order shall include a notation of the book and page number of the index in which the notice of refusal is located and a statement that abstractors shall not show the pages on which the attachment to the notice of refusal is located in any abstract. For any instrument which the court orders to be filed pursuant to this subsection, the date of

filing shall be retroactive to the date the notice of refusal was filed.

5. If the court determines that the instrument is sham legal process, the court shall issue an order that abstractors shall not show the pages of the index on which the attachment to the notice of refusal is located in any abstract.

C. If a county clerk files an instrument that is sham legal process or refuses to file an instrument because the clerk believes the instrument is sham legal process, the clerk shall be immune from liability for such action in any civil suit.

D. A clerk shall post a sign, in letters at least one (1) inch in height, that is clearly visible to the general public in or near the clerk's office stating that it is a felony to intentionally or knowingly file or attempt to file sham legal process with the clerk. Failure of the clerk to post such a sign shall not create a defense to any criminal or civil action based on sham legal process.
Added by Laws 1997, c. 405, § 3, emerg. eff. June 13, 1997.

§19-268. Liens against government officials or employees based on performance or nonperformance of duties.

A. The county clerk shall not accept for filing any claim of lien against a federal, state, or local official or employee based on the performance or nonperformance of that official's or employee's duties unless accompanied by a specific order from a court of competent jurisdiction, recognized by the laws of this state, authorizing the filing of such lien.

B. If a claim of lien as described in subsection A of this section has been accepted for filing, the county shall accept for filing a notice of invalid lien signed and submitted by the assistant United States attorney representing the federal agency of which the individual is an official or employee, the assistant attorney general representing the state agency, board, commission, department, or institution of higher education of which the individual is an official or employee, or the attorney representing the school district, political subdivision, or unit of local government of this state of which the individual is an official or employee. A copy of the notice of invalid lien shall be mailed by the attorney to the person who filed the claim of lien at his or her last-known address. No clerk or county shall be liable for the acceptance for filing of a claim of lien as described in subsection A of this section, nor for the acceptance for filing of a notice of invalid lien pursuant to this subsection.

C. This section shall not be construed to permit rejection of a document that is shown to be authorized by contract, lease or statute or imposed by a state or federal court of competent jurisdiction or filed by a licensed attorney, financial institution

including, but not limited to, any commercial bank, savings and loan association, credit union, mortgage company or mortgage broker.
Added by Laws 1997, c. 405, § 4, emerg. eff. June 13, 1997.

§19-269. Election concerning tax question - Copy of ballot to state Auditor and Inspector.

Within fifteen (15) days from the date of a county election concerning a sales tax question, the county clerk shall send to the State Auditor and Inspector a copy of the ballot concerning the sales tax question. This section only applies if the sales tax question was passed by the voters of the county.
Added by Laws 1998, c. 196, § 2, eff. Nov. 1, 1998.

§19-270. Confidentiality of Department of Defense Form 214 - Duties - Liability.

A. The county clerk shall keep any Department of Defense Form 214 (DD Form 214) filed with the clerk, including any DD Form 214 that was filed before the effective date of this act, separate from records available for public inspection and shall not make the DD Form 214 available to any person except as provided in this section. A record of the names of veterans who have filed DD Forms 214 with the clerk shall be made available for public inspection.

B. The county clerk may authorize the viewing or copying of a veteran’s DD Form 214 only by the veteran, the veteran's spouse or child, a guardian for or a person having power of attorney for the veteran, spouse, or child upon presentation of a court order showing the appointment, the executor or administrator of the estate of the veteran or spouse upon presentation of a court order showing the appointment, a representative of the United States Department of Veterans Affairs, a funeral director upon presentation of a contract signed by the person responsible for the funeral costs for the veteran, or a person authorized by the court to view or copy the DD Form 214 upon presentation of the court order. The clerk shall record the names and addresses of all persons viewing or copying a DD Form 214.

C. A county clerk shall not be liable or responsible for any harm or damages that may occur as a result of any person obtaining, copying or viewing a DD Form 214.
Added by Laws 2002, c. 478, § 3, eff. July 1, 2002.

§19-271. Employment of general counsel.

The county clerk in a county shall have the authority to employ a general counsel through an outside law firm, to advise or represent the county clerk and his or her office in the performance of the official duties of that office. The Board of County Commissioners shall approve all contracts for outside counsel. A

general counsel employed pursuant to this section shall be compensated from the funds of the employing county office.
Added by Laws 2018, c. 204, § 1.

§19-281. Repealed by Laws 1941, p. 462, § 1.

§19-282. Repealed by Laws 1941, p. 462, § 1.

§19-283. Repealed by Laws 1941, p. 462, § 1.

§19-284. Care of records - Fixtures and furniture.

The register of deeds shall have the care and custody of all books, records, deeds, maps, papers and fixtures deposited and kept in his office, and it shall be his duty to carefully preserve and guard the same against defacing, mutilation, change or injury, and he shall be furnished by the county with suitable fixtures and furniture to protect the records and papers of his office.
R.L. 1910, § 1656.

§19-285. Seal.

The register of deeds shall keep a seal, to be furnished by the county, which seal shall contain the name of the county, the words "Oklahoma" and "Register of Deeds". Except as provided in the Uniform Real Property Electronic Recording Act, he or she shall attach such seal to all instruments filed or recorded in his or her office, together with his or her signature and certificate to all certified copies of any instrument on file or of record in his or her office, which he or she is required to issue.
R.L. 1910, § 1657. Amended by Laws 2023, c. 98, § 2, eff. Nov. 1, 2023.

§19-286. Maintenance of records for storage.

The county commissioners shall furnish, and the county clerk shall maintain, in the office of the county clerk, suitable records for storage for all instruments of writing subject by law to be recorded in the office of the county clerk. Suitable record may include either photographic copy, digital copy or computer storage of such instruments. All records shall be available to the public for immediate viewing and reproduction. The county clerk shall retain sole custody and responsibility for the records of the office. All digital copies shall be produced to meet archival standards and a security copy shall be maintained. Stored documents shall meet the guidelines set forth in Section 214 of Title 74 of the Oklahoma Statutes.
R.L. 1910, § 1658. Amended by Laws 1984, c. 71, § 1; Laws 2004, c. 447, § 4, emerg. eff. June 4, 2004; Laws 2017, c. 22, § 6, eff. Nov. 1, 2017.

§19-287. Indexes to be kept.

Each register of deeds shall keep an index of deeds direct and inverted, and an index of mortgages direct and inverted, in his office. The index direct and inverted, of deeds and mortgages, shall be divided into columns, with heads to the respective columns, as follows to-wit:

GRANTOR - GRANTEE												
DATE OF FILING					WHERE RECORDED		DESCRIPTION OF PROPERTY					
M.	D.	Y.	A.M.	P.M.	Book	Page	Lot	Blk.	Qr.	Sec.	Tp.	R.
GRANTEE - GRANTOR												
DATE OF FILING					WHERE RECORDED		DESCRIPTION OF PROPERTY					
M.	D.	Y.	A.M.	P.M.	Book	Page	Lot	Blk.	Qr.	Sec.	Tp.	R.

Remarks

He shall enter in alphabetical order in the direct index of deeds and mortgages the names of the grantors and in the inverted index of deeds and mortgages the names of the grantees in alphabetical order, and whenever any mortgage bond or other instrument has been released or discharged from record, according to law, the register shall immediately note in both indexes under the column headed "Remarks," and opposite to the appropriate entry, that such instrument has been satisfied. He shall also keep an index, direct and inverted, of the miscellaneous records in the same form as the index of deeds and mortgages.

R.L. 1910, § 1659.

§19-288. Plat records - Digitizing.

A. The county clerk shall also keep a well-bound book in which shall be platted all maps of cities and towns, or additions to the same, cemeteries and other plats, required by law to be recorded within his county, together with description, acknowledgment or other writing thereon, and file the original plat in his office. He shall index such plat book under appropriate headings in the plat book. Provided, the county clerk shall be prohibited from recording a plat of any subdivision which is by name duplicative of the name of any platted subdivision of record in his county.

B. In the alternative, said record may be kept digitally if said records may be reproduced to their original size.

R.L. 1910, § 1660. Amended by Laws 1977, c. 179, § 1, emerg. eff. June 7, 1977; Laws 1986, c. 78, § 1, eff. July 1, 1986; Laws 2017, c. 22, § 7, eff. Nov. 1, 2017.

§19-288.1. Duty to file and index plats.

A. Plats or subdivision plats filed in the county clerk's office shall be indexed and filed, and one copy placed in bound volumes or booklets, so that all plats or subdivisions are compiled and indexed accordingly.

B. Plats or subdivision plats of property in unincorporated areas with roads of public designation shall not be filed in the county clerk's office until such plat or subdivision plat goes before the board of county commissioners and the board determines that the dedicated public roads are designed to meet the requirements of Section 601.1 of Title 69 of the Oklahoma Statutes. The county commissioners shall have adequate assurance by the developer that the roads will be built according to requirements. Those assurances shall include, but not be limited to, letters of credit, bonds, letters of escrow, or other items approved by the board of county commissioners. The board shall sign the plat and note on the plat that "Roads will be maintained by the county" or "Roads will not be maintained by the county", provided however, that the county may agree to maintain the roads at some future date.
Added by Laws 1976, c. 162, § 2, emerg. eff. May 31, 1976. Amended by Laws 2001, c. 139, § 1, eff. Nov. 1, 2001; Laws 2002, c. 168, § 1, eff. July 1, 2002.

§19-288.2. Filing plats located outside corporate limits of city or town.

The county clerk shall not file of record any plat which contains any lot of less than two and one-half (2 1/2) acres located outside the corporate limits of a city or town unless the plat bears the stamp of approval of the Department of Environmental Quality as provided in Section 2-6-403 of Title 27A of the Oklahoma Statutes.
Added by Laws 1985, c. 272, § 2, eff. Nov. 1, 1985. Amended by Laws 1999, c. 284, § 5, emerg. eff. May 27, 1999.

§19-288.3. Filing of plats in digital electronic format.

All plats, subdivision plats or re-plats may be filed, at the option of the county assessor, in digital electronic format with the county assessor of the county in which the property is located. The digital electronic format shall meet the specifications of the county assessor.
Added by Laws 2003, c. 184, § 1, eff. Nov. 1, 2003.

§19-289. Receiving book.

The county clerk shall keep a receiving book, with suitable headings and columns, as the case may be;

a. For instruments to be recorded by the county clerk as registrar of deeds;

b. For instruments to be filed as public notice by the county clerk as such; which receiving book, in either instance, shall show the name of the person who deposited the same, the nature of the instrument, the year, month, day, hour, and minute when the same shall be received, the fee for recording or filing the same, and where the instrument is filed or to whom such instrument is mailed

or delivered if recorded. It shall be the duty of the State Auditor and Inspector to prescribe suitable forms to conform to this act and for the separate instances noted.
R.L. 1910, § 1661. Amended by Laws 1949, p. 149, § 1; Laws 1951, p. 43, § 1; Laws 1979, c. 30, § 79, emerg. eff. April 6, 1979.

§19-290. Chattel mortgage record.

He shall keep an index to chattel mortgages, bills of sale and other instruments affecting title to or incumbering personal property, required by law to be recorded, in which shall be entered in separate columns, the number of the instrument, name of grantor alphabetically, and the name of grantee, the year, month, day, hour and minute of filing, the amount secured, a description of the property, and dates when and by whom canceled; said chattel mortgage when so indexed to be numbered, filed and kept in his office, and when said mortgage or bill of sale is released or canceled the register shall note the same on the back of the instrument and on the index, in the proper column, giving the date and by whom said instrument is canceled.
R.L. 1910, § 1662.

§19-291. Numerical index of deeds.

The county clerk shall also keep a numerical index, in which shall be noted all deeds relating to tracts of land and units within unit ownership estates within the limits of such county, such index shall be divided into columns with the heads to each division of the pages designating the respective columns as follows, to-wit:

Grantor_____
Grantee_____
Kind of Instrument_____

Lots	N.E.Qr.				N.W.Qr.			
__ __ __	N.E.	N.W.	S.E.	S.W.	N.E.	N.W.	S.E.	S.W.
	S.E.Qr.				S.W.Qr.			
	N.E.	N.W.	S.E.	S.W.	N.E.	N.W.	S.E.	S.W.

Acres_____
Book_____
Page_____
Remarks_____

It shall be the duty of the county clerk to make correct entries in such numerical index of all instruments recorded concerning tracts of land under the appropriate heading, and in the subdivision devoted to the particular quarter section described in the instrument making the conveyance, and the county clerk shall enter in their appropriate division, before any other entries are made, all the transfers embraced in the instrument recorded within his office, commencing with the first.

R.L.1910, § 1663. Amended by Laws 1989, c. 273, § 1, eff. Nov. 1, 1989; Laws 2004, c. 447, § 5, emerg. eff. June 4, 2004.

§19-292. Fee must be paid in advance.

No register of deeds shall perform any of the duties required by this article, to be performed unless the fee for the same has been paid, or tendered.
R.L. 1910, § 1664.

§19-293. Duty when instrument offered for record.

The register of deeds shall, whenever an instrument shall be presented to him for record, immediately note on the instrument the year, month, day, hour and minute of receiving the same, and the date of record of such instrument shall be from the date of filing; he shall then enter the same on the receiving book, making all the entries in the appropriate columns as herein provided, and shall as soon thereafter as practicable, record said instrument in the proper record, enter it upon the proper indexes, and over his signature and seal note the book and page on which said instrument is recorded.
R.L. 1910, § 1665.

§19-294. Duty to index old records.

The register of deeds of any county of this state shall, in addition to the duties now prescribed by law, make and keep indexes in the same manner as is now provided by Sections 1733 and 1737 of Snyder's Compiled Laws, 1909, of all records, files, books, instruments, or the certified copy thereof, pertaining to the title to lands in such county, which were of record in the office of United States Court, or any office maintained by the United States prior to November 16, 1907, for filing and recording deeds, mortgages, liens and other instruments which have been, or may hereafter be, received by such register of deeds.
Added by Laws 1913, c. 85, p. 137, § 1.

§19-295. Repealed by Laws 1997, c. 79, § 1, eff. Nov. 1, 1997.

§19-296. Repealed by Laws 1997, c. 79, § 1, eff. Nov. 1, 1997.

§19-297. Record of certificate showing Indian lands exempt from taxation.

It is hereby made the duty of county clerks of Oklahoma to record without charge all certificates describing and designating lands situate in their respective counties owned by members of the Five Civilized Tribes and their heirs, which lands are shown by said certificates to be exempt from taxation under the provisions of Section 4, of the Act of Congress, approved May 10, 1928, Public Number 360 - 70th Congress; provided, said certificates when

presented for recording bear the approval of the Secretary of the Interior.
Added by Laws 1929, c. 32, p. 32, § 1.

§19-298. Recordable instruments - Filing.

A. Every county clerk in this state shall require that the mandates of the Legislature be complied with, as expressed in Sections 287 and 291 of this title, and for that purpose, every instrument offered which may be accepted by the county clerk for recording, affecting specific real property whether of conveyance, encumbrance, assignment, or release of encumbrance, lease, assignment of lease or release of lease, shall be an original or certified copy of an original instrument and clearly legible in accordance with the provisions of subsection B of this section, and shall by its own terms describe the property by its specific legal description, and provide such information as is necessary for indexing as required in Sections 287 and 291 of this title, and on each such instrument shall be listed the mailing address of the grantee, mortgagee, assignee or other designated party to which the instrument is to be delivered after recording. If an instrument offered to a county clerk for recording contains more than twenty-five legal descriptions requiring separate entries in the indexes required by Sections 287 and 291 of this title, the descriptions shall be sorted by addition, block, and lot if platted property, or by township, range, and section if described by governmental survey description. Any instrument offered to a county clerk for recording containing more than twenty-five legal descriptions per page, counted as each description which could require a separate line entry in the numerical index, shall be accompanied by an additional filing fee of One Dollar ($1.00) per legal description in excess of twenty-five legal descriptions per page to be paid to the county clerk. Unless the person offering a nonconforming instrument for filing is willing to reform the instrument to conform to statutory requirements, for which purpose it may be withdrawn and refiled during the same business day, the county clerk may refuse to record the same in the records of deeds, leases or mortgages or to index the same upon the index records referred to in Section 287 or 291 of this title, or to file or record the same in the office of the county clerk.

B. All documents filed of record in the office of the county clerk pursuant to subsection A of this section or pursuant to any other law shall be an original or a certified copy of an original document. Such documents shall be clearly legible, in the English language, using xerographically reproducible dark ink, on paper of a color that is xerographically reproducible by the copying equipment in use by the county clerk. Unless otherwise provided by law, such documents shall measure no larger than eight and one-half (8 1/2)

inches by fourteen (14) inches. All documents shall provide an area free of printed information sufficient in size to accommodate affixation of the documentary stamps required by Section 3201 of Title 68 of the Oklahoma Statutes, any certification of the payment of mortgage taxes required by Section 1901 et seq. of Title 68 of the Oklahoma Statutes, and the recording information affixed by the county clerk upon acceptance of a document for recordation. Any part of a signature or any stray markings within the margin shall not void the requirements for accepting and filing any document by any county within the state, provided there remains sufficient space for the affixation of stamps and recording information without covering language contained in the instrument. If an instrument submitted to the county clerk for recording does not contain sufficient space for the affixation of such stamps and recording information without covering language contained in the instrument, the county clerk shall attach an additional page to the document to provide for the affixation of such stamps and recording information. A county clerk shall not charge any additional fee or fine for stray markings within the margin of a document. The top margin of all documents shall be at least two (2) inches and all other margins shall be at least one (1) inch.

C. Despite any provision in this section to the contrary, the county clerk shall accept for filing any document that fails to meet the requirements of subsection B of this section if:

1. The document is an original or a certified copy of an original;

2. The document is legible without the aid of magnification or other enhancement of the text;

3. The document is xerographically reproducible by the copying equipment in use by the county clerk;

4. The document meets all other statutory requirements for recordation; and

5. The person offering the instrument for recording pays the additional fee provided in Section 32 of Title 28 of the Oklahoma Statutes for nonconforming documents.

D. Despite any provision in this section to the contrary, a digitized image or electronic copy of an original or certified copy of an original instrument or document shall satisfy the requirement that the document be an original or certified copy of an original instrument or document, provided that the digitized image or electronic copy is submitted for recording electronically pursuant to the Uniform Real Property Electronic Recording Act in Title 16 of the Oklahoma Statutes and all other rules promulgated pursuant to that act.

E. This section shall not apply to plats, filings under the Uniform Commercial Code, or any other instruments that may be filed pursuant to any other law.

F. All documents accepted for filing, including all documents filed before February 18, 1997, shall be deemed to comply with the requirements of this section and, except as otherwise provided by law, impart constructive notice of the contents of such document to third parties unless a person claiming adversely to any such document files an affidavit setting forth the basis of such claim in the office of the county clerk of the county where the property is located within six (6) months from February 18, 1997.
Added by Laws 1951, p. 43, § 1, emerg. eff. May 26, 1951. Amended by Laws 1965, c. 417, § 1, emerg. eff. July 7, 1965; Laws 1974, c. 91, § 1; Laws 1979, c. 146, § 1, eff. Oct. 1, 1979; Laws 1989, c. 9, § 1, eff. Nov. 1, 1989; Laws 1996, c. 195, § 1, eff. Nov. 1, 1996; Laws 1997, c. 1, § 2, emerg. eff. Feb. 18, 1997; Laws 1997, c. 233, § 2, eff. July 1, 1997; Laws 1998, c. 310, § 4, eff. Nov. 1, 1998; Laws 2012, c. 36, § 1, eff. Nov. 1, 2012; Laws 2015, c. 176, § 1, eff. Nov. 1, 2015; Laws 2024, c. 250, § 1, eff. Nov. 1, 2024.

§19-298.1. Electronic documents – Acceptability for filing.

Notwithstanding any other provision to the contrary in Section 298 of Title 19 of the Oklahoma Statutes, an electronic document presented in compliance with the Uniform Electronic Transaction Act is acceptable for filing. Nothing in this section shall require any county clerk to establish, accept, or transmit any document in an electronic format. The Secretary of State does not guarantee the validity of any registered certification authorities, as defined in Section 15-102 of Title 12A of the Oklahoma Statutes, nor regulates or monitors such registered certification authorities.
Added by Laws 2004, c. 179, § 1, eff. Nov. 1, 2004.

§19-299. Land parcel identifier system.

The county assessor, county clerk and county treasurer of any county may adopt a system of land parcel identifier numbers whereby the same land identifier numbers shall be used by the county assessor, county clerk and county treasurer to designate a tract of real property situated within the county.

In any county where this system has been adopted, the county clerk shall not accept for filing or recording any map, plat, deed, mortgage, lease or other instrument affecting real property unless the land parcel identifier numbers for all of the land parcels described and affected are affixed on the face of the map, plat, deed, mortgage, lease or other instrument. Provided that, failure to comply with these provisions shall not affect the validity of any such instrument that is duly recorded.
Added by Laws 1980, c. 141, § 1, emerg. eff. April 7, 1980. Amended by Laws 1982, c. 44, § 1.

§19-300. Master form - Definition - Labeling - Filing - Recording - Incorporation by reference - Unrecordable matters.

A. A master form shall be any instrument containing forms of covenants, conditions, obligations, powers, or other clauses not being acknowleged nor containing a legal description. Such instrument shall be labeled on the first page as a master form and may be filed and recorded in the office of the county clerk in the same manner as provided for miscellaneous instruments relating to real estate.

B. After recording and indexing of the master form, any of the provisions of such master form may be incorporated by reference in any subsequently recorded instrument. Provided, that, such reference shall state that the master form was recorded in the county in which the subsequently recorded instrument is offered for recording, the date of recording and the book and pages where recorded, and that a copy of such master form was furnished to the persons executing the subsequently recorded instrument. The recording of any subsequently recorded instrument which has so incorporated by reference any of the provisions of a master form properly recorded shall have like effect as if such provisions of the master form so incorporated by reference had been set forth in full in the subsequently recorded instrument.

C. Whenever a subsequently recorded instrument is presented for recording in which is set forth matters purporting to be a copy or reproduction of a master form and such matters are preceded by the words, "do not record or not to be recorded", and such matters are plainly separated from such instrument in such manner that such matter will not appear upon a photographic reproduction of any page containing any part of the instrument, such matter shall not be recorded by the county clerk when the instrument is recorded. The county clerk shall record only the instrument apart from such matter and shall not be liable for doing such.

Added by Laws 1980, c. 37, § 1, eff. Oct. 1, 1980.

§19-321. County commissioners' districts - Reapportionment - Maps and resolutions depository.

A. Each county shall be divided by the board of county commissioners into three (3) compact districts, as equal in population as practicable and numbered respectively one, two and three. One commissioner shall be elected from each of the districts by the voters of the district, as provided for by law.

B. 1. Each county shall be reapportioned by the board of county commissioners on or before October 1 following the final official publication of the Federal Decennial Census to this state for the purposes of legislative redistricting. Provided, for purposes of the 2021 reapportionment of counties, each county shall be reapportioned by the board of county commissioners on or before

November 30, 2021, following the final official publication of the Federal Decennial Census to this state for the purposes of legislative redistricting. The reapportionment shall be recorded in a resolution adopted by the commissioners. The resolution shall include an effective date for the reapportioned county commissioner districts. The effective date shall be January 1 of the following year; provided, however, county election boards shall conduct regular or special elections for county commissioner held after April 5, 2022, in accordance with the reapportioned districts.

2. Beginning with the reapportionment following the 1990 Federal Decennial Census, all boundaries of county commissioner districts shall follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial census.

3. If the commissioners fail to reapportion the county as required by this subsection, the commissioners shall be subject to the provisions of Sections 91 through 105 of Title 51 of the Oklahoma Statutes and it shall be the duty of the county excise board to perform the reapportionment.

C. There is hereby established a depository for county commissioner district boundary maps and reapportionment resolutions within the Office of Geographic Information within the Oklahoma Conservation Commission.

R.L. 1910, § 1583. Amended by Laws 1925, c. 65, p. 97, § 1, emerg. eff. April 3, 1925; Laws 1982, c. 165, § 1, emerg. eff. April 12, 1982; Laws 1983, c. 158, § 1, eff. Nov. 1, 1983; Laws 1990, c. 213, § 1, emerg. eff. May 18, 1990; Laws 1991, c. 185, § 1, emerg. eff. May 13, 1991; Laws 2012, c. 190, § 1, eff. July 1, 2012; Laws 2021, c. 366, § 1, emerg. eff. April 28, 2021; Laws 2021, 1st Ex. Sess., c. 5, § 2, emerg. eff. Nov. 22, 2021.

§19-322. Repealed by Laws 2013, c. 120, § 1, eff. Nov. 1, 2013.

§19-323. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-324. Repealed by Laws 1941, p. 464, § 6 and Laws 1943, p. 78, § 43.

§19-324a. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-324b. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-325. County seal.

The board of county commissioners shall procure and keep a seal with such emblems and devices as they may think proper, which shall be the seal of the county, and no other seal shall be used by the county clerk; and the impression of the seal hereby required to be kept by the stamp, shall be sufficient sealing in all cases where sealing is required.

R.L. 1910, § 1586.

§19-326. Meetings - Passing on bills and claims.

A. In addition to the special sessions for equalizing assessments, and all other special sessions now provided by law, the county commissioners shall meet and hold sessions for the transaction of business in the county courthouse, at the county seat, on or before the first Monday of each month, and may remain in session as long as the public business may require, and the passing upon, allowing or rejecting of bills against the county shall be taken up and passed upon by the board in the order in which the claims have been filed, and in which order such claims must be entered upon the calendar, except salary, wage and compensation claims of officers and deputies and employees, which salary, wage and compensation claims may be considered and paid, on or after the termination of the service pay period; provided, that such claims by subordinate deputies and employees be first approved by the officer having charge of the office or department. The board of county commissioners may recess or adjourn its meetings within the session, either from time to time or from day to day, or on call of the chairman; but, if such board does not sooner adjourn its session for any month, such session shall terminate and be adjourned by operation of law on the last business day of such month. If the board shall have adjourned its session before the last business day of any month, the county clerk shall have power to call special sessions when the best interests of the county demand it, upon giving five (5) days' notice of the time and object of calling the commissioners together, by posting up notices in three public places in the county, or by publication in some newspaper of general circulation in the county; provided, that in the case of a vacancy in the office of county clerk, the chairman of the board shall have power to call a special session for the purpose of filling such vacancy.

B. The board of county commissioners may meet at times and in places within the county other than the county courthouse if it is determined that such meetings are beneficial to the general public. Such meetings shall be in compliance with the Oklahoma Open Meeting Act.

R.L. 1910, § 1587. Amended by Laws 1945, p. 80, § 1, emerg. eff. April 16, 1945; Laws 1988, c. 41, § 1, eff. Nov. 1, 1988; Laws 1993,

c. 239, § 13, eff. July 1, 1993; Laws 2001, c. 139, § 2, eff. Nov. 1, 2001.

§19-327. Chairman elected each year.

At the first meeting of the county commissioners in each year they shall elect one of their number chairman, who shall act as chairman of the said board of commissioners during the year in which he is elected, or until his successor is elected, and in case of a vacancy from any cause whatever the board of county commissioners shall elect another chairman.
R.L. 1910, § 1588.

§19-328. Powers and duties of chairman.

It shall be the duty of the chairman of the board of county commissioners to preside at the meetings of said board, and he shall have the power to administer oaths to any person concerning any matter submitted to the board or connected with their powers and duties; and all orders made by the board of county commissioners, and all warrants drawn on the county treasurer, shall be signed by the chairman and attested by the clerk.
R.L. 1910, § 1589.

§19-329. Equal division.

When the board of county commissioners are equally divided on any question, they shall defer a decision until the next meeting of the board, and then the matter shall be decided by a majority of the board.
R.L. 1910, § 1590.

§19-330. Certified copies of proceedings evidence.

Copies of the proceedings of the board of county commissioners, duly certified and attested by the county clerk under seal shall be received as evidence in all courts of this state.
R.L. 1910, § 1591.

§19-331. May punish contempts and issue process.

The board of county commissioners shall have power to preserve order when sitting as a board, and may punish contempts by fines not exceeding Five Dollars ($5.00), or by imprisonment in the county jail not exceeding twenty-four (24) hours; they may force obedience to all orders made by attachment or other compulsory process, and when fines are assessed by them the same may be collected before any justice of the peace having jurisdiction, and shall be paid over as other fines within ten (10) days after they are collected.
R.L. 1910, § 1592.

§19-332. Account with county treasurer.

The said commissioners shall keep a distinct account with the treasurer of the county, in a book provided for that purpose, commencing from the day on which the treasurer became qualified and continuing until the same or another person is qualified as treasurer, in which account they shall charge the treasurer with all sums paid him and for all sums for which the treasurer is accountable to the county, and they shall credit him with all warrants returned and canceled, with all monies paid and with all vouchers presented by him and with all matters with which the treasurer is to be credited on account; and the said board in their settlement with the treasurer shall keep the general, special and road tax separate, that any citizen of the county may see how the same is expended.
R.L. 1910, § 1593.

§19-333. Record of orders and decisions - Commissioner not serving another term - Duties.

A. The board of county commissioners shall keep a book in which all orders and decisions made by them shall be recorded, except those relating solely to roads and bridges as required by Section 334 of this title. All orders for the allowance of money from the county treasury shall state on what account and to whom the allowance is made, dating the same and numbering them consecutively from the first day of January to the thirty-first day of December, inclusive, in each year.

B. Any county commissioner who fails to file for reelection or is defeated in any primary or general election or by any other manner it is impossible for the commissioner to serve another term in office, shall not acquire, purchase, contract for or dispose of any machinery or equipment, or expend or approve for expenditure any monies for any purpose other than normal or routine operating expenditures except as provided in this section. It shall be the mandatory duty of the commissioner to execute payment and to pay all outstanding obligations of the county incurred by the commissioner, or on behalf of the commissioner by the board of county commissioners, prior to the expiration of the term of office of the commissioner. However, in the case of lease-purchase contracts, rental, lease or other payments extending beyond the term of office of the commissioner it shall be the mandatory duty of the commissioner to execute and to make such payments current as of the date of expiration of the term of office of the commissioner. The commissioner shall be liable both personally and on the official bond of the commissioner for any violation of the mandatory duties herein imposed.
R.L. 1910, § 1594. Amended by Laws 1953, p. 80, § 1; Laws 1965, c. 387, § 1, emerg. eff. June 30, 1965; Laws 1996, c. 65, § 1, emerg. eff. April 9, 1996.

§19-333.1. Violation of Section 333.

Any county commissioner or person who knowingly or willfully fails or refuses to comply with the provisions of this act shall be guilty of a felony.

Added by Laws 1953, p. 80, § 3. Editorially renumbered from § 410.1a of this title. Amended by Laws 1997, c. 133, § 150, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 150 from July 1, 1998, to July 1, 1999.

§19-334. Records relating to bridges and roads.

They shall keep a book for the entry of all proceedings and adjudications relating to bridges, and the establishment, change or discontinuance of roads.

R.L. 1910, § 1595.

§19-335. Record of warrants on county treasurer - Numbering of warrants.

They shall keep a book for the entry of warrants on the county treasurer, showing number, date, amount and name of the payee of each warrant drawn on the treasury, which book may be known as the "Warrant Book", and the warrants shall be numbered in relation to the order and decision allowing the amount for which the same was drawn.

R.L. 1910, § 1596.

§19-336. Warrants uncalled for to be canceled.

The board of commissioners is hereby authorized and required at each regular meeting to cancel and destroy all warrants drawn on any fund of the county that may have remained uncalled for and on file for a period of three years and upwards next preceding the regular meeting at which the cancellation takes place.

R.L. 1910, § 1597.

§19-337. Record of canceled warrants.

Said commissioners before canceling and destroying any such warrants shall cause to be entered in the minutes of their proceedings a brief description thereof, containing the name of the payee, the number, date and amount of each warrant destroyed.

R.L. 1910, § 1598.

§19-338. Lease of county buildings or lands to United States, state or incorporated city or town for airports or public uses.

The board of county commissioners is hereby authorized and empowered to enter into contracts with the authorities of the United States of America, the State of Oklahoma, and any incorporated city

or town within the boundary of the county entering into such contract, leasing and letting to the United States of America, the State of Oklahoma, or to any incorporated city or town situated within the boundaries of the county making such contract, or contracts, any county building, or buildings, or lands, belonging to the county, for airports or public uses; and such contract, or contracts, when entered into by the board of county commissioners of any county, with the Governor of the State of Oklahoma, or with the proper authorities of the United States of America, or the proper authorities of any incorporated city or town located within the boundary of the county entering into such contract, shall be valid obligations. Contracts of like character heretofore entered into, by and between any authorities hereinbefore mentioned, are in all things hereby ratified, confirmed and legalized.
R.L. 1910, § 1599. Amended by Laws 1941, p. 60, § 1.

§19-339. General powers of commissioners.

A. The board of county commissioners shall have power:

1. To make all orders respecting the real property of the county, to sell the public grounds of the county and to purchase other grounds in lieu thereof; and for the purpose of carrying out the provisions of this section it shall be sufficient to convey all the interests of the county in those grounds when an order made for the sale and a deed is executed in the name of the county by the chair of the board of county commissioners, reciting the order, and signed by the chair and acknowledged by the county clerk for and on behalf of the county;

2. To audit the accounts of all officers having the care, management, collection or disbursement of any money belonging to the county or appropriated for its benefit;

3. To construct and repair bridges and to open, lay out and vacate highways; provided, however, that when any state institution, school or department shall own, lease or otherwise control land on both sides of any established highway, the governing board or body of the same shall have the power to vacate, alter or relocate the highway adjoining the property in the following manner:

If it should appear that it would be to the best use and interest of the institution, school or department to vacate, alter or relocate such highway, the governing board or body shall notify the board of county commissioners, in writing, of their intention to hold a public hearing and determine whether to vacate, alter or relocate the highway, setting forth the location and terminals of the road, and all data concerning the proposed right-of-way if changed or relocated, and shall give fifteen (15) days' notice of the hearing by publication in some newspaper in the county or counties in which the road is located, and the hearing shall be held at the county seat of the county in which the road is located, and

if a county line road, may be heard in either county. At the hearing testimony may be taken, and any protests or suggestions shall be received as to the proposed measure, and at the conclusion thereof if the governing board or body shall find that it would be to the best use and interest of the institution, school or department, and the public generally, they may make an appropriate order either vacating, altering or relocating the highway, which order shall be final if approved by the board of county commissioners. The institution, school or department may by agreement share the cost of changing any such road. No property owner shall be denied access to a public highway by the order;

4. To recommend or sponsor an employee or prospective employee for job-related training and certification in an area that may require training or certification to comply with state or federal law as such training or certification is provided by the Department of Transportation, the Federal Highway Administration, or any other state agency, technology center school, or university;

5. To determine the years of service required for full-time county employees to qualify for a continuing education program. Such programs may consist of courses offered by colleges and universities that are members of The Oklahoma State System of Higher Education as well as any other in-state or out-of-state programs or courses which are relevant to the employee's responsibilities as approved by the county commissioners. Such programs shall require that employees maintain at least an A or B average in order to qualify for one hundred percent (100%) reimbursement. Employees who maintain passing or satisfactory grades shall qualify for seventy-five percent (75%) reimbursement under such programs. Such programs shall require that documentation from colleges and universities regarding courses completed, credits earned and tuition charged be submitted to a board of county commissioners within ninety (90) days after the completion of courses. General applications and request forms for such programs shall be submitted to a board of county commissioners or an appropriate human resources department prior to the conclusion of a county's current fiscal year. Employees who elect to participate in such programs shall continue to meet the full responsibilities of their positions, and participation shall not interfere with availability for scheduled work or negatively affect work performance. In order to be eligible for participation in such programs, employees shall not have been formally disciplined within one (1) year prior to submitting their program application. A board of county commissioners shall be authorized to establish a program requiring a one-year commitment of service to the county from individuals who participate in such programs. Under such programs, employees shall only be eligible to receive tuition reimbursements in exchange for employment with the county lasting at least one (1) year;

6. Until January 1, 1983, to furnish necessary blank books, plats, blanks and stationery for the clerk of the district court, county clerk, register of deeds, county treasurer and county judge, sheriff, county surveyor and county attorney, justices of the peace, and constables, to be paid for out of the county treasury; also a fireproof vault sufficient in which to keep all the books, records, vouchers and papers pertaining to the business of the county;

7. To set off, organize and change the boundaries of townships and to designate and give names therefor; provided, that the boundaries of no township shall be changed within six (6) months next preceding a general election;

8. To lease tools, apparatus, machinery or equipment of the county to another political subdivision or a state agency. The Association of County Commissioners of Oklahoma and the Oklahoma State University Center for Local Government Technology together shall establish a system of uniform rates for the leasing of such tools, apparatus, machinery and equipment;

9. To jointly, with other counties, buy heavy equipment and to loan or lease such equipment across county lines;

10. To develop personnel policies for the county with the approval of a majority of all county elected officers, as evidenced in the minutes of a meeting of the board of county commissioners or the county budget board;

11. To purchase, rent, or lease-purchase uniforms, safety devices and equipment for the officers and employees of the county. The county commissioners may pay for any safety training or safety devices and safety equipment out of the general county funds or any county highway funds available to the county commissioners;

12. To provide incentive awards for safety-related job performance. However, no employee shall be recognized more than once per calendar year and the award shall not exceed the value of Two Hundred Fifty Dollars ($250.00); further, no elected official shall be eligible to receive a safety award;

13. To provide for payment of notary commissions, filing fees, and the cost of notary seals and bonds;

14. To do and perform other duties and acts that the board of county commissioners may be required by law to do and perform;

15. To make purchases at a public auction pursuant to the county purchasing procedures in subsection D of Section 1505 of this title;

16. To deposit interest income from highway funds in the general fund of the county;

17. To submit sealed bids for the purchase of equipment from this state, or any agency or political subdivision of this state;

18. To utilize county-owned equipment, labor and supplies at their disposal on property owned by the county, public schools, two-year colleges or technical branches of colleges that are members of

The Oklahoma State System of Higher Education, the state and municipalities according to the provisions of Section 36-113 of Title 11 of the Oklahoma Statutes. Cooperative agreements may be general in terms of routine maintenance or specific in terms of construction and agreed to and renewed on an annual basis. Work performed pursuant to Section 36-113 of Title 11 of the Oklahoma Statutes shall comply with the provisions of this section;

19. To enter into intergovernmental cooperative agreements with the federally recognized Indian tribes within this state to address issues of construction and maintenance of streets, roads, bridges and highways exclusive of the provisions of Section 1221 of Title 74 of the Oklahoma Statutes;

20. To execute hold harmless agreements with the lessor in the manner provided by subsection B of Section 636.5 of Title 69 of the Oklahoma Statutes when leasing or lease-purchasing equipment;

21. To accept donations of right-of-way or right-of-way easements pursuant to Section 381 et seq. of Title 60 of the Oklahoma Statutes;

22. To establish by resolution the use of per diem for specific purposes in accordance with the limitations provided by Sections 500.8 and 500.9 of Title 74 of the Oklahoma Statutes;

23. To apply to the Department of Environmental Quality for a waste tire permit to bale waste tires for use in approved engineering projects;

24. To enter into the National Association of Counties (NACo) Prescription Drug Discount Program;

25. To work with federal, state, municipal, and public school district properties in an effort to minimize cost to such entities;

26. To provide incentive awards to employees for participating in voluntary wellness programs which result in improved health. Incentive awards may be created by the Wellness Council set forth in Section 1302 of this title;

27. To establish a county employee benefit program to encourage outstanding performance in the workplace. Monies may be expended for the purchase of recognition awards for presentation to an employee or members of a work unit. Recognition awards may be presented at a formal or informal ceremony, banquet, reception or luncheon, the cost of which may be expended from monies available in the county department’s or division’s operating fund;

28. To trade in equipment to a vendor or on statewide contract by acquiring used equipment values pursuant to subsection B of Section 421.1 of this title;

29. To expend federal funds made available to a county of the state through the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. 116-136, or similar relief funds according to the permissible uses of the applicable federal legislation or guidance issued by any federal agency thereof,

regardless of any lack of specific state statutory authorization to perform the duties or functions for which the federal government has provided the funds. The expenditure of the funds in accordance with the federal legislation or guidance issued by any federal agency thereof shall be at the discretion of the board of county commissioners.

The receipt of funding through the CARES Act or similar relief funds shall not be considered a supplemental appropriation and shall be exempt from the requirements of Section 1420 of this title. In the event the period allotted for expenditure of federal funds crosses fiscal years, such funds shall not be considered revenue when setting the county's budget for the next fiscal year; and

30. To enter into intergovernmental cooperative agreements which shall include shared services, with local governmental units within this state pursuant to the provisions of the Interlocal Cooperation Act, Section 1002 et seq. of Title 74 of the Oklahoma Statutes.

B. The county commissioners of a county or, in counties where there is a county budget board, the county budget board may designate money from general county funds for the designated purpose of drug enforcement and drug abuse prevention programs within the county.

C. When any lease or lease purchase is made on behalf of the county by the board pursuant to the provisions of this section, the county shall be allowed to have trade in values for transactions involving the Oklahoma Central Purchasing Act.

D. In order to timely comply with the Oklahoma Vehicle License and Registration Act with regard to county vehicles, the board of county commissioners may, by resolution, create a petty cash account. The board of county commissioners may request a purchase order for petty cash in an amount necessary to pay the expense of license and registration fees for county motor vehicles. Any balance in the petty cash account after the license and registration fees have been paid shall be returned to the account or fund from which the funds originated. The county purchasing agent shall be the custodian of the petty cash account, and the petty cash account shall be subject to audit.

E. When the board of county commissioners approves an express trust, pursuant to Sections 176 through 180.4 of Title 60 of the Oklahoma Statutes, for the purpose of operating a county jail, the trustees of the public trust may appoint commissioned peace officers, certified by the Council on Law Enforcement Education and Training, to provide security for inmates that are required to be transported outside of the detention facility, and investigate violations of law within the detention facility. Other personnel necessary to operate the jail may be employed and trained or certified as may be required by applicable state or federal law.

R.L. 1910, § 1600. Amended by Laws 1949, p. 150, § 1, emerg. eff. May 20, 1949; Laws 1982, c. 249, § 7; Laws 1989, c. 286, § 1, operative July 1, 1989; Laws 1990, c. 183, § 1; Laws 1991, c. 60, § 1, emerg. eff. April 10, 1991; Laws 1993, c. 239, § 14, eff. July 1, 1993; Laws 1994, c. 34, § 1, eff. Sept. 1, 1994; Laws 1995, c. 1, § 4, emerg. eff. March 2, 1995; Laws 1995, c. 172, § 1, emerg. eff. May 9, 1995; Laws 1996, c. 45, § 1, eff. Nov. 1, 1996; Laws 1998, c. 193, § 1, emerg. eff. May 4, 1998; Laws 1999, c. 76, § 1, eff. Nov. 1, 1999; Laws 2000, c. 200, § 1, eff. Nov. 1, 2000; Laws 2001, c. 39, § 1, eff. July 1, 2001; Laws 2001, c. 231, § 1, eff. Nov. 1, 2001; Laws 2002, c. 142, § 1, eff. July 1, 2002; Laws 2003, c. 387, § 2, emerg. eff. June 4, 2003; Laws 2004, c. 5, § 5, emerg. eff. March 1, 2004; Laws 2005, c. 76, § 1, eff. Nov. 1, 2005; Laws 2006, c. 125, § 7, eff. July 1, 2006; Laws 2006, c. 255, § 2, eff. Nov. 1, 2006; Laws 2010, c. 266, § 2, emerg. eff. May 13, 2010; Laws 2011, c. 1, § 9, emerg. eff. March 18, 2011; Laws 2012, c. 22, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 11, emerg. eff. April 8, 2013; Laws 2013, c. 134, § 1, eff. Nov. 1, 2013; Laws 2018, c. 188, § 1; Laws 2019, c. 25, § 10, emerg. eff. April 4, 2019; Laws 2019, c. 396, § 1, eff. Nov. 1, 2019; Laws 2021, c. 50, § 1, eff. Nov. 1, 2021; Laws 2022, c. 333, § 1, emerg. eff. May 26, 2022; Laws 2023, c. 314, § 1, eff. Nov. 1, 2023; Laws 2024, c. 452, § 4, emerg. eff. June 14, 2024.
NOTE: Laws 1994, c. 6, § 3 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 2001, c. 22, § 2 repealed by Laws 2001, c. 231, § 6, eff. Nov. 1, 2001. Laws 2003, c. 230, § 1 repealed by Laws 2004, c. 5, § 6, emerg. eff. March 1, 2004. Laws 2010, c. 225, § 1 repealed by Laws 2011, c. 1, § 10, emerg. eff. March 18, 2011. Laws 2012, c. 19, § 1 repealed by Laws 2013, c. 15, § 12, emerg. eff. April 8, 2013. Laws 2012, c. 144, § 1 repealed by Laws 2013, c. 15, § 13, emerg. eff. April 8, 2013. Laws 2018, c. 122, § 1 repealed by Laws 2019, c. 25, § 11, emerg. eff. April 4, 2019.
NOTE: In accordance with § 11 of Article II of the Oklahoma Constitution, SB 590 became law without the Governor's signature. It was filed with the Secretary of State on May 15, 2019.

§19-339.1. Sale of county-owned property to Oklahoma Historical Society.

The board of county commissioners is hereby authorized and empowered to sell to the Oklahoma Historical Society for purposes of restoration and preservation, county-owned land, sites or structures which have been deemed by the Oklahoma Historical Society to be of historical significance to the state.
Added by Laws 1975, c. 240, § 1, emerg. eff. May 30, 1975.

§19-339.2. Purchase price.

The purchase price of any county-owned land, sites or structures to be sold to the Oklahoma Historical Society shall be determined by the board of county commissioners.
Added by Laws 1975, c. 240, § 2, emerg. eff. May 30, 1975.

§19-339.3. Disposition of funds.

The board of county commissioners shall place all funds received from the sale of land, sites or structures in a special fund to be used for the purchase or construction of facilities for use by the county. All such funds may be invested by the county treasurer as directed by the board of county commissioners in state or national banks or trust companies upon insured time deposit bearing interest at a rate no less than currently being paid upon insured savings accounts in said institutions or invested in direct obligations of the United States government.
Added by Laws 1975, c. 240, § 3, emerg. eff. May 30, 1975.

§19-339.4. Environmental remediation of land.

A. County commissioners may use county funds and resources for environmental remediation of land, including land owned by public trust authorities, if the Department of Environmental Quality certifies, in writing, that the property is polluted or contaminated to such degree that remediation is necessary to restore the environment. Remediation of the contamination or pollution shall be pursuant to a remediation plan approved by the Department of Environmental Quality.

B. Unless the Department of Environmental Quality determines that it is unnecessary under the circumstances, the remediation plan shall include a component describing erosion control and revegetation measures to be implemented. The remediation plan shall not be approved until the erosion control and revegetation measures have been certified as appropriate by the local conservation district.

C. The county may seek reimbursement for its remediation costs and expenses from state or federal monies or other sources, if any are authorized and available for such purpose.
Added by Laws 2001, c. 231, § 2, eff. Nov. 1, 2001.

§19-339.5. Landfills - Restrictions and enforcement.

The board of county commissioners of any county in which there is located within an unincorporated area of the county a construction/demolition landfill that receives more than two hundred (200) tons per day of solid waste, or the board of county commissioners of any adjacent county, to the extent that roads in the county commonly provide access to the landfill, may, with respect to unincorporated areas of the county, enact and enforce ordinances and regulations to restrict and control noise, dust and

traffic associated with the landfill and to limit the impact of these factors on the aesthetic and economic interests of adjacent or nearby neighborhoods or businesses.
Added by Laws 2001, c. 392, § 1, emerg. eff. June 4, 2001.
NOTE: Editorially renumbered from Title 19, § 339.4 to avoid a duplication in numbering.

§19-339.6. Curfew for juveniles - Fine - Community service.

A. The board of county commissioners of any county of this state having a population of more than five hundred thousand (500,000) persons according to the last federal decennial census, by resolution, may determine a curfew for juveniles that will apply to all unincorporated areas of the county. The parameters of the curfew shall be determined by the board and all penalty provisions shall comply with the provisions of Title 10A of the Oklahoma Statutes and federal law concerning detention and custody of juveniles.

B. The board shall provide public notice of the curfew in a newspaper of general circulation in the county. The notice shall be published once weekly for a period of four (4) continuous weeks.

C. The county shall correspond and work in conjunction with any appropriate state agency, if assistance is required in producing signs and posting the curfew.

D. The county shall post curfew information, as determined pursuant to subsections A through C of this section, on the county line marker where any state highway enters a county and at all off-ramps where interstate highways or turnpikes enter a county, unless a state agency has such jurisdiction to properly post signs. The appropriate board of county commissioners shall reimburse any state agency that may assist for the full cost of the required signage.

E. Any person convicted of a curfew violation pursuant to this section shall be fined an amount not exceeding Twenty-five Dollars ($25.00). Any person convicted of a second or subsequent curfew violation shall be fined an amount not exceeding One Hundred Dollars ($100.00), or assigned not more than thirty (30) hours of community service, or both such fine and community service hours.
Added by Laws 2003, c. 110, § 1, eff. Nov. 1, 2003. Amended by Laws 2004, c. 355, § 1, emerg. eff. May 26, 2004; Laws 2009, c. 234, § 114, emerg. eff. May 21, 2009.

§19-339.7. Community service program assessment.

A. As used in this section, "community service program" means a structured program for offenders sentenced to community service to work in or on any government property and designed to save public funds or improve the community that has been approved by a majority vote of the board of county commissioners of the county.

B. In any county in this state that has a community service program the county commissioners may, pursuant to a majority vote of the board of county commissioners of the county, impose a community service program assessment as provided for pursuant to the provisions of this section.

C. In every county in which a community service program assessment has been imposed pursuant to subsection B of this section, in addition to the imposition of any costs, penalties or fines imposed pursuant to law by the district court, any person convicted of, pleading guilty or nolo contendere to, or agreeing to a deferred judgment procedure under the provisions set forth in the Oklahoma Statutes for any felony or misdemeanor shall be ordered to pay a community service program assessment of at least Twenty-five Dollars ($25.00), but not to exceed Two Hundred Fifty Dollars ($250.00), for each felony or misdemeanor for which the person is ordered to complete community service in the community service program of the county.

D. In every county in which a community service program assessment has been imposed pursuant to subsection B of this section, in addition to the imposition of any costs, penalties or fines imposed pursuant to law by the district court, a community service program assessment of at least Twenty-five Dollars ($25.00), but not to exceed Two Hundred Fifty Dollars ($250.00), shall be levied by the court against the child at the time the child is adjudicated by the court as a delinquent child or agrees to a deferred adjudication, provided the delinquent child is ordered to complete community service in the community service program of the county.

E. In every county in which a community service program assessment has been imposed pursuant to subsection B of this section, in addition to the imposition of any costs, penalties or fines imposed pursuant to law, in any municipal court of record in which the defendant is ordered by the court to pay municipal court costs and to complete community service in the community service program of the county, the court shall levy and collect a community service program assessment of at least Twenty-five Dollars ($25.00), but not to exceed Two Hundred Fifty Dollars ($250.00). The municipal court clerk collecting said assessment is authorized to deduct ten percent (10%) of the amount collected for administrative costs.

F. All monies collected pursuant to subsections C, D and E of this section shall be forwarded monthly by the applicable court clerk to the community service program assessment revolving fund of the appropriate county created pursuant to subsection G of this section.

G. There are hereby created community service program assessment revolving funds in each county in which the county has

levied an assessment pursuant to the provisions of subsection B of this section. Each such revolving fund shall be designated for use within the county to operate and administer a community service program and shall consist of all monies generated by such assessment. Monies in such funds shall only be expended for the purposes specifically designated as required by this section. A community service program assessment revolving fund shall be a continuing fund, not subject to fiscal year limitations.
Added by Laws 2012, c. 179, § 2, eff. July 1, 2012.

§19-339.8. Debt collection services.

A. The board of county commissioners may enter into a contract with a collection agency for the provision of collection services for debts and accounts receivable including, but not limited to, unpaid fees, penalties, interest, and other sums due the county, as applicable.

B. The board of county commissioners that enters into a contract with a collection agency pursuant to this section may authorize the addition of a collection fee in an amount not to exceed thirty-five percent (35%) on each item described in subsection A of this section that has been referred by the county to the collection agency for collection.
Added by Laws 2012, c. 232, § 1, eff. Nov. 1, 2012.
NOTE: Editorially renumbered from Title 19, § 339.7 to avoid duplication in numbering.

§19-339.9. Multi-county library systems — Accounting request by counties.

Counties that participate in a multi-county library system may, by two-thirds (2/3) vote of all participating boards of county commissioners, adopt the following procedure:

1. Counties participating in multi-county library systems may request an accounting of the library system's overall budget and estimate of needs. Each multi-county library system shall designate the executive director or employee in charge of accounting to produce the requested accounting or estimate of needs made under this act; and

2. If adopted, each county shall also adopt one of the following:

a. the presentation of the accounting or estimate of needs shall be given at a location agreed upon by all chairmen of the participating boards of county commissioners, or

b. the individual board of county commissioners with the largest funding contribution to the multi-county library system budget shall host the presentation of the accounting or estimate of needs.

Added by Laws 2024, c. 21, § 1, eff. Nov. 1, 2024.

§19-339v2. General powers of commissioners.

A. The board of county commissioners shall have power:

1. To make all orders respecting the real property of the county, to sell the public grounds of the county and to purchase other grounds in lieu thereof; and for the purpose of carrying out the provisions of this section it shall be sufficient to convey all the interests of the county in those grounds when an order made for the sale and a deed is executed in the name of the county by the chair of the board of county commissioners, reciting the order, and signed by the chair and acknowledged by the county clerk for and on behalf of the county;

2. To audit the accounts of all officers having the care, management, collection or disbursement of any money belonging to the county or appropriated for its benefit;

3. To construct and repair bridges and to open, lay out and vacate highways; provided, however, that when any state institution, school or department shall own, lease or otherwise control land on both sides of any established highway, the governing board or body of the same shall have the power to vacate, alter or relocate the highway adjoining the property in the following manner:

If it should appear that it would be to the best use and interest of the institution, school or department to vacate, alter or relocate such highway, the governing board or body shall notify the board of county commissioners, in writing, of their intention to hold a public hearing and determine whether to vacate, alter or relocate the highway, setting forth the location and terminals of the road, and all data concerning the proposed right-of-way if changed or relocated, and shall give fifteen (15) days' notice of the hearing by publication in some newspaper in the county or counties in which the road is located, and the hearing shall be held at the county seat of the county in which the road is located, and if a county line road, may be heard in either county. At the hearing testimony may be taken, and any protests or suggestions shall be received as to the proposed measure, and at the conclusion thereof if the governing board or body shall find that it would be to the best use and interest of the institution, school or department, and the public generally, they may make an appropriate order either vacating, altering or relocating the highway, which order shall be final if approved by the board of county commissioners. The institution, school or department may by agreement share the cost of changing any such road. No property owner shall be denied access to a public highway by the order;

4. To recommend or sponsor an employee or prospective employee for job-related training and certification in an area that may require training or certification to comply with state or federal

law as such training or certification is provided by the Department of Transportation, the Federal Highway Administration, or any other state agency, technology center school, or university;

5. To determine the years of service required for full-time county employees to qualify for a continuing education program. Such programs may consist of courses offered by colleges and universities that are members of The Oklahoma State System of Higher Education as well as any other in-state or out-of-state programs or courses which are relevant to the employee's responsibilities as approved by the county commissioners. Such programs shall require that employees maintain at least an A or B average in order to qualify for one hundred percent (100%) reimbursement. Employees who maintain passing or satisfactory grades shall qualify for seventy-five percent (75%) reimbursement under such programs. Such programs shall require that documentation from colleges and universities regarding courses completed, credits earned and tuition charged be submitted to a board of county commissioners within ninety (90) days after the completion of courses. General applications and request forms for such programs shall be submitted to a board of county commissioners or an appropriate human resources department prior to the conclusion of a county's current fiscal year. Employees who elect to participate in such programs shall continue to meet the full responsibilities of their positions, and participation shall not interfere with availability for scheduled work or negatively affect work performance. In order to be eligible for participation in such programs, employees shall not have been formally disciplined within one (1) year prior to submitting their program application. A board of county commissioners shall be authorized to establish a program requiring a one-year commitment of service to the county from individuals who participate in such programs. Under such programs, employees shall only be eligible to receive tuition reimbursements in exchange for employment with the county lasting at least one (1) year;

6. Until January 1, 1983, to furnish necessary blank books, plats, blanks and stationery for the clerk of the district court, county clerk, register of deeds, county treasurer and county judge, sheriff, county surveyor and county attorney, justices of the peace, and constables, to be paid for out of the county treasury; also a fireproof vault sufficient in which to keep all the books, records, vouchers and papers pertaining to the business of the county;

7. To set off, organize and change the boundaries of townships and to designate and give names therefor; provided, that the boundaries of no township shall be changed within six (6) months next preceding a general election;

8. To lease tools, apparatus, machinery or equipment of the county to another political subdivision or a state agency. The Association of County Commissioners of Oklahoma and the Oklahoma

State University Center for Local Government Technology together shall establish a system of uniform rates for the leasing of such tools, apparatus, machinery and equipment;

9. To jointly, with other counties, buy heavy equipment and to loan or lease such equipment across county lines;

10. To develop personnel policies for the county with the approval of a majority of all county elected officers, as evidenced in the minutes of a meeting of the board of county commissioners or the county budget board;

11. To purchase, rent, or lease-purchase uniforms, safety devices and equipment for the officers and employees of the county. The county commissioners may pay for any safety training or safety devices and safety equipment out of the general county funds or any county highway funds available to the county commissioners;

12. To provide incentive awards for safety-related job performance. However, no employee shall be recognized more than once per calendar year and the award shall not exceed the value of Two Hundred Fifty Dollars ($250.00); further, no elected official shall be eligible to receive a safety award;

13. To provide for payment of notary commissions, filing fees, and the cost of notary seals and bonds;

14. To do and perform other duties and acts that the board of county commissioners may be required by law to do and perform;

15. To make purchases at a public auction pursuant to the county purchasing procedures in subsection D of Section 1505 of this title;

16. To deposit interest income from highway funds in the general fund of the county;

17. To submit sealed bids for the purchase of equipment from this state, or any agency or political subdivision of this state;

18. To utilize county-owned equipment, labor and supplies at their disposal on property owned by the county, public schools, two-year colleges or technical branches of colleges that are members of The Oklahoma State System of Higher Education, the state and municipalities according to the provisions of Section 36-113 of Title 11 of the Oklahoma Statutes. Cooperative agreements may be general in terms of routine maintenance or specific in terms of construction and agreed to and renewed on an annual basis. Work performed pursuant to Section 36-113 of Title 11 of the Oklahoma Statutes shall comply with the provisions of this section;

19. To enter into intergovernmental cooperative agreements with the federally recognized Indian tribes within this state to address issues of construction and maintenance of streets, roads, bridges and highways exclusive of the provisions of Section 1221 of Title 74 of the Oklahoma Statutes;

20. To execute hold harmless agreements with the lessor in the manner provided by subsection B of Section 636.5 of Title 69 of the Oklahoma Statutes when leasing or lease-purchasing equipment;

21. To accept donations of right-of-way or right-of-way easements pursuant to Section 381 et seq. of Title 60 of the Oklahoma Statutes;

22. To establish by resolution the use of per diem for specific purposes in accordance with the limitations provided by Sections 500.8 and 500.9 of Title 74 of the Oklahoma Statutes;

23. To apply to the Department of Environmental Quality for a waste tire permit to bale waste tires for use in approved engineering projects;

24. To enter into the National Association of Counties (NACo) Prescription Drug Discount Program;

25. To work with federal, state, municipal, and public school district properties in an effort to minimize cost to such entities;

26. To provide incentive awards to employees for participating in voluntary wellness programs which result in improved health. Incentive awards may be created by the Wellness Council set forth in Section 1302 of this title;

27. To establish a county employee benefit program to encourage outstanding performance in the workplace. Monies may be expended for the purchase of recognition awards for presentation to an employee or members of a work unit. Recognition awards may be presented at a formal or informal ceremony, banquet, reception or luncheon, the cost of which may be expended from monies available in the county department's or division's operating fund;

28. To trade in equipment to a vendor or on statewide contract by acquiring used equipment values pursuant to subsection B of Section 421.1 of this title; and

29. To expend federal funds made available to a county of the state through the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. 116-136, or similar relief funds according to the permissible uses of the applicable federal legislation or guidance issued by any federal agency thereof, regardless of any lack of specific state statutory authorization to perform the duties or functions for which the federal government has provided the funds. The expenditure of the funds in accordance with the federal legislation or guidance issued by any federal agency thereof shall be at the discretion of the board of county commissioners.

The receipt of funding through the CARES Act or similar relief funds shall not be considered a supplemental appropriation and shall be exempt from the requirements of Section 1420 of this title. In the event the period allotted for expenditure of federal funds crosses fiscal years, such funds shall not be considered revenue when setting the county's budget for the next fiscal year.

B. The county commissioners of a county or, in counties where there is a county budget board, the county budget board may designate money from general county funds for the designated purpose of drug enforcement and drug abuse prevention programs within the county.

C. When any lease or lease purchase is made on behalf of the county by the board pursuant to the provisions of this section, the county shall be allowed to have trade in values for transactions involving the Oklahoma Central Purchasing Act.

D. In order to timely comply with the Oklahoma Vehicle License and Registration Act with regard to county vehicles, the board of county commissioners may, by resolution, create a petty cash account. The board of county commissioners may request a purchase order for petty cash in an amount necessary to pay the expense of license and registration fees for county motor vehicles. Any balance in the petty cash account after the license and registration fees have been paid shall be returned to the account or fund from which the funds originated. The county purchasing agent shall be the custodian of the petty cash account, and the petty cash account shall be subject to audit.

E. When the board of county commissioners approves an express trust, pursuant to Sections 176 through 180.4 of Title 60 of the Oklahoma Statutes, for the purpose of operating a county jail, the trustees of the public trust may appoint commissioned peace officers, certified by the Council on Law Enforcement Education and Training, to provide security for inmates that are required to be transported outside of the detention facility, and investigate violations of law within the detention facility. Other personnel necessary to operate the jail may be employed and trained or certified as may be required by applicable state or federal law. R.L. 1910, § 1600. Amended by Laws 1949, p. 150, § 1, emerg. eff. May 20, 1949; Laws 1982, c. 249, § 7; Laws 1989, c. 286, § 1, operative July 1, 1989; Laws 1990, c. 183, § 1; Laws 1991, c. 60, § 1, emerg. eff. April 10, 1991; Laws 1993, c. 239, § 14, eff. July 1, 1993; Laws 1994, c. 34, § 1, eff. Sept. 1, 1994; Laws 1995, c. 1, § 4, emerg. eff. March 2, 1995; Laws 1995, c. 172, § 1, emerg. eff. May 9, 1995; Laws 1996, c. 45, § 1, eff. Nov. 1, 1996; Laws 1998, c. 193, § 1, emerg. eff. May 4, 1998; Laws 1999, c. 76, § 1, eff. Nov. 1, 1999; Laws 2000, c. 200, § 1, eff. Nov. 1, 2000; Laws 2001, c. 39, § 1, eff. July 1, 2001; Laws 2001, c. 231, § 1, eff. Nov. 1, 2001; Laws 2002, c. 142, § 1, eff. July 1, 2002; Laws 2003, c. 387, § 2, emerg. eff. June 4, 2003; Laws 2004, c. 5, § 5, emerg. eff. March 1, 2004; Laws 2005, c. 76, § 1, eff. Nov. 1, 2005; Laws 2006, c. 125, § 7, eff. July 1, 2006; Laws 2006, c. 255, § 2, eff. Nov. 1, 2006; Laws 2010, c. 266, § 2, emerg. eff. May 13, 2010; Laws 2011, c. 1, § 9, emerg. eff. March 18, 2011; Laws 2012, c. 22, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 11, emerg. eff. April 8, 2013;

Laws 2013, c. 134, § 1, eff. Nov. 1, 2013; Laws 2018, c. 188, § 1; Laws 2019, c. 25, § 10, emerg. eff. April 4, 2019; Laws 2019, c. 396, § 1, eff. Nov. 1, 2019; Laws 2021, c. 50, § 1, eff. Nov. 1, 2021; Laws 2022, c. 333, § 1, emerg. eff. May 26, 2022; Laws 2023, c. 314, § 1, eff. Nov. 1, 2023.
NOTE: Laws 1994, c. 6, § 3 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 2001, c. 22, § 2 repealed by Laws 2001, c. 231, § 6, eff. Nov. 1, 2001. Laws 2003, c. 230, § 1 repealed by Laws 2004, c. 5, § 6, emerg. eff. March 1, 2004. Laws 2010, c. 225, § 1 repealed by Laws 2011, c. 1, § 10, emerg. eff. March 18, 2011. Laws 2012, c. 19, § 1 repealed by Laws 2013, c. 15, § 12, emerg. eff. April 8, 2013. Laws 2012, c. 144, § 1 repealed by Laws 2013, c. 15, § 13, emerg. eff. April 8, 2013. Laws 2018, c. 122, § 1 repealed by Laws 2019, c. 25, § 11, emerg. eff. April 4, 2019.
NOTE: In accordance with § 11 of Article II of the Oklahoma Constitution, SB 590 became law without the Governor's signature. It was filed with the Secretary of State on May 15, 2019.

§19-340. Investigation of officers - Allowance of compensation, etc.

The board of county commissioners is hereby vested with full power to inquire into and investigate the accounts, disbursements, bills and expenses of any county, district, or township officer, and to that end may subpoena witnesses and in case any witness fails or refuses to obey any lawful order of the board of county commissioners he shall be deemed guilty of a misdemeanor, but in no case shall the board of county commissioners allow any compensation, fee, salary, bills or expenses to any officer or person except when expressly allowed by law.
R.L. 1910, § 1601.

§19-341. Repealed by Laws 1987, c. 8, § 1, emerg. eff. March 26, 1987.

§19-342. May sell unused lands of county.

The board of county commissioners is authorized to sell any unused town lots or parcels of ground not needed for courthouse or jail purposes of any county to the highest bidder for cash, in the manner hereinafter provided. Before any such sale shall be made the board of county commissioners, in regular or special session, shall adopt a resolution declaring that said real estate is not needed for courthouse or jail purposes of the county; said resolution to be published with other proceedings of said board and a copy of said resolution shall be certified by the county clerk to the judge of the district court of such county, and said judge shall appoint three disinterested freeholders of said county to appraise said real

estate, said appraisement to be returned by said appraisers to the board of county commissioners.
R.L. 1910, § 1603.

§19-343. Notice of sale.

Upon the return of the appraisement, as provided in Section 342 of this title, the board of county commissioners shall give notice by publication in a newspaper of general paid circulation in the county, for two (2) successive weekly issues, that said real estate is about to be sold.
R.L. 1910, § 1604. Amended by Laws 1976, c. 92, § 1, emerg. eff. May 6, 1976.

§19-344. Sale of real estate – Public auction or sealed bids.

A. The sale of the real estate may be by public auction held at the county courthouse or at the site of the real property being sold at the time advertised or by sealed bids. Sealed bids for the real estate shall be in writing, sealed and delivered to the county clerk of such county. The county clerk shall preserve the bids unopened until the next regular meeting of the board of county commissioners after the expiration of fifteen (15) days from the date of the first publication, at which the board of county commissioners shall open such bids and award the real estate to the highest and best bidder for the real estate.

B. The real estate shall not be sold for less than eighty percent (80%) of its appraised value, and the boards of county commissioners shall have the power to reject any and all bids.

C. Proceeds from the sale of the property shall be deposited to the account from which the property was purchased.
R.L. 1910, § 1605. Amended by Laws 1976, c. 92, § 2, emerg. eff. May 6, 1976; Laws 2001, c. 231, § 3, eff. Nov. 1, 2001; Laws 2006, c. 255, § 3, eff. Nov. 1, 2006.

§19-345. Annual statement to be published.

They shall superintend the fiscal concerns of the county and secure their management in the best manner; they shall keep an account of the receipts and expenditures of the county, and on the first Monday of July annually, they shall cause a full and accurate statement of the assessments, receipts and expenditures of the preceding year, to be made out in detail under separate heads, with an account of all the debts payable to and by the county treasurer, and they shall have the same printed in at least one newspaper in their county, and if there be no paper in the county the same shall be posted up at the usual place of holding their sessions, and at a public place in each precinct in the county.
R.L. 1910, § 1606.

§19-346. County map to be made.

Said board is authorized to procure for their county a copy of field notes, of the original survey of their county by the United States, and cause a map of the county to be constructed therefrom on a scale of not less than one inch to a mile, and laid off in congressional townships and sections, to be kept open in the office of the county clerk, and the field notes to be deposited in the same office.

R.L. 1910, § 1607.

§19-347. Certificates of indebtedness - Limitation of amount, annual expenditure or indebtedness – Warrants - Limitation of alterations to computer software.

A. With respect to counties seeking cash-flow management during any fiscal year, any county may issue and deliver certificates of indebtedness bearing a stated maturity date for the purpose of participating in a short-term cash management program pursuant to the provisions of Section 177.2 of Title 60 of the Oklahoma Statutes to fund the estimated costs of operations, capital expenditures or other lawful costs of the county, or any of its public trusts as operator of its property, for the current fiscal year. The proceeds of certificates of indebtedness shall be set aside in a separate account and used only for the purpose of meeting expenditures and obligations which would otherwise be lawfully payable from the revenue certified by the county excise board. As proceeds from the certificates are used to pay such lawful expenditures and obligations, the financial records of the county shall reflect the amounts of these obligations paid with such proceeds so that a like amount of revenue collected and available to the county may be used to repay the certificates of indebtedness, in whole or in part. The State Auditor and Inspector shall adopt uniform accounting procedures for use by the counties to ensure that the issuance of certificates of indebtedness and the use of the proceeds derived from these certificates will be documented and will not result in a district overspending its authorized budget. All certificates of indebtedness shall be issued, delivered and registered for payment in the specific manner designated by the State Auditor and Inspector; provided, any such certificates of indebtedness shall be made payable on any date within the then current fiscal year and may be purchased for value through the funding of uncollateralized investments made for the benefit of and on behalf of the county. Short-term cash management programs of any county may lawfully provide for the investment of note, bond or certificate proceeds by the issuer of the obligations with the benefit and use of such proceeds assured to the county when needed by the county. Monies remaining in any such investment agreement or investments may be applied to or credited for the payment of the certificate of

indebtedness by trust instruction when due in a like and similar manner provided for the transfer of monies by subsection J of Section 5-135 of Title 70 of the Oklahoma Statutes. In no case may a county participate in a short-term cash management program in any given fiscal year beyond that fiscal year. Monies received by a county pursuant to a short-term cash management program may be used only for those purposes for which other monies of the county may be lawfully expended.

B. It shall be unlawful for the board of county commissioners to issue any certificate of indebtedness, in any form, in payment of or representing or acknowledging any account, claim, or indebtedness against the county, or to make any contracts for or incur any indebtedness against the county in excess of the amount then unexpended and unencumbered of the sum appropriated for the specific item of estimated needs for such purpose theretofore made, submitted, and approved or authorized for such purpose by a bond issue. All warrants upon the county treasurer, for a county purpose, shall be issued upon the order of the board of county commissioners, drawn by the county clerk, signed by the chairman of the board, and attested by the signature of the county clerk, with the county seal attached. Each warrant shall designate the fund, department and appropriation account, and shall further show the nature of the indebtedness acknowledged by the allowance of the claim so paid.

C. Whenever a county officer holding an elective office will not immediately serve a succeeding term in the same office, it shall be unlawful for the board of county commissioners, during the first six (6) months of the fiscal year in which said term of office expires, to approve claims for the operation of said office totaling in excess of one-half (1/2) the amount allocated for the operation of said office during said fiscal year, unless approval in writing is obtained from the county excise board, and any claim in excess thereof and any warrant issued pursuant thereto shall be null and void.

D. It shall also be unlawful for a county officer holding elective office who will not immediately serve a succeeding term in the same office to make any changes or alterations in the licensing or source code of computer software currently being used.

R.L.1910, § 1615. Amended by Laws 1945, p. 81, § 1; Laws 1961, p. 219, § 1, emerg. eff. July 24, 1961; Laws 1965, c. 254, § 1, emerg. eff. June 21, 1965; Laws 1988, c. 180, § 23, emerg. eff. May 31, 1988; Laws 1991, c. 212, § 5, eff. Aug. 1, 1991; Laws 2007, c. 100, § 2, eff. Nov. 1, 2007.

NOTE: Laws 2007, c. 132, § 3 repealed by Laws 2008, c. 3, § 9, emerg. eff. Feb. 28, 2008.

§19-348. Place and manner of holding sessions.

All matters pertaining to the interest of the county shall be heard by the board of county commissioners in open session only and no executive session shall be held by said county commissioners pertaining to any matters coming before them, except in the manner and situations provided by Section 307 of Title 25 of the Oklahoma Statutes. Where the county has no courthouse, or the courthouse shall be unfit or inconvenient, they may hold their sessions for the transaction of business at any other suitable place in the county seat. No claim presented to the board of county commissioners shall be laid over longer than to the next regular session, when it shall be finally acted upon.
R.L. 1910, § 1616. Amended by Laws 1987, c. 150, § 1, emerg. eff. June 24, 1987.

§19-349. Conveyance of lands to United States, state or political subdivisions, etc. - Transfer of lands for affordable housing construction.

A. The county commissioners of counties of the State of Oklahoma are hereby authorized and empowered to execute offers to convey lands and to execute deeds of conveyance on such lands as are owned by such counties, acquired through gift, purchase, condemnation or tax resale, and no longer needed for county purposes, to the United States of America or the state or any political subdivision, public trust of which the county is the beneficiary, community action agency, or council of governments within the county, for a consideration to be determined by such commissioners, to aid the United States of America or the state or any political subdivision, public trust of which the county is the beneficiary, community action agency, or council of governments within the county in the acquisition of such lands by purchase, condemnation or otherwise, required for sites for forest reserves, game preserves, national parks, irrigation or drainage projects, or for needful public buildings, and for any other purpose for the United States Government or the state or any political subdivision, public trust of which the county is the beneficiary, community action agency, or council of governments within the county. Conveyances of like character heretofore made to the United States Government or the state or any political subdivision, public trust of which the county is the beneficiary, community action agency, or council of governments within the county, are in all things hereby ratified, confirmed and legalized.

B. The county commissioners of counties of the State of Oklahoma are hereby authorized and empowered to execute deeds of conveyance of such lands as are owned by the counties within the corporate limits of any city or town providing such lands are deemed by the county commissioners of the county to be surplus to the needs of the county. Any such lands so conveyed may be used by such city

or town for any purpose authorized by law or conveyed by such city or town in any manner authorized by law. Neither the county nor the city or town, in any such transaction, shall be liable for any liens or encumbrances upon said property; however, any such liens or encumbrances shall remain attached to said property until satisfied, discharged or expired by operation of law.

C. The county commissioners of counties of this state are hereby authorized and empowered to gift, transfer, or assign and execute the deeds of conveyance of lands that are owned by the counties to nonprofit organizations to be used for the purpose of affordable housing construction if:

1. The land is no longer needed for county purposes to be determined at a public hearing by a vote of the majority of the commissioners;

2. The nonprofit organization has experience in affordable housing construction, and has a history of reputable service; and

3. A county officer or employee of a county does not have or acquire a personal interest as may exist with a nonprofit organization, whether direct or indirect, in any land transaction authorized by this subsection.

D. If a nonprofit organization does not begin construction within two (2) years from the receipt of the land from a county as authorized by this section, the land shall revert back to the county.

Added by Laws 1937, p. 213, § 1, emerg. eff. March 26, 1937. Amended by Laws 1963, c. 5, § 1, emerg. eff. Feb. 19, 1963; Laws 1990, c. 67, § 2, emerg. eff. April 16, 1990; Laws 1991, c. 222, § 1, eff. July 1, 1991; Laws 2000, c. 9, § 1, emerg. eff. March 22, 2000; Laws 2004, c. 45, § 1, emerg. eff. April 1, 2004; Laws 2007, c. 343, § 1, eff. Nov. 1, 2007.

§19-350. Holidays county offices to close - Designation.

The county commissioners and members of the county excise board of each county shall designate and publish between the 1st and 20th of January each year which holidays the county offices will be closed.

Added by Laws 1968, c. 275, § 1, emerg. eff. April 30, 1968.

§19-351. Organization of county fire departments - Participation in Oklahoma Firefighters Pension and Retirement System - Code of minimum rules and regulations - Funds required to be maintained.

A. The board of county commissioners of each county of this state is hereby authorized to provide firefighting service in the county and for such purpose to use county funds to rent, lease or purchase firefighting equipment and to rent or construct and equip and operate fire stations and to employ necessary personnel to provide such service. The board of county commissioners shall also

have the authority to determine and collect charges for firefighting services performed by the county from any person to whom such services are provided.

B. The board of county commissioners of each county of this state shall have the power to take by grant, purchase, gift, devise or lease, and to dispose of, any real property for the purpose of acquiring right-of-ways and easements necessary in providing firefighting services to the county, including the construction and maintenance of roads and the installation of dry hydrants. The board may use county funds and equipment to construct and maintain such roads and to install such dry hydrants. Provided, nothing in this subsection shall be construed to prohibit the installation of dry hydrants on privately owned property by the owner thereof at the expense of the owner.

C. The board of county commissioners of each county of this state shall have the authority to use county personnel operating county equipment to fight fires in situations where an emergency is determined to exist, provided the firefighting service is requested by the county civil defense director or upon a request of a rural fire department.

D. 1. A corporate fire department organized pursuant to the provisions of Section 592 of Title 18 of the Oklahoma Statutes or a county fire department organized pursuant to the provisions of subsection A of this section may petition the board of county commissioners of the county in which the fire department provides protection to convert to a county fire department organized pursuant to the provisions of this subsection. The petition shall set forth and particularly describe the proposed boundaries of such county fire department and shall be accompanied by a map of such proposed fire department, drawn to a scale of not less than one (1) inch to a mile. The petition shall also set forth the administration, control and ownership of all the corporate fire department's assets in the event such petition is approved. Such petition shall be filed with the county clerk of such county who shall present it to the board of county commissioners at their next regular or special meeting. Upon presentation of such petition, the board of county commissioners shall set the same for hearing at a time not less than twenty (20) days nor more than forty (40) days from the date of presentation and shall direct the county clerk to give notice of such hearing by publication in a newspaper of general circulation in the county in which the proposed county fire department is located. Such notice shall describe the boundaries of the proposed county fire department, shall state the time and place of the hearing, and shall state that any person may appear and protest the organization of the county fire department or the proposed boundaries thereof. The board of county commissioners shall hold the hearing described in said notice, and it shall have jurisdiction to hear and determine

all protests to the creation of such county fire department and all matters pertaining to the same. It may amend the plan of such proposed county fire department by excluding from within its boundaries any lands which it may deem will not be benefited by the formation of such county fire department, or by including other lands as a part thereof upon application of the owners of such land; provided, however, it shall not exclude from such district any unincorporated lands which are completely surrounded by lands which are included in the proposed county fire department. If the board of county commissioners determines that the conversion of such corporate fire department to a county fire department will be conducive to the public safety of the affected area therein, then said board shall give such proposed county fire department a name and shall authorize and approve the organization of said county fire department.

2. To be eligible to convert to a county fire department formed pursuant to this subsection, a fire department shall have a Public Protection Classification of nine (9) or better from ISO Commercial Risk Services, Inc., limit the size of such volunteer county fire department to not less than six or more than twenty members per fire station, and shall be subject to the laws of the State of Oklahoma regarding the administration and operation of a fire department, including, but not limited to, the laws of the State Department of Labor and the State Fire Marshal Commission. For purposes of this subsection, a volunteer fire department is one which has in its employ not more than two full-time salaried firefighters.

3. Directors of a county fire department organized pursuant to this subsection shall be residents of said district. At the time of making its order organizing such county fire department, the board of county commissioners shall appoint five directors, one of which shall hold his or her respective office for a term of five (5) years, one of which shall hold his or her respective office for a term of four (4) years, one of which shall hold his or her respective office for a term of three (3) years, one of which shall hold his or her respective office for a term of two (2) years, and one of which shall hold his or her respective office for a term of one (1) year. On or before January 1, 2002, the board of county commissioners shall, for fire departments which operate more than five fire stations, appoint additional directors of a county fire department until the number of directors equals the number of fire stations operated by that county fire department. Each additional director shall be appointed by the board of county commissioners for a term that matches the term of one of the first five directors appointed. Whenever a new fire station is added to a county fire department which has five or more fire stations, the board of county commissioners shall appoint an additional director from that district in which the new fire station has been added. Each year

thereafter, there shall be appointed by the board of county commissioners for a term of five (5) years so many members as are necessary to replace all members whose terms are expiring on the board of directors for such county fire department.

4. The board of directors of a county fire department organized pursuant to this subsection shall select one of its members to serve as chair and shall appoint a clerk and a treasurer. The board of directors shall fix the term and duties of the chair, clerk and treasurer. The chair and members of the board of directors shall serve without compensation. The treasurer shall give an official bond, in an amount fixed and with sureties approved by the board of county commissioners, conditioned upon the faithful accounting for all money pertaining to the county fire department and coming into his or her hands.

5. The board of directors of a county fire department organized pursuant to this subsection shall have the following powers and duties:

a. to manage and conduct the business affairs of such county fire department,
b. to make and execute all necessary contracts,
c. to purchase or lease-purchase and maintain all necessary and convenient engines, hoses, hose carts or other appliances and supplies for the full equipment of a fire company or department from available funds,
d. to appoint the fire chief, fire company officers and employees (whether paid or volunteer), sufficient to maintain and operate the equipment owned by the county fire department,
e. to take by grant, purchase, gift, devise or lease, and to dispose of real or personal property of every kind necessary for the operation of the county fire department,
f. to construct or otherwise acquire from available funds suitable firehouses and other buildings or structures suitable for the housing of equipment and supplies of the county fire department, or for carrying on its own business and affairs,
g. to employ such officers and employees as may be required from available funds, fix their compensation and prescribe their duties,
h. to establish rules for such county fire department and for the prevention of fires and conflagrations within the department's boundaries and for the protection of property at and during any fire,
i. to do any and all other things necessary and proper in the management and operation of the county fire

department for the purpose of protecting property within its boundaries from fire, and

j. to prepare an annual budget and follow existing laws pertaining to the budget process such as public notice, public hearings, protest periods and filing requirements in the same manner as they apply to other forms of government in Oklahoma.

6. The board of directors of a county fire department organized pursuant to this subsection may submit an application to include the firefighters of such county fire department in the Oklahoma Firefighters Pension and Retirement System. The application for participation in the Oklahoma Firefighters Pension and Retirement System shall be submitted in accordance with subsection A of Section 49-105.2 of Title 11 of the Oklahoma Statutes. For purposes of complying with Sections 49-103 and 49-104 of Title 11 of the Oklahoma Statutes, the chair, clerk and treasurer of the board of directors of the county fire department shall serve on the local firefighters pension and retirement board along with three firefighters of such county fire department elected by the members of the county fire department. The chair of the board of directors of the county fire department shall be the chair of the local board of the county fire department and the clerk of the board of directors of the county fire department shall be the secretary of the local board of the county fire department. The chair of the local board of the county fire department shall have a casting vote with the members of the local board of the county fire department only when necessary to avoid a tie vote. The local board of the county fire department shall promulgate such rules as may be necessary to ensure the orderly conduct of a local board meeting. While participating in the Oklahoma Firefighters Pension and Retirement System, the board of directors, local board and fire chief of the county fire department shall perform all administrative requirements of the pension system.

7. Any board of directors of a county fire department organized pursuant to this subsection having volunteers enrolled as members of such county fire department shall adopt a code of minimum rules and regulations in substantial compliance with the following:

a. Fire chief.

(1) The fire chief shall be at the head of the department, subject to the laws of the State of Oklahoma, rules of the board of directors, and the rules and regulations herein adopted.

(2) The fire chief shall be held responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him or her by law or the board of directors.

(3) The fire chief may inspect or cause to be inspected by members of the department, the fire hydrants, cisterns and other sources of water supply at least twice a year.
(4) The fire chief shall maintain a library or file of publications on fire prevention and fire protection and shall make use of the library or file to the best advantage of all members.
(5) The fire chief shall make every effort to attend all fires and direct the officers and members of the fire department in the performance of their duties.
(6) The fire chief shall see that the citizens are kept informed on fire hazards within the boundaries of the department and on the activities of the department.
(7) The fire chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities. The fire chief shall secure and preserve all possible evidence for future use in the case of a suspicious incendiarism.
(8) The fire chief shall file the appropriate activity report forms with the Office of the State Fire Marshal in Oklahoma City on an annual basis. The activity report forms shall be designed by the State Fire Marshal and shall include, but not be limited to, the amount of property and vehicle fire loss, types of fires, inspections and investigations. The report shall include notification of all fire-related civilian deaths and injuries in the respective jurisdiction and of firefighter deaths in the line of duty and of firefighter injuries in the line of duty requiring the services of a hospital or physician or both.

b. Assistant fire chief.
In the absence of the fire chief, the assistant fire chief on duty shall command the department and be held responsible therefore in all respects with the full powers and responsibilities of the fire chief.

c. Company officers.
The company officers shall be selected upon their ability to meet the following requirements:
(1) their knowledge of firefighting,
(2) their leadership ability, and

(3) their knowledge of firefighting equipment.

d. Secretary-treasurer.

One member elected by the fire department shall be secretary-treasurer. His or her duties shall consist of the following:

(1) calling the roll at the opening of each meeting,

(2) keeping the minutes of each meeting, and

(3) collecting any money due the department by the members.

e. New members.

(1) An applicant of a participating county fire department of the Oklahoma Firefighters Pension and Retirement System shall meet the membership requirements of the Oklahoma Firefighters Pension and Retirement System before he or she may be appointed as a new member of the county fire department.

(2) A new member shall be on probation for one (1) year after his or her appointment.

(3) A new member of a participating county fire department of the Oklahoma Firefighters Pension and Retirement System shall be immediately enrolled as a member of the Oklahoma Firefighters Pension and Retirement System regardless of whether such member has completed his or her probation period.

(4) The majority of the fire department members must approve new volunteer members upon completion of their probation period.

f. Bylaws.

The bylaws of the department shall include:

(1) All volunteer firefighters are required, when notified, to respond to fire alarms and other emergencies.

(2) A volunteer firefighter is required to be present at all regular meetings, call meetings and schools presented for the benefit of the firefighters.

(3) There shall be at least one regular business meeting each month.

(4) Any volunteer firefighter having two unexcused absences in succession or three unexcused absences in a period of three (3) months will be dropped from the fire department rolls.

(5) Volunteer firefighters leaving the boundaries of the department for an extended period of time will be required to notify the fire chief.

(6) Any volunteer firefighter refusing to attend training classes provided for him or her will be dropped from the fire department rolls.
(7) Any volunteer member of the fire department shall be dropped from the fire department rolls for the following offenses:
(a) conduct unbecoming a firefighter,
(b) any act of insubordination,
(c) neglect of duty,
(d) any violation of rules and regulations governing the fire department, or
(e) conviction of a felony.

8. a. A county fire department organized pursuant to the provisions of this subsection shall maintain, according to its own accounting needs, some or all of the funds and account groups in its system of accounts that are consistent with legal and operating requirements and as prescribed by the State Auditor and Inspector. The required funds may include, but not be limited to:
(1) a general fund, to account for all monies received and disbursed for general department purposes, including all assets, liabilities, reserves, fund balances, revenues and expenditures which are not accounted for in any other fund or special ledger account,
(2) special revenue funds, as required, to account for the proceeds of specific revenue sources that are restricted by law to expenditures for specific purposes,
(3) a capital improvement fund, to account for financial resources segregated for acquisition, construction or other improvement related to capital facilities, and
(4) a ledger or group of accounts in which to record the details relating to the general fixed assets of the county or department.

b. Funds raised by a nonprofit organization for the purpose of supporting the fire protection services of a county fire department organized pursuant to the provisions of this subsection, whether such funds were raised before or after a corporate fire department converts to a county fire department, shall not be commingled with public funds and shall be used only for designated benevolent or charitable purposes, including, but not limited to, fire protection purposes.

c. No expenditure may be authorized or made by any employee or member of the board of directors of a county fire department organized pursuant to the provisions of this subsection which exceeds any fund balance of any fund of the budget as adopted or amended or which exceeds the appropriation for any fund of the budget as adopted or amended. Any balance remaining in a fund at the end of the budget year shall be carried forward to the credit of the fund for the next budget year. It shall be unlawful for any employee or member of the board of directors of a county fire department organized pursuant to the provisions of this subsection in any budget year to create or authorize creation of a deficit in any fund.

Added by Laws 1953, p. 32, § 2, emerg. eff. June 8, 1953. Amended by Laws 1957, p. 120, § 1, emerg. eff. May 9, 1957; Laws 1986, c. 171, § 1, emerg. eff. May 9, 1986; Laws 1990, c. 67, § 1, emerg. eff. April 16, 1990; Laws 1996, c. 65, § 2, emerg. eff. April 9, 1996; Laws 1998, c. 299, § 3, emerg. eff. May 28, 1998; Laws 2001, c. 189, § 1, eff. Nov. 1. 2001; Laws 2022, c. 212, § 1, eff. July 1, 2022.

§19-351.1. Agreements for fire protection services by municipalities - Charges.

A. The board of county commissioners of each county may enter into agreements with any municipality for the furnishing of fire protection and emergency services, including, but not limited to, medical attention and wreck removal, by said municipality for all persons and property in areas outside the corporate limits of such municipality and to pay for such services a reasonable amount on a per run basis, or such other equitable basis as may be agreed upon, and to pay for such services from funds of the county general fund or the county highway fund. The board of county commissioners of each county may also enter into reciprocal agreements with other counties for such services. The board of county commissioners shall also have the authority to collect charges for such services performed by a municipality or another county, pursuant to the provision of this section, from any person to whom such services are provided. Said funds shall be disbursed to the entities providing services.

B. Should a disagreement over service areas arise between jurisdictions providing services, with or without an agreement as described in subsection A of this section, either entity may petition for arbitration by the Fire Marshal's Commission to determine boundary lines for the entities involved. In making a determination, the Fire Marshal's Commission shall consider, but is not limited to, the importance of a quick response time, the

financial burden on both the service providers and the jurisdiction receiving services, and the capabilities of both jurisdictions to render services.
Added by Laws 1967, c. 249, § 1, emerg. eff. May 8, 1967. Amended by Laws 1980, c. 39, § 1, emerg. eff. March 26, 1980; Laws 1986, c. 171, § 2, emerg. eff. May 9, 1986; Laws 1992, c. 397, § 11, eff. July 1, 1992; Laws 2009, c. 120, § 1, eff. July 1, 2009; Laws 2024, c. 69, § 1, eff. July 1, 2024.

§19-351.2. Exemptions.
Fire Protection Districts are excluded from the provisions of this act.
Added by Laws 1986, c. 171, § 3, emerg. eff. May 9, 1986.

§19-351.3. Agreements with corporate fire department in unincorporated area or rural fire protection district for fire protection services.
The board of county commissioners of each county may enter into agreements with any nonprofit volunteer or full-time fire department organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes or any rural fire protection district created pursuant to the provisions of Sections 901.1 through 901.29 of this title for the furnishing of fire protection services by such entities for all persons and property located in the unincorporated areas of the county. The board of county commissioners of each county may pay for such fire protection services on such equitable basis as may be agreed upon and the costs of such fire protection services may be paid out of the county general fund or the county highway fund.
Added by Laws 1992, c. 54, § 1, eff. July 1, 1992.

§19-352. Repealed by Laws 1957, p. 120, § 2.

§19-352.1. Agreements with senior citizen centers to provide certain services to certain individuals.
The board of county commissioners of each county may enter into agreements with any local senior citizen center which meets federal regulations for the furnishing of services for those county residents who by reason of age, infirmity or misfortune may have claims upon the sympathy and aid of the county and to pay for such services from funds of the county duly appropriated therefor.
Added by Laws 1982, c. 367, § 2, emerg. eff. July 14, 1982.

§19-353. Repealed by Laws 1957, p. 120, § 2.

§19-353.1. Counseling services for certain persons.
A. Upon the availability of county funds, the board of county commissioners of each county and the sheriff of each county are

hereby authorized to hire counselors or contract for services of counselors for the purpose of providing counseling services to victims of crime, relatives of crime victims, witnesses to crimes, inmates in county jails, mental health detainees in the custody of the county and county employees whose official duties relate to law enforcement or mental health, or immediate family members of such employees; provided, such counseling services shall not be provided at county expense for county employees or immediate family members thereof except for counseling services necessary as a direct result of such employee's performance of official duties.

B. For purposes of this section:

1. "Counselor" includes but is not limited to a licensed professional counselor as defined in the Licensed Professional Counselors Act, psychologist, social worker, chaplain, psychiatrist or any other person trained or experienced in providing counseling services; and

2. "Chaplain" means an ordained or authorized preacher, minister, priest or other ecclesiastical dignitary of any denomination who has been duly ordained or authorized to preach by the church to which he belongs.

Added by Laws 1987, c. 155, § 1, eff. Nov. 1, 1987. Amended by Laws 1991, c. 296, § 30, eff. Sept. 1, 1991.

§19-354. Transportation and distribution of commodities donated to county or school district.

The board of county commissioners of any county of this state shall have authority, in their discretion, to use and operate any trucks or automobiles owned by the county in transporting from any point in the State of Oklahoma to said county, or in transporting or distributing within said county, any commodities or items of value donated to the said county or any school district therein by or through the State of Oklahoma, the United States, or any agency or instrumentality of either, for redistribution to eligible recipients. The board shall also have authority to hire clerical help, rent office and storage facilities, and provide other necessary functions for the receipt and distribution of any such commodities, and the cost of such expenses may be paid either from the county highway funds or from the general fund of the county.

Added by Laws 1955, p. 158, § 1. Amended by Laws 1965, c. 67, § 1; Laws 1965, c. 498, § 1.

§19-355. Repealed by Laws 1965, c. 498, § 2.

§19-356. Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989.

§19-357. Provisions cumulative.

The provisions of this act are declared to be cumulative to existing laws.
Added by Laws 1955, p. 158, § 4.

§19-358. Transportation of scouts and supervisors.

Authority is hereby granted to each board of county commissioners in this state to permit the use of county owned vehicles for the transportation of Boy Scouts and/or Girl Scouts and their supervisors to and from any Boy Scout and/or Girl Scout camp.
Added by Laws 1963, c. 192, § 1, emerg. eff. June 10, 1963. Amended by Laws 1991, c. 296, § 31, eff. Sept. 1, 1991.

§19-359. Improvements upon school grounds.

The board of county commissioners may provide to public schools within the county such county-owned machinery and equipment to make improvements upon school grounds. The expense of operation, including operating personnel, may be billed to the school district requesting such improvements on an actual cost basis. The expense of the materials supplied for the improvements shall be paid from school funds.
Added by Laws 1978, c. 83, § 1. Amended by Laws 2003, c. 39, § 1, eff. Nov. 1, 2003.

§19-360. Dilapidated buildings in unincorporated areas - Tearing down and removal.

The board of county commissioners of any county in this state with a population in excess of five hundred fifty thousand (550,000) may cause dilapidated buildings within the unincorporated area of the county to be torn down and removed in accordance with the provisions in this section.

1. At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the board of county commissioners holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, a copy of said notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the county shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if neither the property owner nor mortgage holder can be located, notice shall be given by posting a copy of the notice on the property, and by publication in a newspaper having a general circulation in the county. Such notice shall be published once not less than ten (10) days prior to any

hearing or action by the board of county commissioners pursuant to the provisions of this section.

2. A hearing shall be held by the board of county commissioners to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if said property creates a fire hazard which is dangerous to other property.

3. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by the removal of such conditions, the board of county commissioners may cause the dilapidated building to be torn down and removed. The board of county commissioners shall fix reasonable dates for the commencement and completion of the work. The board of county commissioners shall immediately file a notice of dilapidation and lien with the county clerk describing the findings of the board at the hearing, and stating that the county claims a lien on said property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of said notice. The agents of the county are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the county if the work is not performed by the property owner within dates fixed by the board.

4. The board of county commissioners shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings including the cost of notice and mailing. The county clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail to the property owner. In addition, a copy of said statement shall be mailed to any mortgage holder at the address provided for in paragraph 1 of this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the county shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If a county dismantles or removes any dilapidated buildings, the costs to the property owner shall not exceed the actual cost of the labor, maintenance, equipment, and any other expenses required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder. All costs and expenses may be paid from the general fund of the county.

5. When payment is made to the county for costs incurred, the board of county commissioners shall file a release of lien, but if payment attributable to the actual cost of the dismantling and

removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the board shall forward a certified statement of the amount of the cost to the county treasurer of said county. Said costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk. In addition the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At the time of collection, the county treasurer shall collect a fee of Five Dollars ($5.00) for each parcel of property. Said fee shall be deposited to the credit of the general fund of the county. At any time prior to collection as provided for in this paragraph, the county may pursue any civil remedy for collection of the amount owing, interest and costs thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, by civil remedy the board of county commissioners shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

6. The board of county commissioners may designate, by resolution, an administrative officer or administrative body to carry out the duties of the board of county commissioners specified in this section. The property owner shall have the right of appeal to the board from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the county clerk within ten (10) days after the administrative order is rendered.

7. For the purposes of this section, "dilapidated building" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that said structure is a hazard to the health, safety, or welfare of the general public. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

8. Nothing in the provisions of this section shall prevent the county from abating a dilapidated building as a nuisance or otherwise exercising its duties to protect the health, safety, or welfare of the general public.

9. The officers, employees or agents of the county shall not be liable for any damages of loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise prescribed by law.
Added by Laws 1992, c. 22, § 1, emerg. eff. March 30, 1992.

§19-361. Repealed by Laws 1974, c. 153, § 17-114, operative Jan. 1, 1975.

§19-362. Repealed by Laws 1974, c. 153, § 17-114, operative Jan. 1, 1975.

§19-363. Repealed by Laws 1974, c. 153, § 17-114, operative Jan. 1, 1975.

§19-364. Repealed by Laws 1974, c. 153, § 17-114, operative Jan. 1, 1975.

§19-365. Solid waste management – Authority of political subdivisions – Condemnation proceedings.

A. Pursuant to Section 2-10-102 of Title 27A of the Oklahoma Statutes, it is the policy of this state to regulate the management of solid waste in order to protect the public health, safety and welfare. For this purpose and for purposes of this section, the collection of solid waste shall be a matter of statewide interest.

B. For the purpose of this section "political subdivision" shall include counties and trusts that provide or contract for solid waste collection services.

C. No political subdivision shall displace or pass an ordinance to displace a private company providing solid waste collection service without first:

1. Holding at least one public hearing seeking comment on the advisability of the political subdivision providing such service;

2. Providing at least forty-five (45) days' written notice of the hearing, delivered by first-class mail to all private solid waste collection companies which provide service in the political subdivision; and

3. Providing public notice of the hearing.

Following the final public hearing held pursuant to this section, but in no event longer than one (1) year after the date of the hearing, if the political subdivision elects to provide such solid waste collection services and displace the private solid waste collection company, the political subdivision shall purchase by condemnation the private solid waste collection services as set forth in this section.

D. A political subdivision shall have the authority to acquire by purchase, donation, or condemnation such interests in any private

company providing solid waste collection services operating within the limits of the political subdivision. The political subdivision shall give the owner of the displaced private solid waste collection company the opportunity to sell the displaced private solid waste collection services to the political subdivision at an agreed upon or negotiated price or the political subdivision may acquire the business by condemnation as provided in this section.

E. If the political subdivision seeks to condemn the displaced private solid waste collection services, the district judge of the county in which the displaced services are located, upon petition of either party, shall direct the sheriff of the county to summon three disinterested freeholders, to be selected by the judge as commissioners, and who shall not have a conflict of interest. The commissioners shall be sworn to perform their duties impartially and justly. The commissioners shall inspect the company and the displaced services and consider the injury which the owner may sustain by reason of the condemnation, and they shall assess the just compensation to which the owner is entitled. The commissioners shall make a report in writing to the clerk of the court, setting forth the quantity, boundaries, and just compensation for the property or services taken, and amount of injury done to the business, either directly or indirectly, which they assess to the owner. The report shall be filed and recorded by the clerk.

F. Immediately upon payment to the clerk of the court of the sum assessed by the commissioners, the political subdivision shall be authorized to collect solid waste in the area serviced by the owner of the business. If the owner refuses to cease collection of solid waste pursuant to this section, the court shall issue an order, upon proof, enjoining the owner from collecting solid waste in the areas subject to such condemnation.

G. The report of the commissioners may be reviewed by the district court, on written exceptions filed by either party in the clerk's office within thirty (30) days after the filing of the report. The court, after a hearing, shall make such order as right and justice may require, either by confirmation, rejection, or by ordering a new appraisal on good cause shown. In the event a new appraisement is ordered, the political subdivision shall have the continuing right of possession obtained under the first appraisal, unless and until its right to condemn has finally been determined otherwise. Either party may, within sixty (60) days after the filing of such report, file with the clerk a written demand for a trial by jury, in which case the amount of damages shall be assessed by a jury, and the trial shall be conducted and judgment entered in the same manner as civil actions in the district court. If the party demanding the trial does not recover a verdict more favorable to such party than the assessment of the commissioners, all costs in the district court shall be taxed against such party. If, after the

filing of exceptions to the report of commissioners as provided in this section, the political subdivision shall fail to establish its right to condemn such business, the owner shall be restored to possession of the business, or part thereof, and the political subdivision shall pay the owner for any damages sustained through the occupation by the political subdivision. If such damages cannot be determined by amicable settlement, the damages shall be determined by jury trial in the same proceedings.

H. Either party aggrieved may appeal to the Supreme Court from the decision of the district court on exceptions to the report of commissioners, or jury trial. The review or appeal shall not delay the work of the political subdivision in question if the award of commissioners, or jury, as the case may be, has been deposited with the clerk for such owner. In no case shall the political subdivision be liable for the costs on the review or appeal unless the owner of the business shall be adjudged entitled, upon either review or appeal, to a greater amount of damages than was awarded by the commissioners. The political subdivision shall in all cases pay the cost of the commissioners' fees and expenses, for their services, as determined and ordered paid by the judge of the district court in which such case is pending. However, poundage fees and condemnation fees shall only be paid by the political subdivision in the event of appeal resulting in a jury verdict in excess of the commissioners' award. Under no circumstances shall any poundage fees or condemnation fees be assessed against the recipient of the award. In case of review or appeal, a certified copy of the final order or judgment shall be transmitted by the clerk of the court to the county clerk and be filed.

I. As used in this section:

1. "Displace" or "displacement" means a political subdivision’s provision of a service which prohibits a private company from providing the same service and which the company is providing at the time the decision to displace is made. Displace or displacement does not mean:

a. competition between the political subdivision and private companies for individual contracts,

b. situations where a political subdivision, at the end of a contract with a private company, does not renew the contract and either awards the contract to another private company, or, decides to provide for such services itself,

c. situations where action is taken against the private company because the company has acted in a manner threatening to the public health, safety and welfare of the citizens of the political subdivision or resulting in a substantial public nuisance,

d. situations where action is taken against the private company because the company has materially breached its contract with the political subdivision, or

e. entering into a contract with a private company to provide solid waste collection so long as the contract is not entered into pursuant to an ordinance which displaces or authorizes the displacement of another private company providing solid waste collection;

2. "Just compensation" means the value of the business taken, and in addition, any injury to any part of the business not taken. Any special and direct benefits to the part of the business not taken may be offset only against any injury to the business not taken. If only a part of the business is taken, just compensation shall be ascertained by determining the difference between the fair market value of the whole business immediately before the taking and the fair market value of that portion left remaining immediately after the taking; and

3. "Solid waste" shall have the same meaning as provided in Section 2-10-103 of Title 27A of the Oklahoma Statutes.

Added by Laws 1999, c. 52, § 1, eff. Nov. 1, 1999.

§19-371. Authorization to contract for ambulance service - Liability insurance - Immunity - Pension benefits.

(a) The board of county commissioners of any county may contract for ambulance service with any city, town, county, person, firm or corporation or combination of them under such terms and conditions as may be agreed upon between the parties. Such contracts shall provide for the carrying of liability insurance in such amount as may be fixed and may provide for minimum standards of service and equipment.

(b) Cities, towns and counties engaged in ambulance or emergency service shall be agents of the State of Oklahoma, acting solely and alone in a governmental capacity, and shall not be liable for any act of commission, omission or negligence while so engaged.

(c) Any employee of any city, town or county engaging in ambulance or emergency service at any time or place shall be considered to be serving in regular line of duty and shall be entitled to all the benefits of any pension fund to which he might otherwise be entitled.

Added by Laws 1968, c. 306, § 1, emerg. eff. May 7, 1968. Amended by Laws 1974, c. 151, § 1, emerg. eff. May 3, 1974.

§19-372. Minimum standards for operation and equipment - Personnel - Charges - Audits.

If the board(s) of county commissioners, and the governing body of any city(ies) or town(s) shall enter into any contract as provided in Section 1, then the board(s) of county commissioners and

the governing body of any city(ies) or town(s) shall, by resolution, establish a minimum of standards for the operation and equipping of said ambulances and for the qualifications and training of any personnel operating said ambulances within the county(ies). The board(s) of county commissioners and/or governing body of any city(ies) or town(s) shall also have the authority to establish by resolution the minimum charge to be made by any ambulance operator with which it has a contract and to provide for an audit of the books and the records of said operator. Said regulations shall be in compliance with, or exceed, applicable state laws, rules and regulations.
Added by Laws 1968, c. 306, § 2, emerg. eff. May 7, 1968.

§19-376. Electronic data processing equipment authorized - Manner of handling.

A. Until January 1, 1983, the board of county commissioners of any county in the State of Oklahoma may acquire electronic data processing equipment by purchase, lease or transfer, and may provide for the operation, maintenance, repair and utilization of such electronic data processing equipment as shall be necessary to conduct the county's business, or may enter into a contract for computer services with a capable data processing company, to provide systems designs and analysis for all county officials.

The board of county commissioners shall determine the most effective manner of handling the county's data processing needs, either by outright purchase or lease of equipment or entering into a contract for computer services, and shall offer data processing advisory service to all county elected officials.

B. Beginning January 1, 1983, each county purchasing agent may acquire electronic data processing equipment by purchase, lease or transfer, and may provide for the operation, maintenance, repair and utilization of such electronic data processing equipment as shall be necessary to conduct the county's business, or may enter into a contract for computer services with a capable data processing company, to provide systems designs and analysis for all county officials upon approval of the board of county commissioners.

The county purchasing agent shall determine the most effective manner of handling the county's data processing needs, either by outright purchase or lease of equipment or entering into a contract for computer services, and shall offer data processing advisory service to all county elected officials.
Added by Laws 1970, c. 301, § 1, emerg. eff. April 21, 1970.
Amended by Laws 1982, c. 249, § 8.

§19-377. IT staff and data processing technicians.

The board of county commissioners of any county may employ competent information technology (IT) staff and a data processing

technician who shall perform the duties of IT management or data processing management as prescribed and directed by the board of county commissioners. The IT staff and data processing technician shall receive as compensation salaries to be fixed by the board of county commissioners for their services, to be paid out of the general operating fund of the county. The compensations of the IT staff and data processing technician shall not be governed by the "Comprehensive Salary Code".

The IT staff and data processing technician shall be covered by the county blanket bond.

Added by Laws 1970, c. 301, § 2, emerg. eff. April 21, 1970. Amended by Laws 1980, c. 180, § 1, emerg. eff. May 13, 1980; Laws 2021, c. 64, § 1, eff. Nov. 1, 2021.

§19-378. Contracts with public trust.

A. Until January 1, 1983, nothing in Sections 376 or 377 of this title shall be interpreted as prohibiting a county, acting through the authority of the board of county commissioners, from contracting with an established public trust which has been or may be created pursuant to the provisions of Sections 176 et seq. of Title 60 of the Oklahoma Statutes for the purpose of providing to all county offices, departments and agencies electronic data processing services.

B. Beginning January 1, 1983, nothing in Sections 376 or 377 of this title shall be interpreted as prohibiting a county purchasing agent, upon approval of the board of county commissioners, from contracting with an established public trust which has been or may be created pursuant to the provisions of Sections 176 et seq. of Title 60 of the Oklahoma Statutes for the purpose of providing to all county offices, departments and agencies electronic data processing services.

Added by Laws 1970, c. 301, § 3, emerg. eff. April 21, 1970. Amended by Laws 1982, c. 249, § 9.

§19-381. Questions to be submitted to popular vote.

They shall submit to the people of the county at any regular or special election any question involving any extraordinary outlay of money by the county or any expenditures greater in amount than can be provided for by the annual tax, or whether the county will construct any courthouse, jail, or other public buildings, or aid or construct any road or bridge, and may aid any enterprise designed for the county, whenever a majority of the people thereof shall authorize the same as hereinafter provided. Provided that, for the purposes of this section the term "public buildings" shall include, but not be limited to, a county rest home, which shall be defined as any home, establishment, or institution owned and operated by the county in which there is offered or provided personal care and

supervision to persons who are unable to care completely for themselves.
R.L. 1910, § 1608. Amended by Laws 1965, c. 12, § 1, emerg. eff. Feb. 15, 1965.

§19-382. Additional tax voted, when.

When county warrants are at a depreciated value, the said commissioners may in a like manner submit the question whether a tax of a higher rate than that provided for shall be authorized; and in all cases when an additional tax is laid in pursuance of a vote of the people of the county, or for constructing or ordering to be constructed any road or bridge, or for aiding in any enterprise contemplated by the preceding section, such special tax shall be paid in money and in no other manner.
R.L. 1910, § 1609.

§19-383. Mode of submitting questions to voters.

The mode of submitting questions to the people contemplated by the last two sections shall be the following: The whole question, including the sum desired to be raised, the amount of tax desired to be authorized, the rate per annum, and the whole regulation, including the time of its taking effect or having operation, if it be of a nature which can be set forth, and the penalty of its violation if there be one, is to be published at least four (4) weeks in some newspaper published in the county. If there be no such newspaper, the publication is to be made by posting up in at least one of the most public places in each election precinct in the county; and in all cases the notices shall name the time when such question will be voted upon, and the form in which the question shall be taken, and a copy of the question submitted shall be posted up at each place of voting during the day of election.
R.L. 1910, § 1610.

§19-384. Tax levy.

When the question submitted involves the borrowing or expenditure of money the proposition of the question must be accompanied by a proposition to authorize a tax for the payment thereof in addition to the usual taxes provided for by law; and no vote adopting the question proposed shall be valid unless it likewise adopts the amount of tax to be authorized to meet the liability incurred.
R.L. 1910, § 1611.

§19-385. Proceedings when proposition carries.

The commissioners being satisfied that the above requirements have been substantially complied with, and that a majority of votes were cast in favor of the proposition submitted, shall cause the

same to be entered at large upon the book containing the record of their proceedings. Propositions thus acted upon cannot be rescinded by the board of county commissioners.
R.L. 1910, § 1612.

§19-386. Additional levy a distinct fund.

Money raised by the county commissioners in pursuance of the last four sections is specially appropriated and constitutes a fund distinct from all others, in the hands of the county treasurer until the obligations assumed are discharged.
R.L. 1910, § 1613.

§19-387. Unexpended balance of special fund.

Whenever there remains in the treasury of any county an unexpended balance of any special fund, and all claims against such funds have been fully paid, and the purpose for which it was created has been fully observed, and there remains no further use for such balance for the purpose for which it was created, it shall be lawful for the board of county commissioners of such county to transfer such balance to any other fund of the county or subdivision to which such balance belonged.
R.L. 1910, § 1614.

§19-388. Ballot Title - Authorization.

A. When a county of this state is authorized to submit a proposition for approval by the registered voters of the respective county, whether by special election or otherwise, that will require a ballot title, it shall be the duty, in addition to any other duties required by law, of the county commissioners submitting the measure to prepare and file one copy of the measure with the district attorney of the county.

B. The county commissioners submitting the measure shall also submit a suggested ballot title which shall be filed on a separate sheet of paper and shall not be deemed part of the petition. The suggested ballot title:

1. Shall not exceed two hundred words;

2. Shall explain in basic words, which can be easily found in dictionaries of general usage, the effect of the proposition;

3. Shall be written on the eighth-grade reading comprehension level;

4. Shall not contain any words which have a special meaning for a particular profession or trade not commonly known to the citizens of this state;

5. Shall not reflect partiality in its composition or contain any argument for or against the measure;

6. In tax-related propositions, the proposition shall detail all known direct and indirect increases and decreases affecting the tax code;

7. In tax-related propositions, the proposition shall use the word “increase” when an increase in a tax may depend on the passage or failure of the proposition;

8. Shall contain language which clearly states that a "yes" vote is a vote in favor of the proposition and a "no" vote is a vote against the proposition; and

9. Shall not contain language whereby a "yes" vote is, in fact, a vote against the proposition and a "no" vote is, in fact, a vote in favor of the proposition.

C. The district attorney of the county for which a measure has been proposed shall review the filing required by subsections A and B of this section for legal correctness. Within five (5) days, the district attorney shall notify, in writing, the county commissioners whether or not the proposed ballot title complies with applicable laws.

D. A proposition subject to the provisions of this section shall be published as provided in Section 383 of Title 19 of the Oklahoma Statutes.

Added by Laws 2009, c. 186, § 1, eff. Nov. 1, 2009.

§19-389. Notice of petition to raise taxes or assessments.

A. When a petition is to be circulated in all or a portion of a county, on a question which if approved by the voters would require additional taxes or assessments or a continuation of taxes or assessments, notice of circulation of the petition shall be filed with the county clerk of the county prior to the petition being circulated for signatures. The period of time for the gathering of signatures shall begin on the day after such filing and shall not exceed one (1) year, unless otherwise provided by law. The provisions of this section shall apply to all petitions to be circulated in all or a portion of a county, if the provisions thereof would require additional taxes or assessments, including but not limited to, those authorized by the following provisions of law:

1. Section 782 of Title 19 of the Oklahoma Statutes;
2. Section 872 of Title 19 of the Oklahoma Statutes;
3. Section 901.2 of Title 19 of the Oklahoma Statutes;
4. Section 902.2 of Title 19 of the Oklahoma Statutes;
5. Section 1204 of Title 19 of the Oklahoma Statutes; and
6. Section 1236 of Title 19 of the Oklahoma Statutes.

B. When any petition is to be circulated in all or a portion of a county, each page of the petition shall contain a notice prominently displayed at the top in at least twelve-point type which reads “THIS IS A PETITION”. The first page of the petition shall contain a summary of the contents of the petition, which shall be

made available to any person who is or may be eligible to sign the petition.

C. If the question submitted to voters based upon an election conducted pursuant to a circulated petition does not receive approval, a subsequent petition regarding the same question may be circulated beginning on the thirtieth day following the election date at which the question did not receive approval.

D. If a petition governed by the provisions of this section is circulated for signatures that does not result in a vote on the question, any subsequent petition with respect to the same question shall indicate on each page of the petition that a prior petition with respect to the same question has previously been circulated.
Added by Laws 2011, c. 249, § 1.

§19-401. Rental of quarters - Attendants, fuel, light and stationery.

In any county where there is no courthouse or jail erected by the county, or where those erected have not sufficient capacity, it shall be the duty of the board of county commissioners to provide for court room, jail, and offices for the following named officers: sheriff, treasurer, register of deeds, district clerk, county clerk, district attorney, superintendent of public schools and judge of the district court, to be furnished by the county in a suitable building or buildings, for the lowest rent to be obtained at the county seat, or to secure and occupy suitable rooms at a free rent within the limits of the county seat or any of the additions thereto, until such county builds a courthouse. They shall also provide the courts appointed to be held therein, with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of their business. If the commissioners neglect, the court may order the sheriff to make such necessary provision, and the expenses incurred by him in carrying the order into effect, when certified by the court, shall be a county charge.
R.L. 1910, § 1617.

§19-401.1. Courtroom, office space and other facilities in city other than county seat.

In any city other than the county seat, within the county, which has been designated as a court or court division city under authority of Sections 95.1 through 95.5, inclusive, of Title 20 of the Oklahoma Statutes, the board of county commissioners may provide suitable and adequate courtroom and office space for the judges of the district court and attendants, for the court clerk and staff, and for a branch of the county law library where established under Section 1202 of Title 20 of the Oklahoma Statutes, to be furnished by the county in a suitable building in such city.

The board of county commissioners shall also furnish electricity, water, other utilities, toilet facilities and janitorial service, suitable and sufficient for the transaction of court business in such facilities.
Added by Laws 1983, c. 40, § 1.

§19-402. Courtrooms rented to be approved by court.
The power to rent courtrooms shall only extend to such rooms as the court using the same may approve.
R.L. 1910, § 1618.

§19-403. Repealed by Laws 1974, c. 153, § 17-114, operative Jan. 1, 1975.

§19-410.1. Repealed by Laws 1955, p. 158, § 11.

§19-410.1a. Editorially renumbered as § 333.1 of this title.

§19-410.2. Repealed by Laws 1955, p. 158, § 11.

§19-410.3. Repealed by Laws 1955, p. 158, § 11.

§19-410.4. Repealed by Laws 1955, p. 158, § 11.

§19-410.5. Repealed by Laws 1955, p. 158, § 11.

§19-410.6. Repealed by Laws 1955, p. 158, § 11.

§19-410.7. Repealed by Laws 1955, p. 158, § 11.

§19-410.8. Repealed by Laws 1993, c. 105, § 3, emerg. eff. April 23, 1993.

§19-410.9. Repealed by Laws 1993, c. 105, § 3, emerg. eff. April 23, 1993.

§19-410.10. Repealed by Laws 1993, c. 105, § 3, emerg. eff. April 23, 1993.

§19-410.11. Repealed by Laws 1993, c. 105, § 3, emerg. eff. April 23, 1993.

§19-410.12. Repealed by Laws 1993, c. 105, § 3, emerg. eff. April 23, 1993.

§19-410.13. Repealed by Laws 1993, c. 105, § 3, emerg. eff. April 23, 1993.

§19-410.14. Repealed by Laws 1993, c. 105, § 3, emerg. eff. April 23, 1993.

§19-410.15. Repealed by Laws 1993, c. 105, § 3, emerg. eff. April 23, 1993.

§19-410.16. Repealed by Laws 1993, c. 105, § 3, emerg. eff. April 23, 1993.

§19-410.17. Repealed by Laws 1993, c. 105, § 3, emerg. eff. April 23, 1993.

§19-410.18. Repealed by Laws 1993, c. 105, § 3, emerg. eff. April 23, 1993.

§19-411. Repealed by Laws 1947, p. 213, § 7, emerg. eff. May 21, 1947.

§19-412. Repealed by Laws 1947, p. 213, § 7, emerg. eff. May 21, 1947.

§19-413. Repealed by Laws 1947, p. 213, § 7, emerg. eff. May 21, 1947.

§19-414. Repealed by Laws 1947, p. 213, § 7, emerg. eff. May 21, 1947.

§19-415. Repealed by Laws 1947, p. 213, § 7, emerg. eff. May 21, 1947.

§19-416. Repealed by Laws 1947, p. 213, § 7, emerg. eff. May 21, 1947.

§19-417. Repealed by Laws 1947, p. 213, § 7, emerg. eff. May 21, 1947.

§19-418. Repealed by Laws 1947, p. 213, § 7, emerg. eff. May 21, 1947.

§19-419. Repealed by Laws 1947, p. 213, § 7, emerg. eff. May 21, 1947.

§19-421. Entry on minutes - Matters to be entered.

After November 1, 2009, each board of county commissioners of the several counties in the state shall within thirty (30) days after the disposition of any tools, apparatus, machinery, and

equipment belonging to the county or leased or otherwise let to it or any department thereof, the original cost of which is more than One Thousand Dollars ($1,000.00), whether sold, exchanged, junked, leased or let where authorized by statute, shall enter, or cause to be entered, in the minutes of the proceedings of the board the fact of such disposition, including complete description of item, serial number, the date property was acquired, the name and address of the person or firm from whom property was acquired, the cost price at time of acquisition or contract price if acquired under lease-rental agreement, the date of disposition, the name and address of the person or firm to whom property transferred, the price received therefor and the reason for disposition.
Added by Laws 1953, p. 81, § 1, emerg. eff. June 1, 1953. Amended by Laws 2009, c. 4, § 2, eff. Nov. 1, 2009; Laws 2023, c. 337, § 1, eff. Nov. 1, 2023.

§19-421.1. Trade-in of certain property - Procedure for sale of certain county property.

A. The board of county commissioners is hereby authorized to use any tools, apparatus, machinery or equipment belonging to the county, the original cost of which exceeded One Thousand Dollars ($1,000.00), as a trade-in on a cash purchase or lease purchase of any other tools, apparatus, machinery or equipment.

B. To establish an appraised value for an item to be sold at public auction or traded in, the purchasing agent may refer to an industry-recognized appraisal manual for used construction equipment to estimate the value of the item being sold, or obtain appraisal quotes from at least two vendors in the business of selling items like the one being sold.

C. Except when such items are disposed of pursuant to subsection E, F or I of this section, the following procedures shall be used for the sale, by the board of county commissioners, of any tools, apparatus, machinery or equipment, the original cost of which exceeded One Thousand Dollars ($1,000.00) or any information technology hardware or software having an original cost of Five Hundred Dollars ($500.00) or more, belonging to the county:

1. The board of county commissioners shall give notice of such sale by publication in a newspaper of general paid circulation in the county for two successive weekly issues;

2. Bids for such tools, apparatus, machinery or equipment on sale shall be in writing, sealed and delivered to the county clerk of such county;

3. At the next regular meeting of the board of county commissioners after the expiration of fifteen (15) days from the date of first publication of notice of the sale, the board of county commissioners shall open such bids and award such tools, apparatus,

machinery or equipment to the highest and best bidder with the option of rejecting all bids; and

4. The board of county commissioners may hold a public auction or use an Internet auction, which may include online bidding, in lieu of advertising for sealed bids as provided above. Such auction shall be advertised as provided herein.

D. A board of county commissioners may sell any materials, tools, apparatus, machinery or equipment to a tribal governmental entity or state agency, if the agency is subject to the Oklahoma Central Purchasing Act. The board of county commissioners may purchase materials, tools, apparatus, machinery or equipment from a state agency, if the agency is subject to the Oklahoma Central Purchasing Act.

E. The board of county commissioners may, by resolution, enter into an agreement with any tribal governmental entity or other county or political subdivision for the purpose of selling, transferring, trading or otherwise disposing of equipment or materials at a price agreed upon by both governing bodies. Transactions made pursuant to this subsection shall not be subject to the requirements in subsection C of this section.

F. Advertisement of surplus property consigned to sell at a Circuit Engineering District auction shall be provided by the auction company under contract to conduct the sale. Advertising shall be provided to attract the most potential buyers. Advertising media may include, but not be limited to, sale flyers, newspapers, radio, television, and Internet postings.

G. Pursuant to the authority of Section 1 of this title, boards of county commissioners shall have authority, under such statute and in consideration of the procedures in this section to sell real property belonging to the county without declaring such property surplus under the following conditions:

1. A certified appraisal of the county property shall be performed to determine the market value of the property and accepted by the board of county commissioners;

2. After acceptance of the certified appraisal, the board of county commissioners shall, pursuant to the requirements of this section, give notice of such sale by publication in a newspaper of general paid circulation in the county for two successive weekly issues;

3. Bids for the real property shall be in writing, sealed and delivered to the county clerk of such county;

4. At the next regular meeting of the board of county commissioners after the expiration of fifteen (15) days from the date of first publication of notice of sale, the board of county commissioners shall open such bids;

5. A successful bid must be no less than the market value of the real property to be considered by the board of county

commissioners for acceptance. The board of county commissioners reserves the right to reject any and all bids;

6. If more than one bid is above the market value of the real property, the board of county commissioners shall have the right to compel the potential buyers of the real property who have bid above the market amount to enter into public auction conducted by the chairman of the board of county commissioners after the opening of such bids, to establish the highest bid for the property in order to assure that the county is receiving adequate consideration for the property;

7. A majority vote of the board of county commissioners shall be required to determine the successful bidder of the real property. Upon awarding the bid, either through sealed bid or by conducting a public auction of those bidders who bid more than the market value of the real property, the board of county commissioners shall have the right to pledge the occupied property, using an irrevocable bond or letter of credit, as provided for in paragraph 10 of this subsection, as collateral in order to finance bonds to purchase other real property or build a replacement building, or both;

8. If the sale price is less than the estimated cost of new land purchase or construction, then said sales contract shall be contingent upon the public approval of bond funding or other authorized funding to allow the complete payment of the contemplated project;

9. The board of county commissioners shall have authority pursuant to paragraphs 5 and 6 of Section 1 of this title to make any order concerning the sale of such property contingent upon a closing date in the future in order to continue to use said real property until a replacement building is completed. Upon completion of the replacement building, the board of county commissioners shall execute all documents and title transfers pertaining to said real property to the successful bidder;

10. The successful bidder shall execute an irrevocable bond or letter of credit with a surety company or bank licensed to do business in the State of Oklahoma and organized under the corporate laws of the State of Oklahoma and registered with the Secretary of State of Oklahoma equal to the amount of the purchase price of the real property within fifteen (15) days of awarding of the bid. Failure to provide either an irrevocable bond or letter of credit in favor of the board of county commissioners within said time limitation shall act as a rejection and cancellation by the board of the award of bid and said board may, at that point, enter into a contract with any secondary or subsequent bidder that meets the aforementioned qualifications without further notice; and

11. If there are no bids submitted or all submitted bids are less than the market value of the real property after the expiration of fifteen (15) days from the date of first publication of notice of

sale, the board of county commissioners shall publish the notice of sale and accept bids for a second time complying with the requirements of paragraphs 2 through 4 of this subsection. If there are no bids submitted or all submitted bids are less than the market value of the real property after the expiration of fifteen (15) days from the date of second publication of notice of sale, the board of county commissioners shall have the right to sell real property, upon majority vote, without any bidding procedure or auction, directly to any person or entity for an amount that is not less than the highest bid previously submitted through any previous bidding procedures provided in this subsection.

H. The board of county commissioners may solicit telephone bids for the removal of recyclable materials.

I. The board of county commissioners shall have the authority to trade in equipment to a vendor or on statewide contract by acquiring used equipment values pursuant to subsection B of this section.

Added by Laws 1982, c. 222, § 1, operative Oct. 1, 1982. Amended by Laws 1984, c. 71, § 2; Laws 1988, c. 145, § 2, emerg. eff. April 27, 1988; Laws 1989, c. 286, § 2, operative July 1, 1989; Laws 1998, c. 258, § 2, eff. Nov. 1, 1998; Laws 2001, c. 320, § 1, eff. Nov. 1, 2001; Laws 2002, c. 214, § 1, eff. Nov. 1, 2002; Laws 2004, c. 99, § 2, eff. Nov. 1, 2004; Laws 2008, c. 294, § 1, eff. Nov. 1, 2008; Laws 2009, c. 4, § 3, eff. Nov. 1, 2009; Laws 2013, c. 354, § 1, eff. Nov. 1, 2013; Laws 2017, c. 174, § 1, eff. Nov. 1, 2017; Laws 2018, c. 104, § 1, eff. Nov. 1, 2018; Laws 2019, c. 25, § 12, emerg. eff. April 4, 2019; Laws 2021, c. 23, § 1, eff. Nov. 1, 2021; Laws 2023, c. 337, § 2, eff. Nov. 1, 2023.

NOTE: Laws 2018, c. 122, § 2 repealed by Laws 2019, c. 25, § 13, emerg. eff. April 4, 2019.

§19-421.2. Surplus machinery, equipment or vehicles - Transfer to political subdivisions.

A. A unanimous vote of the board of county commissioners may transfer any machinery, equipment or vehicle belonging to the county, which is deemed by the board to be surplus, to a political subdivision of the state which is in need of such machinery, equipment or vehicle. Upon such transfer, the subject property shall be removed from the inventory of the county.

B. The board of county commissioners shall not deem any property to be surplus during the period when the elections of any two county commissioners occur at the same time. This prohibition shall only apply to the property in use by and/or recorded on the inventory of the district of the county commissioner(s), the elections of which are set for the same date and not the remaining county officers. This prohibition shall cease to apply to any property in use by and/or recorded on the inventory of the district

of any individual incumbent county commissioner who draws no opponent or who wins reelection at either the primary or general election. The prohibition of declaring county property or material surplus shall:

1. Begin thirty (30) days before the filing period for the elections of any two or more county commissioners in a county; and

2. Except as otherwise provided in this section, end the day after two or more county commissioners are sworn in as such.

C. If two or more incumbents draw no opponents or if two or more incumbent county commissioners both win reelection, either at the primary, special, or general election, the prohibition of declaring county property or material surplus until the swearing in of county officials shall be removed and the county may dispose of surplus property as provided in subsection A of this section.

D. When the political subdivision receiving such property declares same to be surplus, the governing body shall give written notice to the county of its intent to transfer such property back to the county. The board of county commissioners shall have up to fifteen (15) days from the date of receipt of such notice to either accept or reject the property. The political subdivision shall transfer such property back to the county only if the board of county commissioners agrees to accept the property or the board fails to respond within the fifteen-day time period.

Added by Laws 1991, c. 155, § 1, emerg. eff. May 7, 1991. Amended by Laws 1992, c. 227, § 1, emerg. eff. May 19, 1992; Laws 2007, c. 100, § 3, eff. Nov. 1, 2007; Laws 2011, c. 91, § 1, eff. Nov. 1, 2011; Laws 2012, c. 144, § 2, eff. Nov. 1, 2012; Laws 2017, c. 174, § 2, eff. Nov. 1, 2017; Laws 2022, c. 51, § 1, eff. Nov. 1, 2022; Laws 2023, c. 10, § 1, eff. Nov. 1, 2023.

§19-421.3. Obtaining surplus road and bridge building equipment.

Circuit Engineering Districts acting through cooperative agreements on behalf of counties are authorized to obtain surplus property pursuant to Section 34.1 of Title 80 of the Oklahoma Statutes and may contract to obtain surplus equipment for road and bridge building purposes pursuant to Section 339 of Title 19 of the Oklahoma Statutes.

Added by Laws 2001, c. 320, § 2, eff. Nov. 1, 2001.

§19-422. Penalties.

No special penalties shall apply to any public officer charged with the performance of duties under this act other than that provided in 19 O.S. 1951, § 28.

Added by Laws 1953, p. 81, § 2.

§19-423. Partial invalidity.

If any part of this act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each part thereof, irrespective of the fact that any part be declared unconstitutional.
Added by Laws 1953, p. 81, § 3.

§19-431. Right of appeal - Bond - Appeal on demand of freeholders - Appeal by taxpayer.

From all decisions of the board of commissioners, upon matters properly before them, there shall be allowed an appeal to the district court by any persons aggrieved, including the county by its district attorney, upon filing a bond with sufficient penalty, and one or more sureties to be approved by the county clerk, conditioned that the appellant will prosecute his or her appeal without delay, and pay all cost that he or she may be adjudged to pay in the said district court; said bond shall be executed to the county, and may be sued in the name of the county upon breach of any condition therein; provided, that the district attorney, upon the written demand of at least fifteen (15) freeholders of the county, shall take an appeal from any action of the board of county commissioners when said action relates to the interest or affairs of the county at large or any portion thereof, in the name of the county, when he deems it to the interest of the county so to do; and in such case no bond shall be required or given and upon serving the notice provided for in the next section the county clerk shall proceed the same as if a bond had been filed; provided, further, that if the district attorney shall fail or refuse to appeal after the written demand of the said fifteen (15) freeholders, then any resident taxpayer of the county may be considered a person aggrieved and may appeal upon filing a bond with sufficient penalty, as provided in the foregoing portion of this paragraph.
R.L. 1910, § 1640. Amended by Laws 1915, c. 117, § 1.

§19-432. Time and manner of taking appeal - Folio of papers.

Said appeal shall be taken within twenty (20) days after the decision of said board, by serving a written notice on one of the members of the board of county commissioners, and the county clerk shall, upon the filing of the bond as hereinbefore provided, make a folio of all the papers filed in the proceedings of said board relating to the matter of their decision thereon, and shall deliver the same to the clerk of the district court.
R.L. 1910, § 1641. Amended by Laws 1974, c. 105, § 1.

§19-433. Appeal, when filed and tried.

Said appeal shall be filed by the first day of the district court next after such appeal and said cause shall stand for trial at such term.
R.L. 1910, § 1642.

§19-434. Docketing of appeals - Determination de novo.
All appeals thus taken to the district court shall be docketed as other causes pending therein, and the same shall be heard and determined de novo.
R.L. 1910, § 1643.

§19-435. Order of district court.
The district court may make a final judgment and cause the same to be executed, or may send the same back to the board with an order how to proceed, and require said board of county commissioners to comply therewith by a mandamus or attachment as for contempt.
R.L. 1910, § 1644.

§19-441. Officers to account to commissioners - Payments and receipts.
All treasurers, sheriffs, clerks, constables, and other officers chargeable with money belonging to the county shall render their accounts to and settle with the county commissioners at the time required by law, and pay into the county treasury any balance which may be due the county, take duplicate receipts therefor, and deposit one of the same with the clerk of the county within five (5) days thereafter.
R.L. 1910, § 1645.

§19-442. Examination of treasurer's tax records.
It shall be the duty of the board of county commissioners at each annual meeting to examine the county treasurer's "tax-sale book" and "stub receipts" and ascertain the amount of redemption money in the treasury and compel the said treasurer to account for the same.
R.L. 1910, § 1646.

§19-443. Suit against delinquent officers.
If any person thus chargeable shall neglect or refuse to render true accounts or settle as aforesaid, the county commissioners shall adjust the accounts of such delinquent according to the best information they can obtain, and ascertain the balance due the county, and order suit to be brought in the name of the county therefor; and such delinquent shall not be entitled to any commission, and shall forfeit and pay to the county a penalty of twenty percent (20%) on the amount of funds due the county.
R.L. 1910, § 1647.

§19-444. Publication of proceedings.

It shall be the mandatory duty of the board of county commissioners to cause to be published in a newspaper published in the county, a full and complete report of all its official proceedings at each regular and special meeting, except blanket purchase orders, within the time provided for in Sections 445 and 446 of this title, and the board of county commissioners shall pay for the same from the appropriation as provided in this section. The board of county commissioners may also order the publication of the official proceedings in a newspaper printed in any other than the English Language whenever it shall deem it necessary for the better information of the inhabitants. The board of county commissioners may omit the listing of all employees and their salaries approved for payment in the monthly publication of proceedings. However, it shall be the mandatory duty of the board of county commissioners to cause to be published a full and complete report of all the county employees and their salaries paid annually. An asterisk shall be placed in front of the names of employees paid for less than the full twelve (12) months of the preceding calendar year. The listing shall reflect the gross salary of every employee reported to the Internal Revenue Service on the W-2 Form of the employee. Such annual publication of the employees and their salaries shall be published annually in the month of February for the preceding calendar year in a newspaper of the county which meets the requirements set forth in Section 106 of Title 25 of the Oklahoma Statutes.

It shall also be the mandatory duty of the board of county commissioners and the county excise board, each fiscal year, to take such steps as may be necessary and proper under the statutes relating to estimates of needs and appropriations, to appropriate, in the General Government account within the general fund of the county, an amount sufficient to pay for the publication of all such proceedings during the fiscal year, at the legal rate therefor, but in no event less than the total of legal claims for publication of such proceedings during the immediately preceding fiscal year. R.L. 1910, § 1648. Amended by Laws 1953, p. 79, § 1, emerg. eff. May 19, 1953; Laws 1986, c. 136, § 1, eff. Nov. 1, 1986; Laws 1993, c. 318, § 4, emerg. eff. June 7, 1993.

§19-445. Clerk to make report of proceedings for publication.

It shall be the duty of the county clerk to make out a complete report of the proceedings of each regular and special meeting of the board. Included in such report shall be the purpose of any warrant that is approved for payment at such meeting. The county clerk shall transmit the report to the publishers of the newspaper selected by the board to publish such proceedings. The report shall

be made out and transmitted by the clerk upon the approval of the board of county commissioners at its next regularly scheduled meeting, or no later than ten (10) days from the time the proceedings were had.
R.L. 1910, § 1649. Amended by Laws 1982, c. 249, § 11; Laws 1984, c. 61, § 2, emerg. eff. March 29, 1984.

§19-446. Duty of publisher.
It shall be the duty of the publisher of the newspaper selected to publish any proceedings of the board of commissioners, to cause the proceedings as aforesaid received by him from any county clerk, to be published within ten (10) days after receipt thereof.
R.L. 1910, § 1650. Amended by Laws 1953, p. 80, § 2.

§19-447. Board to furnish supplies to officers.
The board of commissioners shall, at the expense of the county, provide suitable cases and other furniture for the safe and convenient keeping of all the books, documents and papers belonging to each county officer, and also official seals for each of said officers, where the same are required by law.
R.L. 1910, § 1651.

§19-448. Failure to perform duty - Penalty.
Any county commissioner who shall fail to perform any duty required of him by law, shall be fined in a sum not less than Fifty Dollars ($50.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail not less than thirty (30) days nor more than one year, or by both such fine and imprisonment.
R.L. 1910, § 1652.

§19-449. Incapacity as creating vacancy.
In addition to the provisions of law now in force, in all counties of the State of Oklahoma, where any member of the board of county commissioners shall become incapacitated physically or mentally and thereby be unable by reason of such disability to perform the duties of his office for the remainder of the term to which such officer was elected, a vacancy in said office is hereby declared to exist and such vacancy shall be filled by election in the manner provided by law for the filling of such vacancies; provided, however, that where such vacancy occurs after the election and prior to the beginning of the term of the county commissioner-elect, such county commissioner so elected shall be entitled to qualify and enter upon the discharge of his duties.
Added by Laws 1935, p. 176, § 1. Amended by Laws 1974, c. 153, § 17-108, operative Jan. 1, 1975.

§19-450. Determination of existence of vacancy - Jurisdiction and proceedings.

For the purpose of determining whether such a vacancy exists the district court is hereby vested with exclusive jurisdiction and the district attorney of the county shall file a petition with the district court of the county where such vacancy is alleged to exist, and summons shall issue and be served in the manner provided by law for the service of summons in other cases, and said cause shall be tried to the court without the intervention of a jury and upon trial thereof, if it be shown by preponderance of the evidence that the county commissioner who is alleged to be incapacitated or disqualified is suffering from any mental or physical ailment that will prevent him from performing the duties of said office for the balance of the term to which he was elected, the said court shall enter judgment accordingly, decreeing that a vacancy exists, which judgment shall thereupon be final and the vacancy shall be filled as provided in Section 1 above.

Said action shall be brought by the district attorney and shall be in the name of the State of Oklahoma on relation of the district attorney as plaintiff, against the person who is alleged to be disqualified and the summons shall be issued, directed to the sheriff of the county where said defendant may be served, and if the said defendant be in a hospital or under the care or supervision of any institution, the same shall be served by delivering a copy thereof to the said defendant and a copy to the person or officer having supervision or control of the said hospital or institution and said cause shall stand for trial at the first non-jury docket setting after answer day, as other civil actions triable to the court.

Added by Laws 1935, p. 176, § 2.

§19-451. Purchase of boat for official business - Mileage.

The board of county commissioners of any county in this state having more than two hundred fifty (250) miles of lake shore line within such county, are hereby authorized to purchase, maintain, and to provide for the operation of, for the official business of the county and its several offices, a boat and motive power therefor, either inboard or outboard. No mileage shall be charged to the county for travel in such boat and all mileage collected by any officer, from any other source, shall be paid by him into the county and shall be credited to the fund from which claims for the operation of such boat shall be paid. The board shall establish such rules and regulations regarding the use of such boat as to prevent its use for other than official business.

Added by Laws 1951, p. 332, § 1.

§19-452. Counties over 200,000 population - Appointment of employees and assistants.

The boards of county commissioners in all counties of the State of Oklahoma having a population in excess of two hundred thousand (200,000), as shown by the last preceding or any future regular Federal Decennial Census, be, and they are hereby empowered to appoint such employees and assistants, as shall be necessary for said board to properly accomplish the statutory and lawful duties and functions of said board, and who shall serve during the pleasure of said board on a whole or part-time basis at such rates of salary or pay as may be agreed upon by said board.
Added by Laws 1957, p. 120, § 1.

§19-452.1. Director and deputies of country juvenile facilities and services - Employment by judge responsible for juvenile docket.

With the approval of the board of county commissioners, the judge responsible for the juvenile docket of any county may employ a director of county juvenile facilities and services and deputies to the director as the judge may deem appropriate. The director shall perform the duty or duties of directions and implementations of county juvenile facilities and services as prescribed and directed by the board of county commissioners. Such directors and their deputies shall serve at the will and discretion of the judge responsible for the juvenile docket.

The director and deputies of county juvenile facilities and services shall receive as compensation a salary or salaries to be fixed by the board of county commissioners, to be paid out of the general operating fund of the county or out of special funds created by a vote of the people for the purposes of funding county juvenile facilities and services. The compensation of the director and any deputies shall not be governed by the comprehensive salary code, as provided in Section 180.58 et seq. of Title 19 of the Oklahoma Statutes.
Added by Laws 1997, c. 283, § 3, emerg. eff. May 27, 1997.

§19-453. School guards - Qualifications and tenure - Salary.

The board of county commissioners may authorize employment of school guards for the sole and only purpose of directing travel and traffic on streets and highways outside the limits of incorporated cities and towns whenever the board deems it necessary to protect the life and safety of pupils attending the public schools of this state. School guards so employed shall meet the qualifications, perform such duties, and have such tenure as prescribed by the board of county commissioners. The school guards shall be paid a salary fixed by the board of county commissioners and shall be paid from the general fund as stipulated by the county excise board.
Added by Laws 1963, c. 149, § 1.

§19-454. Repealed by Laws 1968, c. 415, § 1906, eff. July 1, 1968.

§19-455. County reward fund - Providing evidence.

A. The board of county commissioners of each county is hereby authorized to offer and pay a reward, from county funds, in an amount not to exceed One Thousand Dollars ($1,000.00) for the arrest and conviction, or for evidence leading to the arrest and conviction of any person stealing or defacing county road signs or any other county property.

B. The board of county commissioners may create and maintain a reward fund of not to exceed Two Thousand Dollars ($2,000.00) from which to pay the rewards provided for in subsection A of this section.

C. Any person convicted under subsection A of this section may in lieu of the fine be required to deposit like amount into the county reward fund.

Added by Laws 1981, c. 33, § 1, emerg. eff. April 8, 1981. Amended by Laws 1988, c. 115, § 3, eff. Nov. 1, 1988; Laws 2009, c. 43, § 1, eff. Nov. 1, 2009.

NOTE: Laws 2009, c. 47, § 2 repealed by Laws 2010, c. 2, § 4, emerg. eff. March 3, 2010.

§19-456. Oklahoma County and City Energy Conservation Act - Short title.

Sections 457 and 458 of this title shall be known and may be cited as the "Oklahoma County and City Energy Conservation Act".

Added by Laws 1998, c. 391, § 10, emerg. eff. June 10, 1998. Amended by Laws 2000, c. 164, § 1, emerg. eff. April 28, 2000.

§19-457. Oklahoma County and City Energy Conservation Act - Definitions.

As used in the Oklahoma County and City Energy Conservation Act, "energy conservation measures" means one or more of the following items:

1. Insulation of the building structure or systems within the building;

2. Storm windows or doors, caulking or weather-stripping, multiglazed windows or doors, heat-absorbing or heat-reflective, glazed, and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy consumption;

3. Automatic or computerized energy control systems;

4. Heating, ventilating or air conditioning system modifications or replacements;

5. Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system, but not for the sole

purpose of increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building codes for the lighting system after the proposed modifications are made;

6. Indoor air quality improvements;

7. Energy recovery systems;

8. Co-generation systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

9. Any life safety measures that provide long-term operating cost reductions;

10. Water-metering devices that increase efficiency or accuracy of water measurement and energy reduction; and

11. Building operation programs that reduce the operating costs.

Added by Laws 1998, c. 391, § 11, emerg. eff. June 10, 1998. Amended by Laws 2000, c. 164, § 2, emerg. eff. April 28, 2000; Laws 2018, c. 296, § 1, eff. Nov. 1, 2018.

§19-458. Energy conservation contracts and lease-purchase agreements.

A. The governing board of a political subdivision of this state, in compliance with the provisions of this section, may enter into an energy conservation contract for the purpose of implementing energy conservation measures designed to reduce the energy consumption of facilities of the political subdivision.

B. 1. The governing board shall require the provider of the energy conservation measures to file with the governing board a performance bond that is in an amount the governing board finds reasonable and necessary to protect the interests of the political subdivision and that covers the value of the guaranteed savings on the contract and is conditioned on the faithful execution of the terms of the contract.

2. If bonding industry limitations prevent execution of a performance bond which covers guaranteed savings for the entire term of the lease-purchase agreement the contract may allow an option for:

a. a performance bond which covers guaranteed savings for a shorter bond term. At the completion of the bond term, a new bond may be executed which covers guaranteed savings for an additional period of years. This process may be continued in like manner for the duration of the lease-purchase agreement as specified in subsection D of this section, or

b. a performance bond which covers guaranteed savings for a shorter term. At the completion of the bond term, if the bond cannot be renewed as provided in

subparagraph a of this paragraph and if there has been a guaranteed savings shortfall during the last twelve (12) months, the governing board may assume a continued annual shortfall of the same amount and request repayment from the contractor of the net present value of the shortfall through the end of the lease repayment period. The discount factor to calculate the net present value shall be the annual percentage rate of the lease-purchase agreement.

C. 1. The governing board may enter into an energy conservation contract for a period of more than one (1) year for the implementation of energy conservation measures with a person or business entity if:

a. the governing board finds that the amount the political subdivision would spend on the energy conservation measures, excluding any initial partial payment, will not exceed the total savings in energy costs over the repayment period from the date of installation, and

b. the contract contains a provision that such contract will continue for the next fiscal year of the political subdivision only if the governing board appropriates adequate and sufficient funds for the contract for the next fiscal year.

2. The term of the energy conservation contract and the lease-purchase agreement shall include the installation period and the lease repayment period.

3. If the term of an energy conservation contract exceeds one (1) year, the contractual obligation of the political subdivision, excluding any initial partial payment, in any year during the term of the energy conservation contract may not exceed the total savings, including, but not limited to, electrical, gas, or other utility cost savings and savings from lowered maintenance as determined by the governing board.

4. Maintenance for energy conservation measures may be a part of the energy conservation contract.

5. The governing board shall consider all costs of the energy conservation measures, including, but not limited to, costs of design, engineering, installation, maintenance, maintenance tools and equipment, spare parts, repairs, and debt service.

D. 1. An energy conservation contract, with respect to existing buildings or facilities, may be funded through a lease-purchase agreement that meets federal tax requirements for tax-free municipal leasing or long-term financing.

2. The repayment period of the lease-purchase agreement shall not exceed the greater of twenty (20) years or the weighted average

equipment life of equipment to be installed under the energy conservation contract.

E. Prior to entering into an energy conservation contract, the governing board shall solicit a request for qualification from one or more energy service company providers. Requests for qualification must solicit quotations and must specify the relative importance of guaranteed savings, price, financial performance and stability, quality, technical ability, experience and other evaluation factors.

F. In accordance with the terms of a request for qualification under subsection E of this section and with rules promulgated by the governing board, the governing board may conduct discussions with offerors who submit proposals and who are determined to be reasonably qualified for the award of the contract. Offerors shall be treated fairly and equally with respect to any opportunity for discussion and revision of proposals. To obtain the best final offers, the governing board may allow proposal revisions after submissions and before the award of the contract.

G. Proposals shall be opened in a manner that avoids disclosure of the contents to competing offerors and keeps the proposals confidential during negotiations.

H. The governing body and the offeror selected through the request for qualification procedures shall enter into a memorandum of understanding, which shall require the provider to perform preliminary analysis regarding the physical features and operating history of the facilities under consideration. There shall be no financial obligation to the political subdivision for this analysis.

I. After completion of the preliminary analysis, the energy service provider shall perform a detailed energy performance audit on the specific buildings or facilities as agreed to by the political subdivision. This audit shall provide a cost basis for operating the existing building or facilities and the detailed information necessary to make a financial decision regarding a long-term performance-based efficiency contract. The cost of this audit may be rolled into the terms of a performance-based efficiency contract. If the political subdivision decides not to enter into a long-term performance-based efficiency contract with the provider, the political subdivision must pay the sum stipulated in the performance audit contract.

J. Trade secrets and proprietary information clearly identified in the proposals shall not be open for public inspection.

K. Energy conservation contracts shall contain a baseline calculation and energy savings calculation methodology. The calculations shall be performed in accordance with the procedures used by the International Protocol for Measurement and Verification Procedures (IPMVP) or succeeding standard of the United States Department of Energy.

Added by Laws 1998, c. 391, § 12, emerg. eff. June 10, 1998. Amended by Laws 2000, c. 164, § 3, emerg. eff. April 28, 2000; Laws 2018, c. 296, § 2, eff. Nov. 1, 2018.

§19-460.1. Short title.

This act shall be known and may be cited as the "Oklahoma Energy Independence Act".

Added by Laws 2009, c. 122, § 1, emerg. eff. April 28, 2009.

§19-460.2. County Energy District Authority - Establishment.

A. The board of county commissioners of a county, by resolution, may establish a County Energy District Authority for the county. The authority shall be a public trust as provided for in Sections 176 through 180.3 of Title 60 of the Oklahoma Statutes.

B. The authority shall consist of five (5) trustees as follows:

1. The three county commissioners of the county; and

2. Two persons appointed by the board of county commissioners. The appointed members shall be residents of the county and shall not be elected officials.

C. The chair of the board of county commissioners shall serve as chair of the authority.

Added by Laws 2009, c. 122, § 2, emerg. eff. April 28, 2009.

§19-460.2a. County Energy District Authority.

A. The board of directors of a circuit engineering district, established pursuant to Section 687.1 et seq. of Title 69 of the Oklahoma Statutes, may by resolution establish a County Energy District Authority pursuant to the provisions of the Oklahoma Energy Independence Act, for the district. The authority shall be a public trust as provided for in Sections 176 through 180.3 of Title 60 of the Oklahoma Statutes.

B. The authority shall consist of the circuit engineering district board of directors.

C. The chair of the board of directors of the circuit engineering district shall serve as chair of the authority.

Added by Laws 2010, c. 71, § 1. Amended by Laws 2011, c. 48, § 1, eff. Nov. 1, 2011; Laws 2012, c. 11, § 1, emerg. eff. April 4, 2012. NOTE: Laws 2011, c. 35, § 1 repealed by Laws 2012, c. 11, § 2, emerg. eff. April 4, 2012.

§19-460.3. Trustees - Time and place for meetings.

The trustees of a County Energy District Authority shall establish a time and place for regular meetings and may hold such special meetings as may be required for the proper transaction of business. Three trustees shall constitute a quorum for the transaction of business and upon all questions requiring a vote of

the trustees, there must be a concurrence of three trustees for approval.
Added by Laws 2009, c. 122, § 3, emerg. eff. April 28, 2009.

§19-460.4. Trustees - County Energy District Authority - Duties.

The trustees of a County Energy District Authority shall:

1. Manage and conduct the business and affairs of the authority;

2. Make and execute all necessary contracts;

3. Secure funding through sources which may include:

a. issuance of notes or bonds,

b. public or private lenders, or

c. grants or loans from other governmental entities when such funds are available; and

4. Authorize the county to make loans or grants between a willing and consenting property owner and the authority or a financial institution for the following purposes:

a. to finance the installation of distributed generation renewable energy sources,

b. to make energy efficient improvements or retrofits that are permanently affixed to residential, commercial, or industrial property,

c. to conduct residential and commercial building energy audits, and

d. to establish financial incentive programs for energy efficient improvements.

Added by Laws 2009, c. 122, § 4, emerg. eff. April 28, 2009.

§19-460.5. Application - Loans - Property lien.

A. The Oklahoma Energy Independence Act shall apply to all properties, except single-family residential properties, on which property taxes are to be paid and on which the owners of the property are current in the payment of the property taxes, if applicable. For the purpose of this act, property that is not classified as single-family residential property shall be classified as commercial property. The Oklahoma Energy Independence Act shall not apply to any property zoned as single-family residential property. Counties are authorized to establish commercial Property Assessed Clean Energy (PACE) programs by resolution, without the prior establishment of a County Energy District Authority, to facilitate loans between qualifying property owners and private capital providers. Counties that approve PACE programs are authorized to enter into assessment contracts with property owners and private capital providers in which:

1. The property owner shall be deemed to consent to the levying and collection of annual PACE assessments to repay the loan;

2. The private capital provider shall collect the PACE assessments directly or through a servicer; and

3. The private capital provider shall enforce the lien for an unpaid PACE assessment, pursuant to the provisions of this section. Counties may collect fees for costs incurred in the administration of the PACE program in an amount to be fixed by the applicable board of county commissioners and deposited with the county treasurer as required by law. A county may also retain third-party administrators for the administration of the PACE program.

B. The repayment of any loan made pursuant to the Oklahoma Energy Independence Act shall be through annual assessments levied by the county and collected under terms agreed to by the property owner and the private capital provider.

1. In the event of a mortgage on the property where a lien is recorded pursuant to the Oklahoma Energy Independence Act, the property owner shall obtain written consent from any mortgage holder or holders prior to the issuance of any loan pursuant to the Oklahoma Energy Independence Act.

2. Such loans issued in accordance with the Oklahoma Energy Independence Act between a property owner and a private capital provider shall not accelerate upon default of a mortgage.

C. Assessments levied to repay a loan made pursuant to the Oklahoma Energy Independence Act shall constitute a lien on the property which is the subject of the loan only upon the recording of an assessment contract provided by the county on the property in the office of the county clerk. Any lien imposed pursuant to the Oklahoma Energy Independence Act shall run with the property and have the same priority and status as a lien for unpaid ad valorem property taxes and shall not be extinguished by virtue of a sale by the county for delinquent property taxes or other special assessments. The method of enforcing a lien for failure to pay an assessment related to any loan made pursuant to the Oklahoma Energy Independence Act shall be by the private capital provider in the same manner and with the same priority as the enforcement by the holder of any bond or coupon related to a lien for unpaid assessments, as provided by law and pursuant to this subsection. If any assessment levied to repay a loan made pursuant to the Oklahoma Energy Independence Act remains unpaid for six (6) months after payment is due, the private capital provider may file an action in the district court in which the property is located to foreclose the lien of the assessment, statutory delinquent interest, as provided in this subsection, and reasonable legal fees. Any action filed pursuant to this subsection shall not accelerate repayment of the unpaid balance of a loan made pursuant to the Oklahoma Energy Independence Act. Unpaid assessments levied to repay a loan made pursuant to this act shall accrue statutory delinquent interest at the same rate as a late payment penalty for delinquent ad valorem

taxes. Judgment in an action to enforce the lien shall order the property to be sold in the manner and form as foreclosure of mortgages on real estate, with appraisement. The sale shall be subject to existing taxes and special assessments, as well as assessments levied to repay a loan made pursuant to the Oklahoma Energy Independence Act.

1. Notwithstanding any other provision of law, the county treasurer, in a sale for delinquent ad valorem property taxes or other special assessments, may collect in that sale assessments levied to repay a loan made pursuant to this act, inclusive of penalties and fees, that are currently due or in arrears, or both, and remit the assessment amounts received to the private capital provider.

2. Notwithstanding any other provision of law, if the county takes title to property subject to a loan made pursuant to the Oklahoma Energy Independence Act, the county, and not the county resale property fund, shall be responsible for all expenses associated with the preservation of the property and the related assessments that are due will continue to accrue, inclusive of any interest or penalties, and shall not be extinguished.

D. Only appliances or improvements that are permanently affixed to the property shall be eligible for financing pursuant to the Oklahoma Energy Independence Act. Improvements shall be related to energy efficiency, energy sources, water conservation or building resiliency and are available for new construction or improvements on existing buildings that are qualifying properties. County PACE programs shall establish which improvements qualify for financing.
Added by Laws 2009, c. 122, § 5, emerg. eff. April 28, 2009. Amended by Laws 2011, c. 275, § 1, eff. Nov. 1, 2011; Laws 2019, c. 359, § 1, eff. Nov. 1, 2019; Laws 2020, c. 100, § 1, eff. Nov. 1, 2020.

§19-460.6. Oklahoma Energy District Authority - Grants - Energy efficiency retrofits on tax exempt property.

A County Energy District Authority may make grants to nonprofit organizations to perform energy efficiency retrofits on tax exempt property.
Added by Laws 2009, c. 122, § 6, emerg. eff. April 28, 2009.

§19-460.7. Property owners - Energy audit.

County Energy District Authorities shall require that those property owners participating in the program have an energy audit conducted on the property to be improved to demonstrate the value of the project and that the improvements at a minimum meet "Energy Star" ratings.
Added by Laws 2009, c. 122, § 7, emerg. eff. April 28, 2009.

§19-461. Repealed by Laws 1961, p. 608, § 25.

§19-462. Repealed by Laws 1961, p. 608, § 25.

§19-463. Repealed by Laws 1961, p. 608, § 25.

§19-464. Repealed by Laws 1953, p. 48, § 3 and by Laws 1961, p. 608, § 25.

§19-465. Repealed by Laws 1953, p. 48, § 3 and by Laws 1961, p. 608, § 25.

§19-466. Repealed by Laws 1961, p. 608, § 25.

§19-467. Repealed by Laws 1961, p. 608, § 25.

§19-468. Repealed by Laws 1961, p. 608, § 25.

§19-469. Repealed by Laws 1961, p. 608, § 25.

§19-470. Repealed by Laws 1961, p. 608, § 25.

§19-471. Repealed by Laws 1961, p. 608, § 25.

§19-472. Repealed by Laws 1961, p. 608, § 25.

§19-473. Repealed by Laws 1961, p. 608, § 25.

§19-474. Repealed by Laws 1961, p. 608, § 25.

§19-475. Repealed by Laws 1961, p. 608, § 25.

§19-476. Repealed by Laws 1961, p. 608, § 25.

§19-477. Repealed by Laws 1961, p. 608, § 25.

§19-478. Repealed by Laws 1961, p. 608, § 25.

§19-479. Repealed by Laws 1961, p. 608, § 25.

§19-480. Repealed by Laws 1961, p. 608, § 25.

§19-481. Repealed by Laws 1961, p. 608, § 25.

§19-482. Repealed by Laws 1961, p. 608, § 25.

§19-483. Repealed by Laws 1961, p. 608, § 25.

§19-484. Repealed by Laws 1961, p. 608, § 25.

§19-485. Repealed by Laws 1961, p. 608, § 25.

§19-510. County sheriff - Qualifications.

Any person, otherwise qualified, who has been a resident of the State of Oklahoma for two (2) years, has been a registered voter of the party whose nomination he or she seeks, or a registered Independent, within the county from which such person seeks election for the six (6) months next preceding the first day of the filing period, is at least twenty-five (25) years of age next preceding the date of filing for office, possesses at least a high school education and has served as a duly certified peace officer, in a full-time capacity, for a period of four (4) years or more prior to the date of filing for the office of county sheriff, shall be eligible to hold the office of county sheriff or to file therefor. Within twelve (12) months of taking office, all newly elected or appointed sheriffs shall complete a sheriff's administrative school which has been developed by the Oklahoma Sheriffs' Association and which has been approved by the Council on Law Enforcement Education and Training (CLEET). Failure to complete the sheriff's administrative school within the specified period shall preclude the new sheriff from obtaining CLEET certification. New sheriffs with prior CLEET certification, who fail to attend the sheriff's administrative school, shall have their CLEET certification revoked. Provided, however, the provisions of this section relating to qualifications shall not apply to any person serving as a county sheriff or to any person previously serving as county sheriff prior to the adoption of this statute.

For purposes of this section, "peace officer" shall mean a full-time duly appointed or elected officer who is paid for working more than twenty-five (25) hours per week and whose duties are to preserve the public peace, protect life and property, prevent crime, serve warrants, and enforce state, federal or military laws and local ordinances of this state or any political subdivision thereof. Added by Laws 1976, c. 157, § 1, emerg. eff. May 28, 1976. Amended by Laws 1992, c. 181, § 4, eff. July 1, 1992; Laws 1999, c. 37, § 1, eff. Nov. 1, 1999; Laws 2000, c. 15, § 1, emerg. eff. April 3, 2000; Laws 2003, c. 184, § 2, eff. Nov. 1, 2003; Laws 2004, c. 53, § 5, emerg. eff. April 1, 2004; Laws 2017, c. 258, § 1, eff. Nov. 1, 2017.

§19-511. Repealed by Laws 1980, c. 180, § 6, emerg. eff. May 13, 1980.

§19-512. Repealed by Laws 1980, c. 180, § 6, emerg. eff. May 13, 1980.

§19-513. Custody of jail.

The sheriff shall have the charge and custody of the jail of his county, and all the prisoners in the same, and shall keep such jail himself, or by his deputy or jailer, for whose acts he and his sureties shall be liable.
R.L. 1910, § 1698.

§19-513.1. Training for jailers.

Every sheriff shall require appropriate training for jailers in accordance with the jail standards promulgated by the State Department of Health. The sheriff shall not permit supervision of any prisoner in the custody of the jail by any person that does not meet the jail standards for training and supervision of inmates. The sheriff or contractor having charge and custody of the jail shall comply with all minimal supervision standards pursuant to the jail standards promulgated by the State Department of Health, except when otherwise provided by law. Nothing in this section shall be construed to prohibit or restrict the sheriff or contractor having charge and custody of the jail from training or cross-training a person as a backup jailer, if otherwise qualified for such position. Added by Laws 2005, c. 180, § 2, eff. July 1, 2005. Amended by Laws 2007, c. 51, § 1, eff. Nov. 1, 2007.

§19-513.2. Sheriff's duties in operation or management of jail facility, holding facility or detention center applicable to public trust, private owner or management entity.

A. For purposes of any jail facility, holding facility or detention center, every reference in statute or rule to any duty or responsibility imposed upon the sheriff or any jailer to operate, manage or provide any service to any person in the custody of such facility or any service related to the management or operation of such facility shall be deemed applicable to and imposed upon the public trust or private owner or management entity who by contract or otherwise legally operates or manages such jail facility, holding facility or detention facility.

B. It is unlawful for any public trust, private owner or management entity contracting to operate or manage any jail facility, holding facility or detention center to fail to comply with the provisions of any statute or rule relating to duties and responsibilities required to operate, manage and provide services to any person in the custody of such facility.

C. Every governmental entity and other authority who contracts for the operation or management of any jail facility, holding facility or detention center with a public trust or any private

owner or management entity shall be required to have a provision in such contract requiring compliance with the duties and responsibilities imposed by statute or rule to operate or manage a jail facility, holding facility or detention center.

D. Nothing in this section shall be construed to confer or grant any peace-officer status or peace-officer power to any public trust or private owner or management entity that by contract operates or manages any jail facility, holding facility or detention center, except as may be specifically provided in another provision of law.

Added by Laws 2006, c. 217, § 2, emerg. eff. May 26, 2006.

§19-514. Service of process, etc.

The sheriff in person, or by his undersheriff or deputy, shall serve and execute, according to law, all process, writs, precepts and orders issued or made by lawful authorities, and to him directed, and shall attend upon the several courts of record held in his county.

R.L. 1910, § 1699.

§19-514.1. Sheriff's Service Fee Account.

There is hereby created a cash account to be known as the "Sheriff's Service Fee Account". Monies from the account shall be expended by the sheriff in the lawful operation of his office.

Added by Laws 1984, c. 268, § 1, eff. Nov. 1, 1984.

§19-514.2. Sheriff's Commissary Account.

There is hereby created a cash account to be known as the "Sheriff's Commissary Account". Monies from the account shall be expended by the sheriff as authorized in Section 180.43 of Title 19 of the Oklahoma Statutes.

Added by Laws 1992, c. 237, § 2, emerg. eff. May 19, 1992.

§19-514.3. Fingerprinting fee.

The sheriff may charge an amount not to exceed Fifteen Dollars ($15.00) per card for fingerprinting individuals. This section shall not be applicable to fingerprinting individuals pursuant to the Oklahoma Self-Defense Act. All fees collected pursuant to this section shall be deposited into the Sheriff's Service Fee Account.

Added by Laws 1996, c. 109, § 2, eff. Nov. 1, 1996. Amended by Laws 2022, c. 234, § 1, eff. Nov. 1, 2022.

§19-514.4. See the following versions:

OS 19-514.4v1 (HB 1120, Laws 2018, c. 147, § 1).

OS 19-514.4v2 (HB 3546, Laws 2024, c. 211, § 1).

§19-514.4v1. Notification of outstanding warrants – Contracts – Payment to court or contractor - Payment in lieu of court appearance.

A. Notwithstanding any other section of law, the county sheriffs of any Oklahoma county may contract with a statewide association of county sheriffs to administer contracts with third parties attempting to locate and notify persons of their outstanding misdemeanor or failure-to-pay warrants. County sheriffs contracting with a statewide association of county sheriffs for the administration of third-party contracts may assign their rights and duties regarding these contracts to the association.

B. A person may make payment directly to the court, as allowed by law, or the contractor shall be authorized to accept payment on misdemeanor or failure-to-pay warrants by various means including, but not limited to, payment by phone, mail, or Internet, and in any payment form including, but not limited to, personal, cashier's, traveler's, certified, or guaranteed bank check, postal or commercial money order, nationally recognized credit or a debit card, or other generally accepted payment form. Any payment collected and received by the contractor shall be paid within fifteen (15) days to the court clerk of the entity that issued the outstanding misdemeanor or failure-to-pay warrant.

C. As provided for by this section, a person may pay in lieu of appearance before the court and such payment accepted by the court shall constitute a finding of guilty as though a plea of nolo contendere had been entered by the defendant as allowed by law and shall function as a written, dated, and signed plea form acceptable to the court. Such payment shall serve as a written waiver of a jury trial.

D. The court shall release the outstanding misdemeanor or failure-to-pay warrant upon receipt of all sums due pursuant to said warrant including the misdemeanor or failure-to-pay warrant, scheduled fine or sum due, all associated fees, costs and statutory penalty assessments, and the administrative cost pursuant to Section 514.5 of this title.

E. The provisions of any contract entered into by a county sheriff shall be administered by a statewide association of county sheriffs in Oklahoma.

F. The provisions of this section and Section 514.5 of this title shall be applicable to:

1. Any misdemeanor or failure-to-pay warrant issued or relating to any proceeding pursuant to the State and Municipal Traffic Bail Bond Procedure Act;

2. Any misdemeanor or failure-to-pay warrant issued that allows a defendant to resolve the matter by payment in lieu of a personal appearance in court; and

3. Any failure-to-pay warrant issued in a criminal case.

Added by Laws 2003, c. 254, § 1, eff. July 1, 2003. Amended by Laws 2005, c. 208, § 2, eff. Nov. 1, 2005; Laws 2010, c. 87, § 1, eff. Nov. 1, 2010; Laws 2018, c. 147, § 1, eff. Nov. 1, 2018.
NOTE: HB 3925, Laws 2022, c. 350, § 2, amending this section, was repealed by HB 2259, Laws 2023, c. 247, § 5 and SB 907, Laws 2023, c. 369, § 1. Repealer sections were included in both HB 2259 and SB 907 which referred to the applicable sections of Enrolled HB 3925 from the 2nd Regular Session of the 58th Oklahoma Legislature (2022). The text of the affected statutes as amended by HB 3925 in 2022 was contained in HB 2259 with additional amendatory language, but was not contained in SB 907.

§19-514.4v2. Court cost compliance program established – Contracts with court cost compliance liaisons – Recovery on outstanding cost-related warrants – Payment in lieu of court appearance.

A. 1. Effective November 1, 2023, there is hereby established a court cost compliance program. The purpose of the program shall be to assist county sheriffs and the courts of this state with the collection of fines, costs, fees, and assessments associated with any case in which a warrant has been issued and the case has been referred to the court cost compliance program pursuant to Section 983 of Title 22 of the Oklahoma Statutes.

2. County sheriffs of any county in this state may contract with a statewide association of county sheriffs to administer contracts with third parties who shall be known as court cost compliance liaisons. The court cost compliance liaison may assist with attempting to locate and notify persons of their outstanding misdemeanor or cost-related warrants and recover and maintain accounts relating to past due fines, fees, costs, and assessments. County sheriffs contracting with a statewide association of county sheriffs for the administration of third-party contracts may assign their rights and duties regarding these contracts to the association.

B. A person may make payment directly to the court, as allowed by law, or the court cost compliance liaison, as allowed, shall be authorized to accept payment on misdemeanor or cost-related warrants on all cases referred pursuant to Section 983 of Title 22 of the Oklahoma Statutes by various means including but not limited to payment by phone, mail, or Internet, and in any payment form including but not limited to personal, cashier’s, traveler’s, certified, or guaranteed bank check, postal or commercial money order, nationally recognized credit or a debit card, or other generally accepted payment form. Any payment collected and received by the court cost compliance liaison shall be paid to the court clerk of the court that issued the warrant within fifteen (15) days after receipt of the payment and proof of funds. Any payment collected and received by the court, where the court has referred

the case to a court cost compliance liaison, shall be reported to the court cost compliance liaison within four (4) days of receipt of the payment. Any payment returned due to insufficient funds shall have all insufficient fund charges incurred added to the outstanding balance of the defendant. If a credit card payment taken by a court cost compliance liaison is determined to be a fraudulent use of the credit card by the payor and the payment is reversed by the credit card company or payor's bank, the court clerk shall reverse the transaction upon notification, return the payment to the court cost compliance liaison, and the court cost compliance liaison shall continue the collection process until paid. The court clerk shall add any additional fees for the reversal of the transaction plus the administration fees to the outstanding balance of the defendant. Court cost compliance liaisons shall inform individuals of their right to a cost hearing as provided in Section 983 of Title 22 of the Oklahoma Statutes.

C. As provided for by this section, a person may pay in lieu of appearance before the court and such payment accepted by the court shall constitute a finding of guilt as though a plea of nolo contendere had been entered by the defendant as allowed by law and shall function as a written, dated, and signed plea form acceptable to the court. Such payment shall serve as a written waiver of a jury trial.

D. The court shall release or recall the outstanding misdemeanor or cost-related warrant upon receipt of all sums due pursuant to the warrant including the misdemeanor or cost-related warrant, scheduled fine or sum due, all associated fees, costs and statutory penalty assessments, and the administrative cost pursuant to Section 514.5 of this title, or with a mutually agreeable monthly payment plan and a down payment set at the discretion of the court at an amount no less than One Hundred Dollars ($100.00) or by order of the court. A single down payment shall be sufficient to recall all cost-related warrants against a defendant pending in a single jurisdiction.

E. The provisions of any contract entered into by a county sheriff shall be administered by a statewide association of county sheriffs in Oklahoma.

F. The provisions of this section and Section 514.5 of this title shall be applicable to:

1. Any misdemeanor or cost-related warrant issued pursuant to Section 983 of Title 22 of the Oklahoma Statutes or relating to any proceeding pursuant to the State and Municipal Traffic, Water Safety, and Wildlife Bail Bond Procedure Act;

2. Any misdemeanor or cost-related warrant issued that allows a defendant to resolve the matter by payment in lieu of a personal appearance in court; and

3. Any cost-related warrant issued in a criminal case.

Added by Laws 2003, c. 254, § 1, eff. July 1, 2003. Amended by Laws 2005, c. 208, § 2, eff. Nov. 1, 2005; Laws 2010, c. 87, § 1, eff. Nov. 1, 2010; Laws 2018, c. 147, § 1, eff. Nov. 1, 2018; Laws 2023, c. 247, § 1, eff. Nov. 1, 2023; Laws 2024, c. 211, § 1, eff. Nov. 1, 2024.
NOTE: HB 3925, Laws 2022, c. 350, § 2, amending this section, was repealed by HB 2259, Laws 2023, c. 247, § 5 and SB 907, Laws 2023, c. 369, § 1. Repealer sections were included in both HB 2259 and SB 907 which referred to the applicable sections of Enrolled HB 3925 from the 2nd Regular Session of the 58th Oklahoma Legislature (2022). The text of the affected statutes as amended by HB 3925 in 2022 was contained in HB 2259 with additional amendatory language, but was not contained in SB 907.

§19-514.5. See the following versions:
OS 19-514.5v1 (HB 1120, Laws 2018, c. 147, § 2).
OS 19-514.5v2 (HB 2259, Laws 2023, c. 247, § 2).

§19-514.5v1. Collection of administrative costs.

A. Misdemeanor or failure-to-pay warrants referred to the third-party contractor pursuant to Section 514.4 of this title shall include the addition of an administrative cost of thirty percent (30%) of the outstanding misdemeanor or failure-to-pay warrant, scheduled fine or sum due, and all associated fees, costs and statutory penalty assessments. This administrative cost shall not be waived or reduced except by order of the court.

B. The administrative cost reflected in subsection A of this section, when collected, shall be distributed to the third-party contractor, a portion of which may be used to compensate the association administrating the contract.

C. The monies collected and disbursed shall be audited at least once a year by a firm approved by the State Auditor and Inspector.
Added by Laws 2003, c. 254, § 2, eff. July 1, 2003. Amended by Laws 2005, c. 208, § 3, eff. Nov. 1, 2005; Laws 2010, c. 87, § 2, eff. Nov. 1, 2010; Laws 2018, c. 147, § 2, eff. Nov. 1, 2018.
NOTE: HB 3925, Laws 2022, c. 350, § 3, amending this section, was repealed by HB 2259, Laws 2023, c. 247, § 5 and SB 907, Laws 2023, c. 369, § 1. Repealer sections were included in both HB 2259 and SB 907 which referred to the applicable sections of Enrolled HB 3925 from the 2nd Regular Session of the 58th Oklahoma Legislature (2022). The text of the affected statutes as amended by HB 3925 in 2022 was contained in HB 2259 with additional amendatory language, but was not contained in SB 907.

§19-514.5v2. Collection of administrative costs.

A. Misdemeanor or cost-related warrants or cases referred to the court cost compliance liaison pursuant to Section 514.4 of this

title shall include the addition of an administrative cost of thirty percent (30%) of the outstanding misdemeanor or cost-related warrant, scheduled fine or sum due, and all associated fees, costs and statutory penalty assessments. This administrative cost shall not be waived or reduced unless the amount owed is waived or reduced or by order of the court upon good cause.

B. The administrative cost reflected in subsection A of this section shall be distributed to the court cost compliance liaison, a portion of which may be used to compensate the statewide association administrating the contract.

C. The monies collected and disbursed shall be audited at least once a year by a firm approved by the State Auditor and Inspector.
Added by Laws 2003, c. 254, § 2, eff. July 1, 2003. Amended by Laws 2005, c. 208, § 3, eff. Nov. 1, 2005; Laws 2010, c. 87, § 2, eff. Nov. 1, 2010; Laws 2018, c. 147, § 2, eff. Nov. 1, 2018; Laws 2023, c. 247, § 2, eff. Nov. 1, 2023.
NOTE: HB 3925, Laws 2022, c. 350, § 3, amending this section, was repealed by HB 2259, Laws 2023, c. 247, § 5 and SB 907, Laws 2023, c. 369, § 1. Repealer sections were included in both HB 2259 and SB 907 which referred to the applicable sections of Enrolled HB 3925 from the 2nd Regular Session of the 58th Oklahoma Legislature (2022). The text of the affected statutes as amended by HB 3925 in 2022 was contained in HB 2259 with additional amendatory language, but was not contained in SB 907.

§19-515. Repealed by Laws 1943, p. 79, § 2.

§19-515.1. Repealed by Laws 1972, c. 214, § 5, eff. Oct. 1, 1972.

§19-516. Duty and powers as peace officer.

A. It shall be the duty of the sheriff, undersheriffs and deputies to keep and preserve the peace of their respective counties, and to quiet and suppress all affrays, riots and unlawful assemblies and insurrections, for which purpose and for the service of process in civil and criminal cases, and in apprehending or securing any person for felony or breach of the peace, they and every constable may call to their aid such person or persons of their county as they may deem necessary.

B. The sheriff, in addition to the duties pursuant to subsection A of this section, shall coordinate and administer courthouse security.
R.L. 1910, § 1700. Amended by Laws 2006, c. 71, § 1, eff. July 1, 2006.

§19-517. New sheriff, delivery to.

Whenever a new sheriff shall be elected, and shall have been qualified as required by law, the former sheriff, upon demand, shall

deliver to him the jail and other property of the county, and all prisoners in such jail, and all writs, processes, orders and other papers belonging to such office, and in his possession, or that of his undersheriff or deputies, except as provided in the next succeeding section; and upon delivery thereof, such new sheriff shall execute to the former sheriff his receipt therefor.
R.L. 1910, § 1701.

§19-517.1. Maintenance and disposal of departmental records – Digitizing.

A. The governing body of each county may establish a length of time for the county to keep departmental records and authorize the sheriff to properly dispose of or digitize all records not specifically addressed in other statutes.

B. Except as otherwise provided in this section, records shall be kept for a minimum of seven (7) years. However, the sheriff may keep any audio or video recordings from recording equipment attached to the person of a law enforcement officer pursuant to subsection C of this section; provided, the county shall keep for a minimum of one (1) year from the date of incident any such recordings that depict or directly relate to:

1. An officer-involved shooting;
2. Use of lethal force;
3. Incidents resulting in medical treatment;
4. Incidents identified in a written application for preservation of the recording of the incident received by a county sheriff prior to the expiration of one hundred eighty (180) days from the date of the recording of the incident; or
5. Incidents identified for preservation as requested by the district attorney.

C. The sheriff's office of each county that utilizes or operates audio or video recordings from recording equipment attached to the person of a law enforcement officer within the sheriff's office shall keep for a minimum of one hundred eighty (180) days from the date of incident any audio or video recordings that do not depict or directly relate to the incidents described in paragraphs 1 through 5 of subsection B of this section.

D. Any written reports and records related to the audio or video recordings described in subsections B and C of this section shall be kept for a minimum of seven (7) years.
Added by Laws 1999, c. 5, § 1, eff. Nov. 1, 1999. Amended by Laws 2014, c. 299, § 1, eff. Nov. 1, 2014; Laws 2017, c. 22, § 8, eff. Nov. 1, 2017; Laws 2017, c. 145, § 1, eff. Nov. 1, 2017; Laws 2019, c. 432, § 1, eff. Nov. 1, 2019.

§19-518. Retiring sheriff to complete action on papers in hand.

Sheriffs, undersheriffs and deputies may execute and return all such writs and processes as shall be in their hands at the expiration of their office, or at the time of their removal from office, which they shall have begun to execute by service, levy or collection of money thereon.
R.L. 1910, § 1702.

§19-519. Misconduct of former sheriff's deputy or jailer.

Any default or misconduct in the office of deputy sheriff or jailer after the death, resignation or removal of any sheriff by whom he was appointed, shall be adjudged a breach of the bond of such sheriff.
R.L. 1910, § 1703.

§19-520. Sheriff's executors or administrators liable.

Any action for default or misconduct of any sheriff, his undersheriff, jailer, or any of his deputies, may be prosecuted against the executors or administrators of such sheriff.
R.L. 1910, § 1704.

§19-521. Writs - How served on sheriff.

Every paper required by law to be served on the sheriff, may be served on him in person, or left at his office during his business hours.
R.L. 1910, § 1705.

§19-522. May not recommend or act as attorney - List of attorneys posted.

No sheriff, undersheriff, deputy sheriff, or person by either of them deputed to do any special act, shall, directly or indirectly, by himself or through others in any way suggest or indicate to, or advise any person having any proceeding or about to have any proceeding in any court, or other matter, that any attorney or firm of attorneys is desirable, or successful practitioners, or in any way do any act liable to influence or direct such person in his choice of attorneys. Nor shall any such sheriff, undersheriff, or deputy sheriff, appear or advise as attorney or counselor in the case, or in any court. Any sheriff, undersheriff, deputy sheriff, or person so specially deputed, who shall violate any one of the provisions of this section shall be deemed guilty of a misdemeanor, and for the first offense shall be fined Ten Dollars ($10.00), and on the second conviction shall be fined not less than Twenty-five Dollars ($25.00); and for the third offense, he shall be removed from office. The sheriff shall keep posted in each cell of the jail a list of the attorneys practicing in his county.
R.L. 1910, § 1706.

§19-523. Failure to make returns - Penalty.

Whenever any sheriff shall neglect to make due return of any writ or process delivered to him to be executed, or shall be guilty of any default or misconduct in relation thereto, he shall be liable to a fine or attachment, or both at the discretion of the court, subject to appeal; such fine, however, not to exceed Two Hundred Dollars ($200.00); and also an action for damages to the party so aggrieved.
R.L. 1910, § 1707.

§19-524. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-525. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-526. Repealed by Laws 2018, c. 84, § 1, eff. Nov. 1, 2018.

§19-527. Employment of legal counsel authorized.

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

B. The sheriff may employ outside counsel pursuant to this section to provide immediate representation to a deputy of the sheriff in a deputy-involved shooting incident; provided, the sheriff shall not continue payment to the counsel if the deputy involved is charged with any crime arising from the incident.
Added by Laws 1998, c. 215, § 1, eff. Nov. 1, 1998. Amended by Laws 2005, c. 356, § 1, eff. Nov. 1, 2005; Laws 2017, c. 120, § 1, eff. Nov. 1, 2017.

§19-528. Authority to employ attorney.

Upon the recommendation of the Attorney General, the sheriff of any county shall have the authority to employ an attorney to represent the sheriff and the office of the sheriff in the performance of the official duties of that office. The authority to employ an attorney shall be limited to those situations or cases where the district attorney of the same county as the sheriff has been disqualified or removed from the case. The fees for employing an attorney may be paid from unrestricted funds within the budget of the sheriff or the sheriff may request that the budget authority of

the county appropriate funds from the county general fund, if such funds are available, for the purpose of paying such fees.
Added by Laws 1998, c. 58, § 1, eff. Nov. 1, 1998.

§19-529. Law enforcement grants.

Notwithstanding any other provisions of law, the county sheriff may apply for any law enforcement grant which would help fund the office of the sheriff. The funds from such grants shall go directly into the sheriff's general revenue fund for the operation of the sheriff's office.
Added by Laws 2002, c. 348, § 3, eff. May 30, 2002.

§19-531. Inmate Trust Fund Checking Account.

A. Notwithstanding any other provisions of law, the county sheriff may establish a checking account, to be designated the "Inmate Trust Fund Checking Account", to be managed by the county sheriff and maintained separately from regular county funds. The checking account shall be subject to audit by the State Auditor and Inspector. The county sheriff shall deposit all monies collected from inmates incarcerated in the county jail into this checking account and may write checks to the Sheriff's Commissary Account for purchases made by the inmate during his or her incarceration and to the inmate from unencumbered balances due the inmate upon his or her discharge.

B. The sheriff may deduct an amount of Eight Dollars ($8.00) or more from any monies collected from an inmate as a medical payment on account for each medical services visit the inmate receives while incarcerated in the county jail, except as otherwise provided in this subsection. The county sheriff may deduct an amount of ten cents ($0.10) per page from any monies collected from an inmate for copies made at the request of the inmate. Any offender injured during the commission of a felony or misdemeanor offense or treated for any other medical condition or illness while incarcerated shall be required to reimburse the sheriff the full amount paid by the sheriff for any medical care or treatment administered to such offender during any period of incarceration in the county jail. The sheriff may deduct the costs of medical care and treatment whether resulting from the commission of a felony or misdemeanor offense or for emergency or routine medical services from any money collected from such inmate's jail account at a rate of Eight Dollars ($8.00) or more per visit for medication or service dispensed. If the funds collected from the inmate's jail account are insufficient to satisfy the actual or minimal payment on account for medical costs, the sheriff shall collect the remaining balance of the medical care and treatment as provided in Section 979a of Title 22 of the Oklahoma Statutes.

C. The State Auditor and Inspector shall prescribe procedures for the operation of the Inmate Trust Fund Checking Account. Banking fees on the account may be paid out of the Sheriff Commissary Account or the county sheriff's Service Fee Cash Fund.
Added by Laws 1993, c. 334, § 16, emerg. eff. June 9, 1993. Amended by Laws 1996, c. 109, § 3, eff. Nov. 1, 1996; Laws 1997, c. 68, § 1, eff. Nov. 1, 1997; Laws 1998, c. 290, § 1, eff. July 1, 1998; Laws 2003, c. 319, § 1.

§19-532. Short title - Debt to Society Act of 2016.
This act shall be known and may be cited as the "Debt to Society Act of 2016".
Added by Laws 2016, c. 273, § 1, eff. Nov. 1, 2016.

§19-533. Debt to society work release or community service program.
A. Each county is hereby authorized to establish and maintain for the benefit of nonviolent misdemeanor offenders a "debt to society" work release or community service program. When a county establishes such program, the following requirements shall apply:
1. In conjunction with the office of the district attorney, the county sheriff shall establish guidelines for the monitoring and enforcement of persons the program would be available to;
2. The program guidelines shall provide the details for a work release program or a community service program;
3. The program guidelines shall be approved by the district judge prior to implementation;
4. Only defendants who enter a plea or are convicted of a nonviolent misdemeanor offense may be eligible for the program;
5. An eight-hour work day shall translate into one (1) full day of imprisonment in a county jail. A four-hour work day shall translate into one-half (1/2) day of imprisonment in a county jail; and
6. Counties may use the program in lieu of incarceration and/or housing a defendant.
B. 1. The sentence of the person may be reduced by earned early release time in accordance with procedures developed and promulgated by the county sheriff and approved by the district attorney.
2. The earned early release time shall be for good behavior and good performance in the work release or community service program as determined by the county sheriff.
3. The county sheriff shall not credit the person with earned early release time in advance of the person actually earning the credits.
4. Under no circumstances shall the aggregate sum of earned early release time exceed one-third (1/3) of the total sentence.

C. 1. The earnings of a person participating in a work release program may be collected by the county.

2. The county may deduct from the earnings of the work release or community service program participant amounts necessary for the payment of the following:

a. incarceration costs,

b. administrative expenses relating to participation in the work release or community service program,

c. court-ordered victim restitution, and

d. court costs and fees associated with the criminal case of the person.

Child support obligations for dependents of the person, if any, shall be made as directed by the court.

Any remaining balance shall be returned to the person.

D. If the person violates any of the conditions of the work release or community service program, custody or employment, the person shall be suspended from further participation in the work release or community service program. The sentencing court may require the person to spend the remainder of the sentence in actual confinement and may revoke any earned early release credits.
Added by Laws 2016, c. 273, § 2, eff. Nov. 1, 2016.

§19-541. Repealed by Laws 2004, c. 19, § 2, emerg. eff. March 29, 2004.

§19-542. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-543. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-544. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-545. Service of district court work or other court work.

All work issued out of the district court shall be served by the sheriff or his salaried deputies, together with such other work as may be placed in the hands of the sheriff or salaried deputies, by any court in his or their county except as provided in Section 158.1 of Title 12 of the Oklahoma Statutes. All process placed in the hands of the said sheriff shall be served promptly and the return thereof made without delay and filed in the proper court. A failure to promptly serve process placed in the hands of the sheriff, or the failure to perform expeditiously all the duties of his office, shall be grounds for removal of such sheriff.
Added by Laws 1919, c. 165, p. 240, § 4. Amended by Laws 1919, c. 2, p. 2, § 1; Laws 1979, c. 221, § 12, emerg. eff. May 30, 1979.

§19-546. Repealed by Laws 1968, c. 162, § 8, eff. Jan. 13, 1969.

§19-547. Deputizing certain persons - Reserve force deputy sheriffs - Deputizing municipal police officers under interlocal governmental agreements – Emergency assistance to other jurisdictions.

A. The sheriff shall be responsible for the official acts of the undersheriff and deputy sheriffs, and may revoke such appointments at the pleasure of the sheriff; provided, however, for counties with a population of five hundred thousand (500,000) or more persons, according to the latest Federal Decennial Census, with the exception of chief deputies and undersheriffs, all deputy sheriffs and detention officers shall serve a five-year probationary period during which the deputy sheriff or detention officer shall be considered an at-will employee. After the five-year probationary period, such deputy sheriff or detention officer shall not be discharged except for just cause. The sheriff or the undersheriff may in writing depute certain persons to do particular acts.

B. Each sheriff may appoint as many reserve force deputy sheriffs as are necessary to preserve the peace and dignity of the county. A current list of each person holding such appointment shall be maintained by the county sheriff and shall be available to the public. Reserve force deputy sheriffs may perform duties which encompass a particular act or a series of acts. The sheriff or a Council on Law Enforcement Education and Training-certified deputy sheriff shall accompany a reserve force deputy sheriff in the performance of all duties assigned to such reserve force deputy sheriff unless such reserve deputy has completed the required two-hundred-forty-hour basic police course. Reserve force deputies may receive compensation for their services. The sheriff may pay reserve force deputies for travel expenses pursuant to the State Travel Reimbursement Act. Such reserve deputy sheriffs shall complete a two-hundred-forty-hour basic police course within six (6) months after they have been commissioned to be paid by the county as an individual reserve deputy. The sheriff may pay for additional training courses attended by reserve force deputies.

C. Reserve force deputy sheriffs shall not serve more than one hundred forty (140) hours per calendar month.

D. The sheriff or a designee may deputize municipal police officers subject to an interlocal governmental agreement to combine city and county law enforcement efforts and to encourage cooperation between city and county law enforcement officials. Liability for the conduct of any municipal police officers deputized under the terms and conditions of an interlocal governmental agreement shall remain the responsibility of their municipal employer.

E. The sheriff may enter into mutual aid agreements pursuant to the Interlocal Cooperation Act, Section 1002 et seq. of Title 74 of

the Oklahoma Statutes, to assist or provide law enforcement services to any town, city, and county within this state and the sheriff and deputies shall have law enforcement authority within the jurisdiction making the request. The employing governmental unit shall remain responsible for their officers or deputies pursuant to any mutual aid agreement.

F. A sheriff of the county may respond to any request from any other jurisdiction within the state for law enforcement assistance in cases of emergency. The sheriff, deputy sheriffs and reserve deputy sheriffs serving in response to the emergency request shall have the same powers and duties as though employed by the requesting law enforcement agency, and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency. Salaries, insurance and other benefits shall be provided in the regular manner by the county in which the sheriff, deputy sheriffs and reserve deputy sheriffs are regularly employed. As used in this subsection, "emergency" means a sudden and unforeseeable occurrence or condition, either as to its onset or its extent, of such severity or magnitude that immediate response or action is necessary to assist law enforcement agencies having jurisdiction at the scene of the emergency to carry out their functions.

G. A reserve force deputy sheriff shall be authorized to serve civil process pursuant to Section 2004 of Title 12 of the Oklahoma Statutes.

H. The sheriff may contract with a private security firm that meets the requirements set forth in Sections 1750.1 through 1750.14 of Title 59 of the Oklahoma Statutes to guard any detainee or prisoner temporarily housed for treatment in a medical facility outside the confines of the jail. No private security firm may transport a prisoner to or from an outside medical facility. Transportation of a prisoner is only to be conducted by the sheriff or deputy sheriff.

R.L.1910, § 1695. Amended by Laws 1979, c. 221, § 13, emerg. eff. May 30, 1979; Laws 1981, c. 72, § 1; Laws 1992, c. 285, § 3, emerg. eff. May 25, 1992; Laws 1996, c. 109, § 4, eff. Nov. 1, 1996; Laws 1999, c. 48, § 1, emerg. eff. April 5, 1999; Laws 2000, c. 57, § 1, eff. Nov. 1, 2000; Laws 2001, c. 324, § 1, eff. July 1, 2001; Laws 2008, c. 366, § 1, emerg. eff. June 3, 2008; Laws 2010, c. 78, § 2, eff. Nov. 1, 2010; Laws 2010, c. 125, § 1, eff. Nov. 1, 2010; Laws 2011, c. 21, § 1, eff. Nov. 1, 2011; Laws 2017, c. 38, § 1, eff. Nov. 1, 2017; Laws 2024, c. 325, § 1, eff. Nov. 1, 2024.

§19-547.1. Assignment at 2024 National Sheriff Association conference in Tulsa – Same powers and duties as Oklahoma County Sheriff's Office.

A. Any Oklahoma sheriff, deputy sheriff, or a reserve deputy sheriff who is assigned to perform duties associated with the National Sheriffs' Association annual conference within Oklahoma County during the month of June 2024, shall have the same powers and duties as though employed by the Oklahoma County Sheriff's Office. Liability for the conduct of any sheriff, deputy sheriff, or reserve deputy sheriff, while performing duties during the National Sheriffs' Association annual conference or any activities in conjunction with that conference for June 2024, shall remain the responsibility of the counties of which they are regularly employed. Salaries, insurance, and other benefits shall be provided in the regular manner by the county in which the sheriffs, deputy sheriffs, and reserve deputy sheriffs are regularly employed.

B. Any duties assigned to sheriffs, deputy sheriffs, and reserve deputy sheriffs as a result of this section shall terminate on July 1, 2024.

Added by Laws 2001, c. 324, § 2, eff. July 1, 2001. Amended by Laws 2022, c. 14, § 1, eff. Nov. 1, 2022.

§19-547.2. Sheriffs' Personnel Task Force - Members - Study and recommendations - Quorum - Member compensation.

A. It is the public policy of the State of Oklahoma to:

1. Recognize and support public safety and the protection of the public arising from the successful operation of county sheriffs' offices;

2. Acknowledge the contributions and professionalism of deputy sheriffs and detention officers in ensuring the safety of the public; and

3. Support procedures for the continuing operation of sheriffs' offices during transition periods following changes in sheriffs.

B. There is hereby created the Sheriffs' Personnel Task Force to continue until February 1, 2008. The purpose of the task force is to develop a comprehensive report on employment and retention of deputy sheriffs and detention officers, the costs of recruiting, training and replacing deputy sheriffs and detention officers and the effects of turnover among such personnel on public safety and to make recommendations to reduce turnover in such positions.

C. The Sheriffs' Personnel Task Force shall be composed of the following seven (7) members:

1. Two members of the Oklahoma Senate appointed by the President Pro Tempore of the Senate;

2. Two members of the Oklahoma House of Representatives appointed by the Speaker of the House of Representatives;

3. Two members appointed by the Governor, one to be from a sheriff's office with fifty or more employees and the other to be from a sheriff's office with fewer than fifty employees; and

4. The chief executive officer of the largest organization in the state that represents sheriffs, or a designee.

D. The task force shall study the recruitment and retention of deputy sheriffs and detention officers and make recommendations which may include compensation adjustments, pay band adjustments, targeted salary increases, and other recommendations related to turnover, fringe benefits and other compensation issues concerning deputy sheriffs and detention officers, but excluding retirement issues. The recommendations shall be made to the President Pro Tempore of the Senate, Speaker of the House of Representatives, and Governor on or before February 1, 2008.

E. The task force shall meet by November 1, 2006, and thereafter to consider recommendations. Any additional meetings shall be at the call of the chair.

F. A majority of the members of the task force shall constitute a quorum for the transaction of business. Each task force member shall be entitled to one vote on the task force. Any official action of the task force must have a majority of the votes of the members present.

G. Each member of the task force shall serve without compensation, except that each legislative member of the task force shall receive reimbursement for travel expenses in accordance with Section 456 of Title 74 of the Oklahoma Statutes, and each nonlegislative member of the task force shall receive reimbursement for travel expenses in accordance with the State Travel Reimbursement Act by the Office of Management and Enterprise Services.

H. 1. Staffing for the task force shall be composed of the Office of Management and Enterprise Services.

2. The Oklahoma Senate and Oklahoma House of Representatives shall provide additional staff as needed.

Added by Laws 2006, c. 242, § 1, eff. Nov. 1, 2006. Amended by Laws 2012, c. 304, § 70.

§19-548. Appointments and revocations to be written – Public list maintained - Exception.

A. Every appointment of an undersheriff or a deputy sheriff, and every revocation of such appointments, shall be in writing, under the hand of the sheriff. The sheriff shall maintain a list of every appointment and revocation of an undersheriff or deputy sheriff. The list shall be made available to the public upon request.

B. This section shall not extend to any person who may be deputized by any sheriff or undersheriff to do any particular act only.

R.L. 1910, § 1696. Amended by Laws 2005, c. 111, § 1, eff. Nov. 1, 2005.

§19-549. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-550. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-551. Repealed by Laws 1971, c. 309, § 2, emerg. eff. June 24, 1971.

§19-552. Renumbered as § 125 of Title 20 by Laws 1971, c. 309, § 3, emerg. eff. June 24, 1971.

§19-553. Retiring sheriffs and deputies - Retention of peace officer status - Firearms and badges – Death and spousal request.

A. Sheriffs and their deputies, retiring under the provisions of Sections 951 et seq. of Title 19 of the Oklahoma Statutes, or Sections 901 et seq. of Title 74 of the Oklahoma Statutes, or reserve deputies may retain their status as peace officers of the State of Oklahoma, retired, and as such may retain the right to keep their county-issued firearm and badge, and bear firearms as provided by Sections 554 and 555 of this title.

B. Upon the death of a sheriff, or deputy, or reserve deputy, the surviving spouse may request to retain the badge and firearm of the deceased spouse. The sheriff's office may grant the request in accordance with their policy, if any.

Added by Laws 1979, c. 107, § 1. Amended by Laws 1990, c. 340, § 14, eff. July 1, 1990; Laws 2005, c. 169, § 1, eff. Nov. 1, 2005.

§19-554. Retiring officers - Request for permission to keep and bear arms - Issuance of commission - Exemptions.

A. The retiring officer shall request in writing to the board of county commissioners of the county in which the officer retired for permission to keep and bear arms. The board of county commissioners may grant said request and the sheriff of the county may issue a commission except in the following cases:

1. When the retiring officer has been convicted of a felony involving moral turpitude;

2. Where the officer is mentally or physically incapacitated and could not perform duties if recalled; and

3. When good cause is shown that granting approval of the request would be detrimental to the public health, safety and welfare.

B. Custody and possession of the sidearm and badge of sheriffs and their deputies that become deceased prior to retirement may be awarded by the board of county commissioners to a spouse or next of

kin of the deceased employee under the same conditions listed in subsection A.
Added by Laws 1979, c. 107, § 2. Amended by Laws 2002, c. 63, § 1, eff. Nov. 1, 2002.

§19-555. Retired sheriffs and deputies - Emergencies.
A retired sheriff or deputy may in times of great emergency or danger serve the county at the request of the Governor or the board of county commissioners of the county in which the officer retired.
Added by Laws 1979, c. 107, § 3.

§19-556. County law enforcement - Support services.
A corporation organized not-for-profit pursuant to the provisions of the Oklahoma General Corporation Act and that holds a valid exemption from federal income taxation issued pursuant to Section 501(a) of the Internal Revenue Code (26 U.S.C. Section 501(a)) and is listed as an exempt organization in Section 501(c) of the Internal Revenue Code (26 U.S.C. Section 501(c)) and is a statewide association of county sheriffs that represents the largest association of elected sheriffs of this state is hereby authorized to provide any available support services and/or assist in coordinating county law enforcement resources when any sheriff of this state requests such assistance.
Added by Laws 2010, c. 121 § 1, eff. Nov. 1, 2010.

§19-561. Repealed by Laws 1937, p. 216, § 3.

§19-562. Repealed by Laws 1937, p. 216, § 3.

§19-563. Repealed by Laws 2007, c. 62, § 30, emerg. eff. April 30, 2007.

§19-564. Tax levy for purchase, equipment and installation - Annual appropriations and levies for maintenance.
The board of county commissioners and the excise board of each county of this state wherein a short-wave radio system has been authorized to be established as provided in Section 1 of this act, may make a sufficient appropriation and levy to purchase, equip and install said system and to maintain and operate the same to the end of the fiscal year during which said system was so purchased, equipped and installed, and may thereafter make sufficient annual appropriations and levies to maintain and operate said system.
Added by Laws 1937, p. 216, § 2.

§19-565.1. Repealed by Laws 2007, c. 62, § 31, emerg. eff. April 30, 2007.

§19-565.2. Repealed by Laws 2007, c. 62, § 31, emerg. eff. April 30, 2007.

§19-565.3. Repealed by Laws 2007, c. 62, § 31, emerg. eff. April 30, 2007.

§19-570. Abolition of office of county surveyor.

The office of county surveyor is hereby abolished. All aerial photographs, maps, plats, field notes, drawings, specifications, other survey data and records, which can be used to locate, identify or reference survey monuments and property corners, not constituting the personal property of any county surveyor, shall be transferred to the custody of the county clerk of the county, and shall become a part of the official records of that office.

Added by Laws 1982, c. 45, § 2, operative Jan. 3, 1983.

§19-571. Repealed by Laws 1980, c. 180, § 6, emerg. eff. May 13, 1980.

§19-571.1. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-572. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-573. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-574. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-575. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-576. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-577. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-578. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-579. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-580. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-581. Repealed by Laws 1980, c. 111, § 6, eff. Oct. 1, 1980.

§19-582. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-583. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-584. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-585. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-586. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-587. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-588. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-589. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-590. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-591. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-591.1. Removing, relocating, changing, obliterating or making unintelligible survey monument - Replacement - Recordation of corners.

A. Any person who knowingly removes, relocates, changes, obliterates or makes unintelligible a survey monument shall be guilty of a misdemeanor and in addition shall be liable for the cost of reestablishing and resetting the monument and any actual damages incurred as a result of such actions.

B. At such time as it may be necessary to remove, obliterate, cover or destroy any monument, the county surveyor or any other qualified land surveyor shall set new monuments from which may be established the location of the original monument and a new survey report shall be recorded as provided for original survey reports.

C. All corners as required by this act that are included within the definitions of the Corner Perpetuation and Filing Act (65SS3-116 through 65SS3-123) shall be recorded with the Oklahoma Department of Libraries, State Archives and the county clerk.

Added by Laws 1980, c. 111, § 5, eff. Oct. 1, 1980.

§19-592. Repealed by Laws 1982, c. 45, § 3, operative Jan. 3, 1983.

§19-621. Repealed by Laws 1941, p. 462, § 1 and Laws 1943, p. 78, § 43.

§19-622. Bond of county treasurer.

The county treasurers shall be covered by the county blanket bond and it shall run to the state, and action may be brought thereon in the name of the state, for the use and benefit of the person or persons injured by a violation thereof. In the event of defalcation by the county treasurer no surety shall be required to pay a greater portion of such loss than the ratio which its bond bears to the total bond required for the treasurer. Such bond for

the county treasurer in each county as set by each board of county commissioners shall be in the aggregate sum of not less than Fifty Thousand Dollars ($50,000.00).

Any surety or sureties on the bond of such county treasurer may at any time examine into, investigate and audit the books and records of such county treasurer for the purpose of determining whether said treasurer has performed the duties of his office faithfully and according to law and may, when such surety or sureties deem themselves insecure, upon thirty (30) days' written notice given to the board of county commissioners, withdraw and cancel their obligations as surety or sureties on such bond.
R.L. 1910, § 1729. Amended by Laws 1931, p. 143, § 1; Laws 1933, c. 23, p. 52, § 1; Laws 1933, c. 206, p. 491, § 1; Laws 1975, c. 6, § 1, emerg. eff. Feb. 7, 1975.

§19-623. General duties - Direct deposit system.

It shall be his duty to receive all monies belonging to the county from whatever source they may be derived, and other monies which by law are directed to be paid to him, and all monies received by him for the use of the county shall be paid by him only on the warrants of the board of county commissioners, drawn according to law, and all other monies shall be paid over by him as provided by law. Counties may implement a direct deposit system to have warrants transferred electronically to a financial institution. The State Auditor and Inspector shall promulgate rules as necessary for the implementation and administration of a direct deposit system.
R.L. 1910, § 1730. Amended by Laws 1993, c. 318, § 7, emerg. eff. June 7, 1993.

§19-624. Receipts for money received.

All tax receipts and other receipts for money received by the county treasurer shall be receipted in duplicate and the duplicate filed with the county clerk; but no receipt, except a tax receipt, shall be of any validity until it is countersigned by the county clerk.
R.L. 1910, § 1731.

§19-625. Other duties.

The treasurer shall be the collector of taxes, and shall keep his office at the county seat. He shall be charged with the amount of all tax lists in his hands for collection, and credited with the amount collected thereon, and the delinquent list, and shall keep a fair and accurate current account of the moneys by him received showing the amount thereof, the time when, from whom, and on what account received, in cash, warrants, county or road orders; and if in warrants or orders, their kind, number or other designation, amounts for which they were drawn, interest due thereon, and the

amounts of the receipts thereon endorsed, if any; also of all disbursements by him made, showing the time when, to whom, on what account, and the amounts paid; and he shall so arrange his books that the amounts received and paid on account of each separate and distinct fund or appropriation shall be exhibited in separate and distinct columns or accounts, and so as to show whether the same was received or paid in cash, or warrants or orders, and if either of the latter, their designation and other particulars as above required; and the county treasurer shall at all times exhibit such accounts when desired, to the state, county or school officers entitled to examine the same and shall at any time pay over the balance in his hands to them, upon receiving proper vouchers.
R.L. 1910, § 1732.

§19-626. Inspection of books, accounts and vouchers - Settlement with county commissioners.

The books, accounts, and vouchers of the county treasurer, and all moneys, warrants or orders remaining in the treasury, shall at all times be subject to the inspection and examination of the board of county commissioners, and at the regular meetings of the board in January and July of each year, and at such other times as they may direct, he shall settle with them his accounts as treasurer, and for that purpose he shall exhibit to them all his books, accounts and money, and all the vouchers relating to the same, to be audited and allowed, which vouchers shall be retained by them for evidence of his settlement; and if found correct the accounts shall be so certified; if not he shall be liable on his bond.
R.L. 1910, § 1733.

§19-627. County, city, town or school district - Insurance of buildings and property.

The governing board of any county, city, town, or school district, dependent or independent, is hereby authorized to insure or cause to be insured, at the cost of such municipality, any or all of the public buildings and property or other tangible and insurable assets owned or held by such municipality, in the name of the lawful treasurer of such municipality. In event of destruction or damage to such buildings or property, or loss of other tangible and insurable assets, so insured, such treasurer shall demand and receive the moneys due on account of such insurance, and when so received, he shall deposit the same as other moneys belonging to such municipality and he shall credit the same to a special account on his records and it shall be used solely to rebuild, repair, or replace the property or assets so lost, damaged, or destroyed, and shall be disbursed in payment of lawful warrants drawn by such governing board for such purpose, the same as other public funds are disbursed. If not so needed, upon resolution to that effect by the

governing board, the same shall be considered income from sources other than ad valorem tax and credited to the general fund of such municipality.
R.L. 1910, § 1734. Amended by Laws 1941, p. 64, § 1.

§19-628. Repealed by Laws 1984, c. 163, § 21, eff. Nov. 1, 1984.

§19-629. Nonexistent assets due to bank failure, robbery, etc. - Determination of status - Liquidation from penalty and interest on delinquent taxes.

Upon presentation by the county treasurer to the county commissioners, either for purpose of accounting or settlement as by law required, or otherwise, of statements of account and balance sheets in which is disclosed an item or items of assets that amount to fiction, represented by bank accounts or securities that, because of bank failure, robbery, theft, embezzlement, or otherwise, are nonexistent, worthless, or unenforceable, then the county commissioners, judge of the district court and district attorney are hereby authorized, by quasi-judicial proceedings, the judge of the district court presiding, to make a determination of the status of such item or items of assets; and upon first finding that such item or items have been carried on the treasurer's accounts fifteen (15) years or more without realization or abatement, they shall then proceed to further determination for purpose of correcting said accounts to procure a liquid condition. If, after first finding said fifteen (15) years to have fully run, they find such fictitious, nonexistent, or worthless and unenforceable asset to be not identifiable as an asset of a corresponding fund liability account, they shall so state, and thereupon, by decree and order direct that the county treasurer henceforth apply and determine percentage, not exceeding twenty-five percent (25%) of the penalty and interest on delinquent taxes, as collected by him, that would otherwise be apportioned to the county under the statute, to the liquidation of such fictitious, nonexistent, or worthless asset, and to so continue until such account is closed by such liquidation.
Added by Laws 1929, c. 13, p. 12, § 1. Amended by Laws 1943, p. 79, § 1.

§19-630. Monthly payments into State Treasury.

The treasurers of the several counties shall pay into the State Treasury all funds in their hands belonging thereto on or before the second Monday of each and every month of the year.
R.L. 1910, § 7423. Amended by Laws 1915, c. 72, § 1.

§19-631. Failure, neglect or refusal to comply - Penalty - Removal from office.

Any treasurer who shall fail, neglect or refuse to comply with the requirements of Section 7423, shall forfeit and pay to the use of the State of Oklahoma, the sum of Twenty-five Dollars ($25.00) per day for each and every day that he shall so neglect, fail or refuse to comply with the requirements of said section, and in addition to such penalty shall forfeit, and be removed from office.
Added by Laws 1915, c. 72, § 2.

§19-632. Action for neglect of county treasurer.

It shall be the duty of the State Treasurer and he is hereby empowered to institute in the name of the state the necessary suits, actions and proceedings to enforce the provisions of this act, and in the event of the neglect, failure or refusal of the State Treasurer to bring such suits, actions and proceedings, then the same may be instituted and maintained on the relation of any citizen of the state.
Added by Laws 1915, c. 72, § 3.

§19-633. Payment Register - Recording of interest.

Each county treasurer is required to keep a book called the "Payment Register," in which he shall enter every warrant by him paid, specifying the date upon which the same was paid and canceled, from whom received, its number and the amount for which it was originally drawn. Provided, that the county treasurer shall record the interest allowed and total amount paid on each group of warrants bearing the same registration date and presented for payment on the same date and need not separately record the interest allowed and total amount paid on each such warrant. Said payment register shall be in form prescribed by the State Auditor and Inspector.
R.L. 1910, § 7426. Amended by Laws 1974, c. 118, § 1, emerg. eff. May 1, 1974; Laws 1979, c. 30, § 81, emerg. eff. April 6, 1979.

§19-634. Repealed by Laws 2004, c. 447, § 20, emerg. eff. June 4, 2004.

§19-635. Action against treasurer failing to make settlement.

If any county treasurer shall fail to make return, fail to make settlement or fail to pay over all money with which he may stand charged at the time and in the manner prescribed by law, it shall be the duty of the county clerk, on receiving instruction for that purpose from the State Auditor and Inspector, or from the county commissioners of his county, to cause suit to be instituted against such treasurer and his sureties or any of them in the district court of his county.
R.L. 1910, § 7430. Amended by Laws 1979, c. 30, § 5, emerg. eff. April 6, 1979.

§19-636. Suspension of treasurer during action.

Whenever any suit shall have been commenced against any delinquent county treasurer as aforesaid the judge of the district court of such county may at his discretion suspend such treasurer from office pending the final termination of such suit and the board of county commissioners shall appoint some suitable person to fill such vacancy therein created as hereinbefore provided.
R.L. 1910, § 7431.

§19-637. When additional security required of treasurer.

The county commissioners may require the county treasurer to give additional securities whenever in the opinion of a majority of said county commissioners, the existing security shall have become insufficient and said commissioners are hereby also authorized and empowered to demand and receive from said county treasurer an additional bond as required by law, with good and sufficient security in such sum as said commissioners or a majority of them may direct whenever in their opinion more money shall have passed or is about to pass into the hands of said treasurer than is or would be recovered by the penalty on the previous bond.
R.L. 1910, § 7432.

§19-638. Failure to give additional bond vacates office.

If any county treasurer shall fail or refuse to give such additional bond within twenty (20) days from and after the day on which said commissioners shall have required said treasurer so to do, his office shall be declared vacant and another treasurer shall be appointed in accordance with the provisions of this chapter.
R.L. 1910, § 7433.

§19-639. Repealed by Laws 1974, c. 118, § 2, emerg. eff. May 1, 1974.

§19-640. Repealed by Laws 1993, c. 105, § 3, emerg. eff. April 23, 1993.

§19-641. Embezzlement.

If any county treasurer or other officer or person charged with the collection, receipt, safekeeping, transfer or disbursement of the public money, or any part thereof, belonging to the state or to any county, precinct, district, city, town or school district of the state shall convert to the officer’s or person’s own use or to the use of any other person, body corporate or other association, in any way whatever, any of such public money, or any other funds, property, bonds, securities, assets or effects of any kind received, controlled or held by such officer or person by virtue of such office or public trust for safekeeping, transfer or disbursement, or

in any other way or manner, or for any other purpose; or shall use the same by way of investment in any kind of security, stocks, loan property, land or merchandise, or in any other manner or form whatever; or shall loan the same, with or without interest, to any person, firm or corporation, except when authorized by law; or if any person shall advise, aid, or in any manner knowingly participate in such act, such county treasurer, or other officer or person shall be guilty of an embezzlement. Upon conviction thereof, such county treasurer or other officer or person shall be punished as provided in subsection C of Section 1451 of Title 21 of the Oklahoma Statutes.
R.L. 1910, § 7437. Amended by Laws 1982, c. 87, § 1, emerg. eff. April 1, 1982; Laws 1997, c. 133, § 151, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 71, eff. July 1, 1999; Laws 2002, c. 460, § 3, eff. Nov. 1, 2002.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 151 from July 1, 1998, to July 1, 1999.

§19-642. Treasurer's cash book and accounts.

The county treasurer shall keep a cash book, in which he shall enter an account of all money by him received, specifying in proper columns provided for that purpose the date of payment, the numbers of receipts issued therefor, by whom paid, and on account of what fund or funds the same were paid, whether state, county or school, road, sinking or other fund, or otherwise, and the treasurer shall keep an account of money received for and on account of taxes separate and distinct from moneys received on any other account, and shall also keep his account of money received for and on account of taxes levied and assessed for any one year separate and distinct from those levied and assessed for any other year.
R.L. 1910, § 7445.

§19-643. Treasurer's receipts.

Whenever the treasurer receives any money, warrant or order on account of licenses, fines or other account, except taxes charged on the tax roll, he shall make out the proper duplicate receipts for the same, and shall give one of said receipts to the person paying said money and the other to the county clerk within one (1) day thereafter in order that the treasurer may be charged with the amount thereof. The treasurer shall then enter the same in his cash book as in case of money received for taxes, but in a separate and distinct series of numbers of receipts issued therefor; and no person shall receive such license or be discharged from obligation, by reason of such fine on account, until he shall have so delivered such duplicate receipt to the county clerk, and the treasurer shall so inform the person making the payment at the time of payment.
R.L. 1910, § 7446. Amended by Laws 1957, p. 127, § 1.

§19-644. Repealed by Laws 1993, c. 3, § 2, eff. Sept. 1, 1993.

§19-644.1. Clerk to keep duplicate of treasurer's collections and deposits.

The county clerk shall keep and maintain, in a safe place, the duplicate copy of all daily collections and deposits made by the county treasurer as required by Section 115 of Title 19 of the Oklahoma Statutes and as furnished to the county clerk by the county treasurer. The county clerk may keep a separate ledger of said transaction.

Added by Laws 1993, c. 3, § 1, eff. Sept. 1, 1993.

§19-645. Cities and towns of less than 5,000 - Designation as treasurer - Reimbursement of county - Ordinance - Powers and duties.

The board of trustees, the city council, or the board of city commissioners of any incorporated town or city having a population of less than five thousand (5,000) inhabitants according to the last Federal Decennial Census, shall have the authority to designate the county treasurer as the official treasurer of such incorporated town or city having a population of less than five thousand (5,000) inhabitants according to the last Federal Decennial Census, who shall serve in such capacity without additional compensation, provided, however, that the board of trustees, the city council, or the board of city commissioners shall pay into the general revenue fund of the county, upon a claim filed by the county clerk an amount which the board of trustees, the city council, or the board of city commissioners and the board of county commissioners estimate will reasonably reimburse the county for supplies which the county treasurer might need to serve as treasurer of any incorporated town or city in the state. The designation of the county treasurer as treasurer of the city or town shall be by ordinance and the voters of the city or town shall not elect a treasurer while the ordinance remains in effect. When so designated, the county treasurer shall exercise all the powers and perform all of the duties of the office of treasurer of the city or town and his official bond as county treasurer shall stand for any and all moneys and securities belonging to the city or town which come into his hands.

Added by Laws 1941, p. 65, § 1.

§19-646. Reimbursement of county officers replacing stolen funds.

The board of county commissioners of any county of this state is hereby authorized to appropriate and the county excise board thereof to approve the appropriation of county funds to reimburse any county officer, county board, county commission, and all members and employees of either thereof who has paid or who will pay his personal funds into the county treasury for the loss of the public

funds, whether of money, cash items, or securities, therein which were stolen from the cash drawer or any other receptacle provided by the county commissioners, or taken by force or other unlawful means from the custody of the county officer, county board, county commission, or their deputies, but only where said board of county commissioners have neglected to protect such insurable assets of the county against such hazard by insurance policy in force at the time of loss under authority of Section 627 of this title.

Upon a showing satisfactory to the county commissioners, that the county officer, county board, county commission, or their deputies was without fault in relation to such theft, robbery, holdup or other cause, such board of county commissioners are hereby authorized to allow and pay the county treasurer's verified claim therefor out of the appropriation provided for herein.

Added by Laws 1953, p. 84, § 1. Amended by Laws 1989, c. 133, § 1, operative July 1, 1989.

§19-671. Repealed by Laws 1943, p. 78, § 43.

§19-672. Repealed by Laws 1943, p. 78, § 43.

§19-673. Repealed by Laws 1943, p. 78, § 43.

§19-673a. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-674. Repealed by Laws 1979, c. 221, § 18, emerg. eff. May 30, 1979.

§19-681. County treasurer official depository.

The county treasurer is hereby designated and made the official depository for all moneys, funds, rentals, penalties, costs, proceeds of sale of property, fees, fines, forfeitures and public charges of every kind that may be received by any county officer, county board, county commission, or by any employee of either of such officers, boards or commissions by virtue or under color of office; and the said county treasurer shall be responsible on his official bond for the faithful performance of duty as such official depository.

Added by Laws 1917, c. 104, p. 161, § 1.

§19-682. Duties of county officers - Deposit of funds - Change account funds - Worthless checks, etc. - Interest-bearing accounts.

It shall be the duty of each and every county officer, county board, county commission and all members and employees of either thereof, to deposit daily in the official depository designated in Section 681 of this title, all monies, checks, drafts, orders,

vouchers, funds, rentals, penalties, costs, proceeds of sale of property, fees, fines, forfeitures and public charges of every kind received or collected by virtue or under color of office, except that each county officer, county board, and county commission is hereby authorized to keep in the office, from this deposit, no more than One Thousand Five Hundred Dollars ($1,500.00) to be used for their change needs. The amount so retained shall not be cumulative so that after each such deposit there shall not be on hand more than authorized by this section. A notation of the retention of this money shall be made in the proper accounting records. All checks, drafts, orders and vouchers so deposited shall be credited and cleared at par, and should payment be refused on any check, draft, order or voucher, should the same prove otherwise worthless, the amount thereof and any costs accruing thereon shall be a charge against the account theretofore credited with the same. Each county officer is hereby authorized to assess and collect a fee of Thirty-five Dollars ($35.00) for each worthless check, draft, order or voucher. All monies when so received by the county treasurer, as such official depository, shall be deposited in interest-bearing accounts in financial institutions designated and qualified as county depositories as now provided by law and shall draw interest, subject to deduction of financial institution charges for maintaining, processing and collateralizing the account, which interest shall be paid monthly; and, when collected, shall be credited to the respective funds and accounts so earning the same; provided, that all interest collected on monies deposited pursuant to the provisions hereof shall be paid into the county treasury monthly by the authority to whose financial institution account the same shall have accrued and shall be credited to the general or contingent fund of the county, except that in civil cases all interest earned on funds, other than court costs, deposited in court by litigants shall, when so ordered by the court upon deposit, be disposed of as the court orders. This provision shall only apply to such deposit in excess of One Thousand Dollars ($1,000.00).
Added by Laws 1917, c. 104, p. 161, § 2. Amended by Laws 1982, c. 218, § 1, emerg. eff. April 29, 1982; Laws 1983, c. 28, § 1, eff. Nov. 1, 1983; Laws 1988, c. 110, § 1, emerg. eff. April 4, 1988; Laws 1989, c. 133, § 2, operative July 1, 1989; Laws 1989, c. 336, § 1, eff. July 1, 1989; Laws 2002, c. 232, § 4, eff. Nov. 1, 2002; Laws 2006, c. 77, § 2, eff. July 1, 2006; Laws 2009, c. 267, § 1, eff. July 1, 2009.

§19-683. Monies, how credited and withdrawn.

All monies deposited in the official depository as provided in Sections 1 and 2 hereof, shall be credited to the account of the officers, board or commission or employee thereof so depositing the same and may be withdrawn, only in transfer of such parts thereof as

may be due the county or its fund or funds under its management, or in distribution to the respective parties legally entitled thereto of such parts thereof as may have accrued as fees or expense money, and in refund of erroneous or excessive collections and credits, and in payment of legal claims and charges against any trust deposit or fund included in such account. All withdrawals of monies from the said depository shall be made on the voucher of the authority making such deposit, - which said vouchers shall show on their face the character of claim or charge liquidated or the fund or funds to which transferred in the county treasury, and shall, when redeemed, be delivered monthly to the county clerk and receipted for by him. It shall be the duty of the authority making any withdrawal to present the voucher therefor to the county treasurer for registration before delivery to the payee. Upon such presentation, the county treasurer shall register the said voucher in its proper numerical order, certify such registration by his official signature, and designate on the face of said voucher the bank through which the same shall be paid. Such voucher thereupon shall become the official draft of the county treasurer on such bank. The treasurer shall keep a record of all vouchers so registered by him, showing therein the date of issue and registration of each voucher, by whom and on what account drawn, to whom payable, the purpose for which issued and the amount thereof, and the name of bank on which registered for payment.
Added by Laws 1917, c. 104, p. 162, § 3. Amended by Laws 1951, p. 44, § 1.

§19-684. Time for payment to county treasury - Report of receipts.

All monies that shall be received during any calendar month by any county officer, county board, county commission or the members or employees of either thereof, accruing as a part of the funds of the county or municipal subdivision thereof, shall be paid into the county treasury, - that is, transferred from the official account of the officer, board, commission or employee of either thereof depositing the same, to the fund or funds of the county or municipal subdivision thereof to which the same belongs, - by the authority so receiving the same on or before the second Monday following the close of the calendar month in which such monies shall have been received; and it shall be the further duty of all such officers, boards, commissions, and the members and employees of either thereof, to make and file with the county clerk on or before the second Monday of each month, a verified report in writing showing the several sources, classes and amounts of money received by virtue or under color of office during the preceding calendar month, together with an itemized statement of the amount and purpose of all vouchers issued in disbursement, distribution and transfer thereof.
Added by Laws 1917, c. 104, p. 163, § 4.

§19-685. County treasurer may bring suit.

It shall be the duty of the county treasurer and he is hereby empowered to institute in the name of the state the necessary suits, actions and proceedings to enforce the provisions of this act, and in the event of the neglect, failure or refusal of the county treasurer to bring such suits, actions and proceedings, then the same may be instituted and maintained on the relation of any citizen of the state.

Added by Laws 1917, c. 104, p. 163, § 5.

§19-686. Penalty for violation.

Any official or employee thereof or any member or employee of any county board or county commission who shall fail, neglect or refuse to comply with the requirements of Section 682 of this title, or any other provision of this act, shall forfeit and pay to the use of the county the sum of Ten Dollars ($10.00) per day for each and every day that he shall so fail, neglect or refuse to comply with the requirements of said act, and shall forfeit and be removed from office; and, any such official who shall issue, sign, attest or utter any false or illegal voucher against any monies deposited, as in this act provided, shall be liable to the county on his official bond for a sum double in amount of any such illegal or fraudulent voucher, and shall be guilty of a felony and upon conviction thereof shall be punished by a fine in a sum of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) and by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.

Added by Laws 1917, c. 104, p. 163, § 6. Amended by Laws 1997, c. 133, § 152, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 72, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 152 from July 1, 1998, to July 1, 1999.

§19-691. Refund or payment only on voucher of county clerk.

All money collected through error by the county treasurer, and all other funds of whatsoever kind that shall come into his possession by virtue of office, except such as is required to be disbursed on warrant, bond, interest, coupon or depository voucher, shall be refunded or paid out as the case may be, only on voucher issued by the county clerk. No county treasurer shall, after having filed with the county clerk any report of collections, make any refund of any part thereof, except in the manner as herein provided.

Added by Laws 1919, c. 241, p. 342, § 1.

§19-692. Filing and auditing of claims.

All claims for money, subject to refund or disbursement as in this act provided, shall be filed with the county clerk, who is hereby authorized to audit the same, and to issue his voucher for such amounts thereof as he may find to be due the respective claimants.
Added by Laws 1919, c. 241, p. 342, § 2.

§19-693. Rules and regulations - Forms.
For the purpose of carrying into effect the provisions of this act, and for its proper administration, the State Auditor and Inspector is hereby empowered to promulgate and enforce such rules and regulations as may be necessary but not inconsistent herewith, and he shall prescribe the forms of all claims, vouchers and other accounting stationery required under the provision hereof.
Added by Laws 1919, c. 241, p. 342, § 3. Amended by Laws 1979, c. 30, § 82, emerg. eff. April 6, 1979.

§19-701. Repealed by Laws 1968, c. 132, § 2, eff. April 8, 1968.

§19-702. Repealed by Laws 1968, c. 132, § 2, eff. April 8, 1968.

§19-703. Repealed by Laws 1968, c. 132, § 2, eff. April 8, 1968.

§19-704. Repealed by Laws 1968, c. 132, § 2, eff. April 8, 1968.

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§19-711. Repealed by Laws 1968, c. 132, § 2, eff. April 8, 1968.

§19-712. Repealed by Laws 1968, c. 132, § 2, eff. April 8, 1968.

§19-713. Repealed by Laws 1968, c. 132, § 2, eff. April 8, 1968.

§19-714. Repealed by Laws 1968, c. 132, § 2, eff. April 8, 1968.

§19-731. Tax levy to provide for buildings - Vote.

The board of county commissioners is authorized to provide for the construction or repairing of courthouses, jails or other necessary buildings, and make contracts on behalf of the county for building or repairing the same, and for the purpose of providing a fund for the payment of the cost of the same such board of county commissioners is hereby authorized and empowered to provide for the levy of a tax and to continue such provision from year to year for a period not exceeding five (5) years: Provided, that such levy for such purpose, together with the levies for all other purposes shall not exceed the amount authorized by law: Provided, further, that the money, raised by such levy, shall constitute a separate and distinct fund from all others in the hands of the county treasurer until the obligation assumed by the board of county commissioners under authority of this section shall have been discharged. And provided, further, that no levy of taxes for the purposes of this section shall be made until after a majority of the legally qualified voters of said county, voting upon said proposition, shall have voted in favor of the expenditures whose payment is to be provided for by said levy or levies of taxes, at a general election at which said proposition shall be submitted, or at a special election called for the purpose of voting upon said proposition. The proposition submitted at such general or special election shall be whether or not the board of county commissioners shall be authorized to expend the sum desired (stating such sum) for the building of a courthouse, jail, or other necessary building, and shall be arranged on the ballot in suitable and convenient form for voting. Such special election shall be held as nearly as possible in conformity to the general election laws of the state; and at any such general or special election the votes upon the proposition submitted shall be counted and canvassed, the returns thereof made, and the results declared as nearly in conformity to the general election laws of the state as possible: Provided, that notice of the submitting of such proposition to the voters of the county shall be given by the county clerk by publication in at least two newspapers published in said county and having a general circulation therein, for not less than thirty (30) days immediately prior to said election: And provided, further, that if there is only one paper published in such county, publication in that paper for the required time shall be sufficient; and if no paper be published therein, notice of such election shall be given by posting up written or printed notices thereof for the required time, at least one in each voting precinct of such county at the most public places in said precinct.
R.L. 1910, § 1619.

§19-732. Buildings to be erected when fund sufficient.

After a building fund has been accumulated, either from the proceeds of the sale of town lots or from any other source, it shall be the duty of the board of county commissioners within one year from the time such fund becomes available, to proceed to the erection of the necessary county buildings including a jail, if such fund shall in the judgment of the board be sufficient for that purpose.
R.L. 1910, § 1620.

§19-733. Advertisement for bids - Bids - Bond of contractor.

The board of county commissioners shall cause an advertisement for bids for the erection of such buildings to be printed in some newspaper printed in the county, or of general circulation therein if there be no newspaper published in said county, for a period of at least thirty (30) days prior to the date set for the opening of bids, and in such other newspapers in the state as the board may deem advisable. Such advertisement shall give the place where the plans and specifications may be examined, the date on which bids will be opened, the time which will be allowed for the completion of such building, and such other information as the board may direct. Bids may be opened, considered, passed upon, and contracts for the erection of said buildings let at any regular session of said board, or at a special session thereof called for such purpose, but in all cases the bids must be opened and contracts let in open session of said board. The lowest responsible bid must in all cases be accepted unless all bids are rejected, and the contract for such buildings shall be so conditioned that not more than ninety percent (90%) of the price agreed to be paid for the construction thereof shall be paid until the terms of the contract shall have been fully complied with and the buildings completed to the satisfaction of the board and accepted by them. The said board of county commissioners may require to be filed with each bid a bond, or in lieu thereof a certified check, conditioned that the bidder will enter into a contract with approved security for the performance of the work in accordance with the plans and specifications in case his bid be accepted, and, when such contract is awarded to any such bidder, such bidder shall execute to the county a good and sufficient bond in the sum of such contract, with two or more sureties, to be approved by the board of county commissioners, conditioned for the faithful and full performance of such contract.
R.L. 1910, § 1621. Amended by Laws 1963, c. 43, § 1, emerg. eff. April 24, 1963.

§19-734. Contracts for sites, purchases, repairs, etc. - Bonds - Elections.

Whenever the board of county commissioners of any county considers it to be to the best interest of the county to acquire

sites, purchase, erect, repair, remodel, equip and furnish a courthouse or jail, they shall have power to contract for the acquisition of sites, purchase, erection, repair, remodeling, equipping and furnishing of same and to issue bonds in payment therefor. Provided, however, that the bonds shall not be issued until the question shall have first been submitted to the people of the county and a three-fifths (3/5) majority of the qualified voters voting at any general election, or special election called by the board of county commissioners for the purpose, shall have declared by their votes in favor of issuing such bonds.
R.L. 1910, § 1625. Amended by Laws 1955, p. 160, § 1; Laws 1959, p. 103, § 1.

§19-735. Conditions of calling election.

Before the board of county commissioners shall determine to call an election as provided under the preceding section to purchase or erect a courthouse or jail they shall cause to be made upon the records of their proceedings a statement showing the assessed valuation of the taxable property within the county, as shown by the last annual equalized assessment roll of taxable property within said county taken for the purpose of taxation, and in force and effect at the time, together with all outstanding indebtedness of every class and character whatsoever, and the cash in the hands of the county treasurer for county use with the amount of the bonds proposed to be issued.
R.L. 1910, § 1626.

§19-736. Notice of election.

The board of county commissioners shall give thirty (30) days' notice of the election upon the question of issuing said bonds, by publication in two weekly newspapers of general circulation published at the county seat of the county, unless there be but one weekly newspaper, in which event that one shall be sufficient; and if there be no weekly newspaper, then by five notices posted in five public places within the county. The notices of election shall contain the statement of the county commissioners, as provided by the preceding section, date of election, amount of bonds proposed to be issued and whether for courthouse or jail or for both courthouse and jail. The notices shall be signed by the chairman of the board of county commissioners and attested by the county clerk.
R.L. 1910, § 1627.

§19-737. Majority vote necessary - Sale of bonds.

If a majority of the legal votes cast at the election be for the issuing of the bonds, the commissioners shall proceed at once to the issuing of same and shall deliver the bonds to the treasurer of the county, who shall be chargeable therefor upon his official bond.

The treasurer, by and with the advice of the commissioners, shall proceed to sell said bonds and retain the proceeds thereof to be paid upon the orders of the commissioners as the same shall be needed: Provided, however, that said bonds shall not be sold for less than ninety-five cents ($0.95) on the dollar.
R.L. 1910, § 1628.

§19-738. Character of bonds.

Bonds issued shall bear interest at a rate not to exceed the maximum rate provided by Section 498.1 of Title 62 of the Oklahoma Statutes, payable semiannually, and of denomination of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) each. The entire amount shall be paid within twenty-five (25) years. The bonds shall be signed by the chairman of the board of county commissioners and countersigned by the county clerk. They shall be recorded by the county clerk and by the State Auditor and Inspector, both of whom shall endorse the same on the back thereof. Facsimile signatures may be used as provided in the Registered Public Obligations Act of Oklahoma.
R.L. 1910, § 1629. Amended by Laws 1979, c. 30, § 6, emerg. eff. April 6, 1979; Laws 1983, c. 170, § 30, eff. July 1, 1983.

§19-739. Repealed by Laws 1941, p. 462, § 1.

§19-740. Use of sinking fund - Warrants against estimated proceeds of tax levy.

The board of county commissioners, district judge and county judge of any county in this state may use for the purpose of erecting, remodeling or rebuilding a courthouse or jail, or both, at the county seat, all or any portion of the sinking fund of the county derived from penalties, interest and forfeitures accrued, or to accrue, and in addition thereto, where a mill tax for courthouse or jail purposes has been, or may be voted by a majority of the qualified electors of said county covering a period of years, the county commissioners, district judge and county judge of said county may make an estimate of the amount that the said levy together with the sinking fund, interest and penalties so derived will raise during the entire period of time for which said mill levy has been or may be voted, based on the average valuation of the property in said county for the last past five (5) years and may contract for and cause to be erected a courthouse and jail, or either in said county, at the county seat thereof, and may draw warrants against said estimate in payment therefor, which shall be a legal charge against said county, payable out of the fund thus derived. Said warrants to be issued in amount not to exceed One Thousand Dollars ($1,000.00) each, and when funds accumulate in the county treasury to the credit of said fund sufficient to pay one or more of said

warrants the county treasurer shall give notice by publication in a newspaper published in said county that the money is available to pay said warrants, or warrant, giving the number and date of said warrant or warrants, and unless said warrant, or warrants, are presented for payment within thirty (30) days from the date of said publications, said warrants, or warrant, so advertised shall cease to draw interest. Said contract for the building as aforesaid shall be approved by the county commissioners, district judge and county judge of said county. This act shall not be construed as affecting or repealing any existing law and shall be cumulative in its operation and effect.
Added by Laws 1923-24, c. 111, p. 133, § 1.

§19-741. Repealed by Laws 1978, c. 244, § 42, eff. July 1, 1978.

§19-742. Repealed by Laws 1968, c. 412, § 20, eff. May 17, 1968.

§19-743. Repealed by Laws 2011, c. 122, § 1.

§19-744. Use of private prison contractors.

A. Upon the recommendation of the County Jail Trust Authority formed pursuant to Section 904.1 of this title, the board of county commissioners of each county may enter into contracts with private contractors for the management and operation of any jail owned by the county or for the incarceration of inmates in jail facilities owned and operated by private contractors. Such services shall meet any standards prescribed and established for county jails, including but not limited to standards concerning internal and perimeter security, discipline of inmates, employment of inmates, and proper food, clothing, housing, and medical care. The contracts may be for a period not to exceed fifty (50) years subject to annual appropriations by the county excise board. The contracts shall be valid for a fiscal year only if the county excise board provides an appropriation for the contract for that fiscal year.

B. A comprehensive file for all private contractors interested in and capable of managing or operating a county jail or incarcerating inmates in a facility owned and operated by the contractor shall be maintained by the county. These files shall include a completed application form, a resume of the contractor's staff and capability, completed performance evaluation form for past projects on which the contractor has provided jail services to the county, a list of past contracts with the county, and a list of contracts to provide similar services to other political subdivisions of this state or other states.

The file shall include the mailing address of each private contractor.

Any contractor may request at any time to be included in the comprehensive file, and shall be so included within twenty (20) days of the request.

The board of county commissioners may solicit evaluation of work done by contractors from the state, other political subdivisions, or members of the private sector, which evaluation shall be part of the comprehensive file.

C. The board of county commissioners shall define the scope of a proposed project, determine the various project components, phases and timetables, and prepare detailed project descriptions to guide prospective contractors.

D. If the county intends to secure the services of private contractors, all contractors included in the file shall be notified through the mail of such intent. Such notification shall contain the following information:

1. Description and scope of the project or projects;

2. Estimated cost and time schedule for project;

3. Funds available, including federal, state or other participation;

4. Last date for submitting notice of interest in performing services to the board of county commissioners; and

5. Other pertinent data.

Private contractors desiring consideration shall meet the requirements of this section and to be considered shall submit a letter expressing interest in the project to the board of county commissioners within thirty (30) days of the postmark date of the letter of notification mailed by the board. Contractors shall have on file an application form not over twelve (12) months old.

E. The board shall review the files of the private contractors desiring consideration for the project, and shall select no fewer than three and no more than five contractors for more detailed consideration. This initial screening should consider the requirements of the project and the bid received, as well as the following factors to be determined from the file, and replies to inquiries to former clients:

1. Specialized experience in the type of work contemplated;

2. Capacity of the contractor to accomplish the work in the required time; and

3. Past performance, from the performance evaluation form.

The board shall award the contract to the contractor whose qualifications and project proposal most substantially meet the criteria of the project description.

F. The board shall negotiate the contract with the selected contractor, which contract shall include a fair and reasonable fee. If the board and the first-choice contractor cannot reach an agreement, their negotiations shall be terminated and negotiations with the second-choice contractor shall commence. If the board and

the second-choice contractor cannot reach an agreement, their negotiations shall be terminated and negotiations with the third-choice contractor shall commence. If the board and the third-choice contractor cannot reach an agreement, then all negotiations shall be terminated. Should the board be unable to negotiate a satisfactory contract with any of the three selected contractors, the board shall select additional contractors in order of their competency and qualifications and shall continue negotiations in accordance with the provisions of this section until an agreement is reached.

G. Should there be an inadequate expression of interest in the project, the board of county commissioners shall confer to add additional contractors for consideration which are known to be appropriate for the project.

H. No contract authorized by the provisions of this section shall be awarded until the private contractor demonstrates to the satisfaction of the board of county commissioners:

1. That the contractor has the necessary qualifications and experience to provide the services specified in the contract;

2. That the contractor has the necessary qualified personnel to implement the terms of the contract;

3. That the financial condition of the contractor is such that the terms of the contract can be fulfilled;

4. That the ability of the contractor to obtain insurance or provide self-insurance to:

   a. indemnify the county against possible lawsuits arising from the operation of jail facilities by the contractor, and

   b. compensate the county for any property damage or expenses incurred due to the operation of jail facilities; and

5. That the contractor has the ability to comply with applicable court orders and jail standards.

I. The sheriff of the county or a person designated by the board of county commissioners shall monitor and report to the board of county commissioners on the implementation of the contract. The board of county commissioners, the county sheriff and the County Jail Trust Authority shall be immune from liability for the acts or omissions of the private contractor.

J. A private contractor, in implementing a contract pursuant to the provisions of this section, shall not be bound by state laws or other legislative enactments which govern the appointment, qualifications, duties, salaries or benefits of jailers or other employees of the jail facilities, except that any personnel authorized to carry and use firearms shall comply with the certification standards required by the provisions of Section 3311 of Title 70 of the Oklahoma Statutes and be authorized to use firearms only to prevent the commission of a felony, to prevent

escape from custody, or to prevent an act which would cause death or serious bodily injury to the personnel or to another person.

K. A county is authorized to lease real property and improvements thereon to a private contractor in conjunction with a contract for private management of a jail facility located or to be built on the property. The lease may be entered into for periods up to fifty (50) years.

L. Any contract between a county and a private contractor, whereby the contractor provides for the housing, care, and control of inmates in a facility owned and operated by the contractor, shall contain provisions granting the county the option at the beginning of each fiscal year to purchase, at a predetermined price any such facility.

M. Any contract between a county and a private prison contractor for jail management or housing shall contain provisions granting the county the right to terminate such contract for cause upon giving a sixty-day written notice.

N. The provisions of this section shall not impair any contract between a County Jail Trust Authority and a private contractor for the management and operation of any county jail entered into prior to November 1, 2001, or the renewal, extension, or continuation of such contract. Despite any provision to the contrary in this section, each County Jail Trust Authority which has entered into a contract with a private contractor for the management and operation of any county jail prior to November 1, 2001, may enter into an additional contract or contracts with a private contractor for the management and operation of its county jail. Each contract may be for a period not to exceed fifty (50) years, and the services pursuant to each contract shall meet any standards prescribed and established for county jails, including, but not limited to, standards concerning internal and perimeter security, discipline of inmates, employment of inmates, and proper food, clothing, housing and medical care.

Added by Laws 1987, c. 80, § 6, operative July 1, 1987. Amended by Laws 2001, c. 176, § 1, eff. July 1, 2001.

§19-745. Sale of courthouse - Appraisal - Leaseback - New facilities.

The board of county commissioners of any county may sell the courthouse of the county together with the real property upon which the courthouse is located if the contract price for such sale equals or exceeds the appraised value of the courthouse and real property upon which the courthouse is located. Such appraisal shall be made by the county assessor of the applicable county. The sale authorized by this section may only be made if, as part of the contract for sale, the purchaser agrees to lease the conveyed premises to the county until the county provides new courthouse

facilities, whether by purchase, construction, remodeling, lease or some combination thereof. Such new facilities shall be provided within three (3) years from the date of the conveyance of the existing courthouse to the purchaser. The new facilities may be provided in whole or in part from proceeds of the sale of the existing county courthouse, including principal and interest. Added by Laws 1988, c. 110, § 2, emerg. eff. April 4, 1988.

§19-746. Liability for cost of medical care of persons in custody.

A. When a person is in the custody of a county jail, the custodial county shall only be liable for the cost of medical care for conditions that are not preexisting prior to arrest and that arise due to acts or omissions of the county. A preexisting condition is a condition for which the person received medical treatment or advice, or a condition which was diagnosed in the six (6) months preceding the custody of the person by the law enforcement agency. An accidental injury sustained during the six (6) months preceding the custody of that person by the law enforcement agency will also be considered a preexisting condition.

B. An inmate in pretrial detention or the custody of a county jail shall be provided with the opportunity to receive necessary medical care for a preexisting condition and the inmate shall be liable for payment of the cost of such medical care including, but not limited to, medication, medical treatment, and transportation costs, for or relating to the condition requiring treatment.

C. The medical provider or hospital shall seek payment for all medical care provided for preexisting conditions directly from the offender. In the event there is a dispute between the jail and the medical provider or hospital concerning the existence or extent of a preexisting condition or the liability to pay medical expenses relating to such condition, and the sheriff pays the expense pending a final determination of liability for such medical expense, the court shall order the offender to reimburse the sheriff for all medical care and treatment for preexisting conditions and injuries except for amounts collected pursuant to Section 531 of this title. Nothing in this section shall require a jail to pay disputed medical expenses or expenses for any preexisting condition.

D. Unless a contract exists between a hospital and the county for medical care and treatment of inmates in the county jail, a hospital shall accept, as payment in full, reimbursement from the county according to the current fee schedule of the State and Education Employees Group Insurance Board in effect at the time services were rendered; provided that payment of said services is made by the county within forty-five (45) calendar days of submission of a claim by the hospital.

Added by Laws 1991, c. 166, § 3, eff. July 1, 1991. Amended by Laws 1998, c. 290, § 2, eff. July 1, 1998; Laws 2008, c. 139, § 1, eff. July 1, 2008; Laws 2010, c. 362, § 3, eff. Nov. 1, 2010.

§19-746.1. Medical Expense Liability Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State and Education Employees Group Insurance Board to be designated the "Medical Expense Liability Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received from fees assessed pursuant to Section 1313.7 of Title 20 of the Oklahoma Statutes. All monies accruing to the credit of the fund shall be appropriated and may be budgeted and expended by the State and Education Employees Group Insurance Board for qualified medical expenses for inmates or persons in the custody of a county or city jail pursuant to the criteria set forth in Section 1313.7 of Title 20 of the Oklahoma Statutes. A portion of the Medical Expense Liability Revolving Fund shall be used for the costs the Board incurred in administering such monies.

Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2003, c. 319, § 4. Amended by Laws 2008, c. 139, § 2, eff. July 1, 2008; Laws 2012, c. 304, § 71.

§19-751. Governing bodies of cities authorized to contract with county commissioners.

The governing bodies of the cities of this state are hereby empowered and authorized to enter into a contract with the county commissioners of the county in which such city is located for the purpose of erecting, maintaining or operating a building to be used for a city hall and courthouse purpose or for a county and city jail or either or both of them, upon such terms or conditions as may be agreed upon between the two contracting bodies.

Added by Laws 1931, p. 113, § 1.

§19-752. County commissioners authorized to contract with governing body of city.

The county commissioners of any county of this state are hereby authorized to enter into a contract with the governing body of any city, the county seat of such county, for the purpose of erecting, maintaining or operating a building to be used for city hall and county courthouse purposes or as a county-city jail or either or both of them, on such terms and conditions as may be agreed upon by the parties thereto.

Added by Laws 1931, p. 114, § 2.

§19-753. Use of property owned by city or county.

The county commissioners or the governing body of any city entering into the above described contract are hereby authorized to use any property owned by either said county or city, for the purpose of erecting thereon, said building or buildings on such terms and such conditions as may be agreed upon between said county commissioners and said governing body of such city.

Added by Laws 1931, p. 114, § 3.

§19-754. Use of proceeds of sale of property by city or county.

The county commissioners or the governing body of any city entering into the above described contract are hereby authorized to use such funds of said city or county as may be derived from the sale of real or personal property belonging to said city or county, irrespective of the purpose for which said property has been used. That said funds so derived from the sale of any city or county property may be combined with any other available funds of said city or county for the purpose of erecting said building or buildings, pursuant to a contract entered into under the provisions of this act.

Added by Laws 1931, p. 114, § 4.

§19-755. Effect of partial invalidity.

If any part of this act is declared unconstitutional by the Supreme Court of the State of Oklahoma, that part of said act not declared unconstitutional shall remain in full force and effect.

Added by Laws 1931, p. 114, § 5.

§19-756. Powers of cities and counties not limited by act.

Nothing herein shall limit in any way any of the power of said cities and counties now existing.

Added by Laws 1931, p. 114, § 6.

§19-761. Insurance proceeds - Use to restore building or records.

In all counties of the State of Oklahoma where the courthouse, or any part thereof, or the records of the county, or any part thereof, have been destroyed by fire, lightning, windstorm, or by any act of God, the board of county commissioners of such county shall have power and authority to use any insurance money, or money collected by them from insurance on said property, or any money in the treasury to the credit of such county in the courthouse fund, or any part thereof, to restore, rebuild, and make anew any such courthouse, or part thereof, or the records of the county, or any part thereof, and when such insurance money has been collected, said board of county commissioners shall have power and authority to pay out of such moneys and funds the cost of the restoration of such

property or part thereof by warrants drawn and issued upon the filing and allowance of verified claims as now provided and required by law, or without notice or bid when in the judgment of the board of county commissioners said courthouse can be built, equipped and supplies can be bought at a lower and better price.
Added by Laws 1933, c. 191, p. 419, § 1.

§19-762. Insurance - Courthouse fund - Use of to purchase equipment and supplies.

The board of county commissioners of such county shall have power, in addition to all other power they now possess by law, to use any part of any moneys collected by the county for insurance on such destroyed property, and the courthouse fund, to purchase any books, blank books, stationery, fixtures, furniture, typewriters, adding machines, and other equipment and supplies as may be, or shall be, necessary to restore the lost or destroyed records, fixtures, supplies and equipment of such county, where the same has been destroyed as aforesaid.
Added by Laws 1933, c. 191, p. 420, § 2.

§19-763. Funds - Use of without appropriation.

Such board of county commissioners shall have power to use such money and funds that may be paid in to such county from any such insurance, without the same being appropriated by the excise board, and such money or funds shall not be considered by the excise board in making appropriations for current expenses as money received from sources other than ad valorem taxes.
Added by Laws 1933, c. 191, p. 420, § 3.

§19-764. Assessment lists and rolls - Replacing - Deputy county assessors.

The board of county commissioners shall have power and authority, where the assessment lists, assessment rolls, or abstracts thereof, or the tax lists, or tax rolls, or any part thereof, for any year or years have been lost or destroyed, as above set out, to cause another, or other, assessments of the taxable property in said county to be made for any such year or years, and in order to make such assessments and to make such assessment lists, rolls, or abstracts thereof, or tax lists, rolls, or abstracts thereof, the county commissioners may employ such number of deputy county assessors on the recommendation and nomination of the county assessor as in the judgment of the board of county commissioners will be necessary to make the assessment of the taxable property of the county and to prepare assessment lists, rolls, and abstracts thereof, and tax lists and tax rolls, in the shortest possible time that will be to the best interest of the county.
Added by Laws 1933, c. 191, p. 420, § 4.

§19-765. Proclamation - Publication and posting - Persons holding tax receipts - Duty.

In all such cases where the tax rolls and the records of the county treasurer's office, pertaining to the taxes on any of the property in the county, have been destroyed as aforesaid, the board of county commissioners shall have power and authority to order and direct, by proclamation in some weekly newspaper for three successive issues and by posting one copy of said resolution and proclamation on the front door of each and every school house in said county, that all persons holding tax receipts for three (3) years immediately prior to the first publication of said proclamation, for the past three (3) years, shall be required to present the same to the county treasurer, that he may give proper credit for the taxes against said property, and upon a failure of any person so to present said tax receipts within ninety (90) days after publication and posting of such resolution or proclamation the presumption shall be that the taxes for such year or years have not been paid, and if such delinquent taxpayer shall fail within six (6) months to make satisfactory proof to the board of county commissioners that the taxes on such property have been paid, then it shall be conclusively presumed that the taxes on such property have not been paid prior to the time the records thereof were destroyed.

Added by Laws 1933, c. 191, p. 420, § 5.

§19-766. Taxes - Action to foreclose lien.

When such time shall have elapsed that it is conclusively presumed that the taxes on any such property have not been paid, then the board of county commissioners shall have power and authority to order and direct that the district attorney file an action in the district court to foreclose the lien of the county on such property for the unpaid taxes thereon, and the proceedings to foreclose any such lien for the unpaid taxes shall be the same as the foreclosure of a mortgage for default in payment, and without appraisement; provided, that any number of persons may be made parties defendant in the same action.

Added by Laws 1933, c. 191, p. 421, § 6.

§19-767. Audits - Destroyed records - Apportionment of cash on hand.

The board of county commissioners of any county where the county, township, school district, or other municipal ledger or ledgers, or any other record, or any part thereof, have been destroyed as above set forth, and where there is a total or partial lack of record as to the balance of cash on hand to the credit of the various funds of each of the municipal subdivisions of such

county, shall have power and authority, upon such reasonable regulations and resolutions as such board shall make, to audit and apportion or have audited and apportioned and determined, the balance of cash on hand to the credit of the various funds of each of such municipal subdivisions of such county.
Added by Laws 1933, c. 191, p. 421, § 7.

§19-768. State Auditor and Inspector - Budgets and estimates - Delivery to county clerk.

The State Auditor and Inspector is hereby authorized and directed to deliver to the county clerk all county, school district, city and township budgets and estimates in his possession for the purpose of enabling the county to remake a portion of the financial records lost or destroyed by fire, lightning, windstorm or by any act of God, and the county clerk shall execute a receipt therefor and retain the same in his possession for such a time as is reasonable for the preparation of the records of said county.
Added by Laws 1933, c. 191, p. 421, § 8. Amended by Laws 1979, c. 30, § 7, emerg. eff. April 6, 1979.

§19-769. Courthouse fund and other monies - Purchase of material without bids.

The board of county commissioners of any such county is hereby authorized to expend any such money provided under the provisions of this act available for the construction of a courthouse, and any money on hand in county treasury to the credit of the courthouse fund, to purchase, without bids, material for the construction of said courthouse, employ skilled and common labor and to purchase equipment and office supplies to furnish said courthouse.
Added by Laws 1933, c. 191, p. 421, § 9.

§19-770. Board of county commissioners - Powers and duties to be additional.

The powers and duties herein conferred on the board of county commissioners shall be in addition to the powers and duties now provided by law and the remedies herein provided are hereby declared to be cumulative.
Added by Laws 1933, c. 191, p. 422, § 10.

§19-771. Repealed by Laws 1999, c. 359, § 8, eff. Nov. 1, 1999.

§19-772. Repealed by Laws 1968, c. 412, § 20, eff. May 17, 1968.

§19-773. Repealed by Laws 1968, c. 138, § 9.

§19-774. Repealed by Laws 1999, c. 359, § 8, eff. Nov. 1, 1999.

§19-775. Repealed by Laws 1999, c. 359, § 8, eff. Nov. 1, 1999.

§19-776. Repealed by Laws 1999, c. 359, § 8, eff. Nov. 1, 1999.

§19-777. Repealed by Laws 1999, c. 359, § 8, eff. Nov. 1, 1999.

§19-778. Repealed by Laws 1999, c. 359, § 8, eff. Nov. 1, 1999.

§19-781. Bonds authorized.

All counties in this state are hereby authorized to issue bonds for the purpose of purchasing sites, erecting and constructing county hospitals including alterations, additions to, and enlargements of existing hospital buildings in the county, such bonds to be issued as hereinafter provided, except as provided in the Municipal and County Economic and Community Development Bonds Act pursuant to Section 800 et seq. of Title 62 of the Oklahoma Statutes.

Added by Laws 1919, c. 273, p. 386, § 1, emerg. eff. March 25, 1919. Amended by Laws 1941, p. 65, § 1, emerg. eff. April 17, 1941; Laws 2022, c. 155, § 1, eff. Nov. 1, 2022.

§19-782. Resolution of necessity - Petition - Notice of election.

Upon the adoption by the county commissioners of a resolution declaring the necessity therefor, or whenever twenty percent (20%) of the qualified voters of any county of this state, as determined by the last previous general election, shall petition the board of county commissioners of such county to call an election for the purpose of issuing bonds to purchase sites, erect and construct county hospitals, including alterations, additions to and enlargement of existing hospital buildings, it shall be the duty of said county commissioners to call an election and give notice thereof in two (2) daily or weekly newspapers of general circulation published at the county seat of the county; provided, that if there be one daily or weekly newspaper published in such county, in that event one shall be sufficient, and such notices shall be published for four (4) consecutive weeks. If there is no daily or weekly newspaper published in such county, then printed notices shall be posted in one of the most public places in each voting precinct of the county at least thirty (30) days prior to said election. Said petition calling for said election shall name the amount of bonds to be issued and shall state the time of holding said election, which shall not be less than thirty (30) days from the first publication of any notice or the posting of said notice, and shall state for what purposes the hospital is to be used.

Added by Laws 1919, c. 273, p. 386, § 2. Amended by Laws 1925, c. 79, p. 127, § 1; Laws 1941, p. 66, § 2.

§19-783. Holding of election - Ballots.

Said election shall be held at the time designated in said notice, at which printed ballots shall be cast, on which shall be printed "For Bonds" and "Against Bonds."

Added by Laws 1919, c. 273, p. 387, § 3.

§19-784. Issuance and sale of self-liquidating or general obligation bonds.

If at said election three-fifths of the voters voting thereon shall vote in favor of the issuance of hospital self-liquidating revenue and/or general obligation bonds, the board of county commissioners shall proceed at once to the issuing of same and shall deposit the bonds in the treasury of the county, the treasurer being responsible and chargeable therefor on his official bond. The board of county commissioners shall proceed to sell said bonds and deposit the proceeds from the sale thereof in the treasury of said county which money shall be paid out by the treasurer upon the orders of the board of county commissioners from time to time as the same shall be needed; provided, however, that said bonds shall not be sold for less than par value thereof and accrued interest thereon.

Added by Laws 1919, c. 273, p. 387, § 4. Amended by Laws 1925, c. 79, p. 127, § 2; Laws 1970, c. 286, § 1, emerg. eff. April 27, 1970.

§19-785. Issuance of bonds - Interest.

Bonds issued as herein provided shall be made payable and be issued as provided by law, bearing interest at a rate not to exceed the maximum rate provided by Section 498.1 of Title 62 of the Oklahoma Statutes.

Added by Laws 1919, c. 273, p. 387, § 5. Amended by Laws 1925, c. 79, p. 127, § 3; Laws 1970, c. 286, § 2, emerg. eff. April 27, 1970; Laws 1983, c. 170, § 31, eff. July 1, 1983.

§19-786. Tax levy - Annual report - Estimate of needs - Issuance of revenue bonds.

As to general obligation bonds, it shall be the duty of the officers charged by law with the levying of taxes for county purposes to levy annually an amount sufficient to pay the interest due each year on the bonds issued hereunder and at the proper time, and in addition thereto, to levy an amount sufficient to pay part of the principal as the same becomes due.

The board of control shall, at the written request of the board of county commissioners before the end of each fiscal year, file with the board of county commissioners a report of their proceedings with reference to such hospital, and shall also file a financial statement and estimate of needs, and shall at the proper time certify the amount necessary to maintain and improve said hospital for the ensuing year.

The excise board of any county in this state which operates a county hospital shall make an annual levy of not less than one-fourth of one mill on all the taxable property of the county, the proceeds of which shall be credited by the county treasurer to the county hospital fund, the purpose of this levy being to supply funds for the care of the county charity patients, and shall levy annually an amount sufficient to maintain such county hospital.

Provided, that in considering and fixing appropriations the excise board shall take into account as an item of income from sources other than ad valorem tax the gross operating receipts of the hospital for the previous fiscal year.

As to self-liquidating revenue bonds, any county may, by its board of county commissioners, issue negotiable revenue bonds of the county, for the purpose of constructing a county hospital, or making alterations or additions to a county hospital. Such revenue bonds shall be issued in the same manner as revenue bonds issued by an independent school district to construct recreational facilities under the provisions of Title 70 of the Oklahoma Statutes, Sections 821.1 through 821.9, inclusive. The bonds shall be secured by a pledge of and shall be payable from the net revenues of the county hospital. Provided, that the hospital shall be operated in the same manner as a county hospital constructed from the proceeds of general obligation bonds.

Added by Laws 1919, c. 273, p. 387, § 6. Amended by Laws 1925, c. 79, p. 128, § 4; Laws 1939, p. 220, § 1; Laws 1951, p. 45, § 1; Laws 1953, p. 505, § 1; Laws 1970, c. 286, § 3, emerg. eff. April 27, 1970.

§19-787. Site and building.

Out of the proceeds of said bonds the county commissioners shall proceed to purchase a suitable site for the erection of such county hospital and to erect said building on said site, or to alter, add to, or enlarge existing hospital buildings in accordance with the plans and specifications to be prepared by an experienced architect and submitted to said board of county commissioners, which plans and specifications shall have been approved by the board of control hereinafter created. Said board of control shall be responsible for selecting an experienced licensed architect.

Added by Laws 1919, c. 273, p. 387, § 7. Amended by Laws 1925, c. 79, p. 128, § 5; Laws 1941, p. 66, § 3; Laws 1970, c. 286, § 4, emerg. eff. April 27, 1970.

§19-788. Contracts - Bids - Notice - Preference - Uncompleted contracts - Payment of personal property taxes.

(a) All contracts for county hospital construction work, alteration, additions, or repairs exceeding Five Thousand Dollars ($5,000.00) in any calendar year, shall be let to the lowest

responsible bidder or bidders after notice of publication in a newspaper of general circulation published in the county where the work is to be done in two consecutive weekly issues of the newspaper. Each bid shall be accompanied by a certified or cashier's check equal to five percent (5%) of the bid or Ten Thousand Dollars ($10,000.00), whichever is the smaller, which shall be deposited with the board of control as a guaranty, and forfeited to the county treasurer to the credit of the county hospital fund in the event the successful bidder fails to comply with the terms of the proposal, and returned to the successful bidder on execution and delivery of the bond herein provided for, and the checks of the unsuccessful bidders shall be returned to them in accordance with the terms of the proposal.

(b) All notices of the letting of contracts under this section shall state the time and place bids will be received and opened. Such bids shall be sealed and opened only at the time and place mentioned in the notice and in the presence of a majority of the members of the board of control. The successful bidder for the construction of the work shall enter into a contract on a form furnished and prescribed by the board of control and shall give good and sufficient performance bond in a sum equal to the contract price, to the county, with sureties approved by the board of control, to insure the proper and prompt completion of the work in accordance with the provisions of the contract and the plans and specifications; bonds shall also be posted to protect against unpaid claims of subcontractors, laborers, and suppliers. Provided, that if in the opinion of a majority of the board of control, the lowest responsible bid or bids for the construction herein authorized to be constructed shall be excessive, then and in that event the board of control shall have the right to reject any or all bids and to readvertise the same for additional bids. The board of control within its discretion and where it is in the best interests of hospital construction, may extend a contract not to exceed ten percent (10%) of the length and extent of the original project, such extension work to be paid for at a price not greater than the contract unit basis. No work shall be initiated until the contractor furnishes the board with certificates of insurance for workmen's compensation, public liability and builders' risk.

(c) When quality and prices are equal preference shall be given materials produced within the State of Oklahoma, and preference shall also be given construction contractors domiciled, having and maintaining offices in and being citizen taxpayers of the State of Oklahoma.

(d) When any contract for the construction or improvement of a county hospital has not been carried out, or work thereunder has been suspended by virtue of an order or directive of any officer or agency of the federal or state government, issued under authority

vested in or delegated to such officer or agency, or if the contractor defaults, the board shall proceed against the contractor and/or his bonds, if he has caused the postponement or cancellation of the contract, and the board shall then have the right to advertise in the manner provided for hereinabove to relet the contract for the uncompleted portion.

(e) Five percent (5%) of the total amount of money due under contract with the board of control for county hospital construction work shall be retained by the board until the contractor to whom payment is due files with the board a certified copy of a personal tax receipt, showing payment of personal property taxes due on the contractor's equipment and supplies, from the county treasurer of the county wherein the property is assessed, or is required to be assessed, and evidence of having proper workmen's compensation coverage for employees as provided by Title 85 of the Oklahoma Statutes, Section 61.

Added by Laws 1919, c. 273, p. 388, § 9. Amended by Laws 1939, p. 221, § 2; Laws 1963, c. 72, § 1; Laws 1970, c. 286, § 5, emerg. eff. April 27, 1970.

§19-789. Board of control - Lease to public trust or other authorized organization.

A. It shall be the duty of the board of county commissioners to place the management and control of a county hospital either under a board of control composed of five, seven, or nine members, or to lease the hospital and the equipment therein to a public trust or to an organization authorized to transact business in this state, the principal purpose of which is providing health care services and which can demonstrate to the board of county commissioners its financial and managerial ability to operate property owned by the hospital or a portion of the hospital.

B. Unless the hospital is to be leased as provided in this section, the board of county commissioners shall appoint the members of the board of control who shall be residents of the county, not more than three of whom may be residents of the city or town in which the hospital is located. Members of the board of control shall hold office, as follows: Five-member board - one for one (1) year; two for two (2) years; and two for three (3) years. Seven-member board - two for one (1) year; two for two (2) years; and three for three (3) years. Nine-member board - three for one (1) year; three for two (2) years; and three for three (3) years. The board of county commissioners shall appoint successors for members of the board of control whose terms have expired. Successors shall serve for a term of four (4) years; provided, the board of county commissioners may at their discretion call an election for the purpose of electing such successors with the cost of the election to be paid for by the county. Filings for election shall be made with

the county election board which shall conduct the election. No member of the board of control shall hold any state, county or city elective office while serving on the board of control. Members of the board of control shall receive no salary or compensation for their services, but may be reimbursed for any actual and necessary expenditures incurred in the performance of their duties upon presentation of an itemized statement of such expenses duly verified, filed with the secretary, if every attending member of the board votes in the affirmative at any regular board meeting. Vacancies in the board of control occasioned by removal, resignation, or otherwise shall be filled in like manner as original appointments, to hold office during the unexpired term for which the member was appointed.

C. 1. If, by a two-thirds (2/3) vote, the board of county commissioners determines that it is in the best interest of the county, it may in lieu of operation of the hospital through a board of control, lease the hospital and the equipment therein to an organization authorized to transact business in this state, the principal purpose of which is providing health care services, and which can demonstrate to the board of county commissioners its financial and managerial ability to operate the hospital.

2. The lease shall require that the lessee shall be responsible for all costs of operation and maintenance of the hospital in its entirety.

3. The lessee is specifically authorized to mortgage, with appropriate remedies, including the right of foreclosure, its leasehold interest in the real and personal property comprising or owned by the hospital, any portion of the hospital, or the equipment for the purpose of securing or refunding indebtedness incurred in connection with the related hospital or equipment.

4. a. If the lessee is a public trust, the lessee, by a two-thirds (2/3) vote of its board of trustees and with the approval of the board of county commissioners by a two-thirds (2/3) vote, may assign its leasehold interest or sublease the real and personal property comprising or owned by the hospital, a portion of the hospital, or the equipment to an organization authorized to transact business in this state, the principal purpose of which is providing health care services, and which can demonstrate to the board of trustees and to the board of county commissioners its financial and managerial ability to operate property owned by the hospital or a portion of the hospital.

b. If the lessee is other than a public trust, the lessee, by a two-thirds (2/3) vote of the lessee’s governing board and with the approval of the board of county commissioners by a two-thirds (2/3) vote, may

assign its leasehold interest or sublease the real and personal property comprising or owned by the hospital, a portion of the hospital, or the equipment to a public trust or to an organization authorized to transact business in this state, the principal purpose of which is providing health care services and which can demonstrate to the board of county commissioners its financial and managerial ability to operate property owned by the hospital or a portion of the hospital.

D. Any lease, sublease, or assignment of leasehold interests executed prior to the effective date of this act that meets the requirements of this section is hereby declared to be valid. Added by Laws 1919, c. 273, p. 388, § 9, emerg. eff. March 25, 1919. Amended by Laws 1939, p. 221, § 2, eff. July 1, 1939; Laws 1963, c. 72, § 1, emerg. eff. May 21, 1963; Laws 1970, c. 286, § 6, emerg. eff. April 27, 1970; Laws 1982, c. 167, § 1, emerg. eff. April 12, 1982; Laws 1999, c. 7, § 1, eff. July 1, 1999; Laws 2005, c. 60, § 1, eff. Nov. 1, 2005.

§19-790. Repealed by Laws 1963, c. 72, § 6, eff. May 21, 1963.

§19-790.1. Oath - Organization and meetings - Power and duties - Funds established - Facsimile signature machine

A. Upon the appointment of a Board of Control to manage a county hospital, the members of the Board of Control shall within ten (10) days after their appointment qualify by taking an oath in the form required of county officers, and organize the Board of Control by the election of one member as chair, one member as vice-chair, one member as secretary and one member as treasurer; however, the secretary and treasurer may be the same person, and electing or appointing such other officer or officers as the Board may deem necessary, but only the treasurer shall be bonded. The proportional share of the county blanket bond premium for such person shall be paid out of the county hospital fund. Every one (1) year thereafter, at the first meeting of the Board of Control following the appointment or reappointment of board members, a reorganization meeting shall be held and officers selected as hereinbefore stated. Such Board of Control shall hold meetings at least once each month, shall keep a complete record of all its proceedings, and a majority of the Board shall constitute a quorum for the transaction of business. The district attorney, or his or her assistant, shall serve as attorney for the Board of Control without additional compensation; however, the Board may employ other counsel and pay for such service from the general funds of the hospital, provided a majority of the Board shall determine such employment to be in the best interest of the hospital. No member of the Board of Control

shall have a personal pecuniary interest either directly or indirectly in any purchases or contracts for the hospital unless the same are purchased or awarded by competitive bids.

B. The Board of Control shall in management of a county hospital:

1. Have exclusive control, supervision, care and custody of the grounds, property, and buildings purchased, constructed, leased, or set apart for such hospital purposes;

2. Employ a competent administrator as the executive officer of the hospital and fix his or her compensation. The administrator shall be covered by the county blanket bond and the proportional share of the premium shall be paid out of the county hospital fund;

3. Establish the fiscal year of the hospital and, not later than ninety (90) days after close of the fiscal year, file with the county clerk of the county a report of the proceedings with reference to such hospital and a statement of all receipts and expenditures during the preceding fiscal year, and shall adopt a budget, such budget to show the amount necessary to maintain and improve the hospital for the ensuing fiscal year. A complete audit to be required at the end of each fiscal year is to be performed by a licensed accountant;

4. Cause not less than one of its members to visit and inspect the hospital at least once each month. It shall be the duty of the Board of Control to admit, upon recommendation of a physician, without expense to the patient, all county charity patients certified to be such by the Board of Control, in need of medical or surgical treatment; and all other patients admitted to the hospital for treatment shall be charged a just and reasonable price for their medical and surgical treatment while in the custody of the hospital;

5. Adopt a policy of admission of patients for the county hospital;

6. Have authority to authorize the hospital to be a member of and maintain membership in any local, state, or national group association organized and operated for the promotion of the public health and welfare or the advancement of the efficiency of hospital administration and in connection therewith to pay dues and fees therefor from the county hospital fund;

7. Have authority to establish or participate in health related educational programs;

8. Have authority to procure and pay out of the county hospital fund premiums on any and all insurance policies required for the prudent management of the hospital, including, but not limited to, public liability, professional malpractice liability, workers' compensation, vehicle liability, life, health and accident plans, and to make contributions to the Public Employees' Retirement System of the state. The insurance may include as additional insureds the Board of Control and employees of the hospital;

9. Determine when there is a surplus in any of the funds of the hospital and if so determined may invest such surplus in United States Government Bonds or insured securities or in insured time deposits until such time as in the judgment of the Board of Control it is deemed advisable to use such funds for hospital purposes, including, but not limited to, the purchase of equipment, repair, remodeling or new construction of hospital property;

10. Either as a board or through the administrator, use reasonable diligence and efforts to make collections of accounts for hospital services rendered;

11. Have authority to adopt such bylaws, rules and regulations as the Board deems desirable for its own guidance and the administration of the hospital, not inconsistent with the law;

12. Have authority to undertake the management, lease or operation of any other medical facility or institution located outside of the county to provide a benefit to the community or lessen the burden of government and which does not solely provide a benefit by generating administrative fees; and

13. Do all things necessary for the management, control, and government of the hospital and exercise all the rights and duties pertaining to hospital boards generally, unless such rights are specifically denied or prohibited by law.

C. In the operation of a county hospital by the Board of Control the following funds shall be established in connection with a county hospital:

1. The proceeds from the sale of bonds, as provided in Section 784 of this title, shall be deposited in a fund known as the "County Hospital Bond Fund" in the treasury of the county, which shall be paid out by the county treasurer upon the orders of the board of county commissioners from time to time as the same is needed; and

2. The proceeds from the tax levy provided by Section 786 of this title, and funds received by the hospital for services or otherwise not specifically designated to a special fund by the Board of Control shall be deposited in the treasury of the county in the "County Hospital Fund". Current receipts by the hospital, including tuition fees of any school operated by the hospital, shall be deposited in the fund at least every week. The money in the "County Hospital Fund" shall be paid out only upon itemized and acknowledged claims duly approved by the Board of Control or in the procedure prescribed by the Board by warrants drawn by the administrator or such other person as may be designated by the Board of Control, which warrants must be authenticated by the treasurer of the Board of Control or a duly qualified officer of the Board of Control. If a county hospital shall operate a home for nurses, then the current receipts of the home for nurses shall be deposited with the county treasurer in the Home for Nurses Fund.

D. The Board of Control may by resolution establish such other funds as it deems advisable for the efficient and proper management of the hospital, which may or may not be in the county treasury, and prescribe the procedure for the handling, expending, and withdrawal of such funds. All checks to be signed by the administrator or his or her assistant and one member of the Board of Control.

1. If a majority of the Board of Control shall vote in favor of the establishment of a refund account, then the Board shall designate a bank and set up an account. Thereafter, when it becomes necessary to refund monies to a patient for the overpayment of an account, a check shall be drawn on the refund account, and after the check has been signed by the administrator or a designee and one member of the Board of Control, the same shall be delivered to the patient. The account may be replenished as deemed necessary.

After the establishment of the account, the administrator shall certify the list of actual refunds which have been made to patients during the interim since last approval. Upon acceptance by the Board of Control, the certified list of refunds shall be used to support the preparation of a warrant to be drawn on the county treasurer and charged to county hospital fund for the replenishment of the refund account.

2. If a majority of the Board of Control shall vote in favor of the establishment of a salary account, the Board shall then designate a bank covered by F.D.I.C., set up an account and deposit a warrant drawn upon the "County Hospital Fund", not to exceed One Thousand Dollars ($1,000.00) in amount, to open the account, and the necessary resolutions requisite to the establishment of an account shall be performed. Thereafter, as soon as the complete payroll has been prepared, a warrant shall be drawn upon the "County Hospital Fund" for the amount of the payroll and deposited in the salary fund of _____ Hospital. The individual payroll checks shall be signed by the administrator or a designee and one member of the Board of Control.

3. If a majority of the Board of Control shall vote in favor of the establishment of a Nursing Home Operating Account, then a bank account shall be opened in a bank designated as a state or county depository.

Thereafter the Board of Control shall draw a warrant on the county treasurer to be charged to the Nursing Home Fund, the warrant to be in the exact amount of a certified list of current obligations of the nursing home. The list shall be drawn by the administrator and certified by him or her to the Board of Control and shall contain the details of all expenditures to be made for the nursing home for the previous months' operations including salaries.

The proceeds of the warrant shall then be deposited in the Nursing Home Operating Account in the bank above designated. Thereafter the administrator shall prepare individual checks in

payment of the list of current obligations. Provided, however, that the checks shall be signed by the administrator and by one member of the Board of Control.

4. If a majority of the Board of Control shall vote in favor of the establishment of a Petty Cash Account, then a warrant shall be drawn on the county treasurer in an amount not to exceed the sum of One Hundred Dollars ($100.00). The warrant shall be charged by the county treasurer to the Hospital Fund. The proceeds of the warrant shall be used for the payment of small bills for freight, postage due, minor expenses, et cetera, all of a minor amount; and the hospital shall secure proper receipts for the disbursement of the proceeds.

Thereafter, the administrator shall certify the list of petty expenditures and, after approval by the Board of Control, a warrant shall be drawn on the county treasurer, County Hospital Fund, for the replenishment of the petty cash account.

Likewise, and in the same manner, a petty cash account may be established in any nursing home or related institution of the same if operated by the hospital.

5. If a majority of the Board of Control shall vote in favor of the use of a facsimile signature machine in signing checks upon the "County Hospital Fund" or any other fund, a machine shall be utilized to imprint the facsimile signature of the administrator and the treasurer of the Board of Control upon the checks. Proper procedures must be implemented to control the use of the signature machine; such controls to be established by the Board of Control. Any person having a key to operate the machine shall be bonded by the county blanket bond and the company furnishing the machine shall furnish a surety bond in an amount not less than Ten Thousand Dollars ($10,000.00) to protect and indemnify against bogus or forged checks or warrants from being issued from the machine.

E. Any unencumbered balances in any of the funds of the county hospital at the close of the fiscal year shall not lapse, but shall be carried forward to the next fiscal year.

F. The provisions of the Oklahoma Statutes relative to counties or funds of counties, except Section 781 et seq. of this title, shall not be applicable to county hospitals.

Added by Laws 1963, c. 72, § 4, emerg. eff. May 21, 1963. Amended by Laws 1965, c. 287, § 1, emerg. eff. June 24, 1965; Laws 1970, c. 286, § 7, emerg. eff. April 27, 1970; Laws 1975, c. 191, § 1, emerg. eff. May 23, 1975; Laws 1980, c. 180, § 3, emerg. eff. May 13, 1980; Laws 2016, c. 233, § 2.

§19-790a. Application of act.

The provisions of this act shall not apply in cases where the board of county commissioners of any county in this state are now operating a hospital in connection with the Oklahoma home of the

county under the Poor and Indigent Statutes of this state out of county general fund revenues.
Added by Laws 1939, p. 222, § 4.

§19-791. Repealed by Laws 1939, p. 222, § 5.

§19-792. Medical staff - Admissions - Rules and regulations.
If a county hospital is operated by a board of control, it shall be the duty of said board of control to appoint annually at the first meeting in January none other than good, competent, trained, and skilled physicians and surgeons to the medical staff of the hospital, after acceptance by the executive committee of the medical staff. Admission of patients to the hospital shall be only upon recommendation of a member of the medical staff. The medical staff shall organize and adopt rules, regulations, or bylaws for their practice in such county hospital, however, rules, regulations, or bylaws shall not become effective until approved by the board of control and when so approved they shall be signed by each member of the medical staff.
Added by Laws 1919, c. 273, p. 388, § 12. Amended by Laws 1963, c. 72, § 2, emerg. eff. May 21, 1963.

§19-793. Purchase of building - Gifts.
The county commissioners may proceed under the provisions of this act to purchase any building or property already erected, which is suitable for hospital purposes. The county commissioners may also accept property by gift, devise, bequest, or otherwise for the use of such hospital.
Added by Laws 1919, c. 273, p. 389, § 13. Amended by Laws 1963, c. 72, § 3, emerg. eff. May 21, 1963.

§19-794. Audit of financial books and records.
The financial books and records of each county-owned hospital operating under authority of existing law must be audited for the preceding fiscal year, within ninety (90) days of the close of each year, by an independent accountant who is vested with the authority to practice the profession of accounting and auditing as a public accountant in conformity with the laws of the State of Oklahoma. The public accountant performing such a hospital audit must investigate and report upon the manner in which the county hospital is complying with the statutes pertaining to the financial operation of said hospital and upon the manner in which the county hospital is conforming to the books, forms, and accounting methods adopted and approved by the American Hospital Association and the Oklahoma Hospital Association. Four (4) copies of the audit report for each fiscal year must be filed within one hundred twenty (120) days after the end of the fiscal year, one with the board of county

commissioners, one in the office of the county clerk, one with the district attorney, and one with the State Auditor and Inspector, and publication of the existence and location of these audit reports shall be made by publication in a newspaper for two (2) issues in general circulation in the county. The cost of such audits shall be determined by the board of control of such county-owned hospitals by reference to generally accepted practices in the field of certified public accounting, and the payment for such audits shall be made by the allowance of claims by the board of control. In addition to, or in lieu of, the above provided annual audit, it shall be possible upon request of the county commissioners of any county, or upon request of the Governor, signed by five percent (5%) of the legal voters of any county, or by order of the Governor, to cause the State Auditor and Inspector to audit, for the preceding fiscal year, the books and records of the county-owned hospital operating under authority of existing law, and the cost of such audit shall be a proper charge against funds otherwise provided for by law.
Added by Laws 1961, p. 221, § 1, emerg. eff. Aug. 7, 1961. Amended by Laws 1967, c. 290, § 1; Laws 1970, c. 286, § 8, emerg. eff. April 27, 1970; Laws 1979, c. 30, § 83, emerg. eff. April 6, 1979.

§19-795. Penalties.

Any person violating any provision of this act shall be removed from any office that he holds in connection with such county hospital by a court of competent jurisdiction and, in addition thereto, shall be guilty of a misdemeanor.
Added by Laws 1961, p. 221, § 2, emerg. eff. Aug. 7, 1961.

§19-796. Financial assistance programs.

The board of control is authorized to participate in any governmental assistance programs such as grants, loans or other financial assistance programs as may become available.
Added by Laws 1970, c. 286, § 9, emerg. eff. April 27, 1970.

§19-811. Repealed by Laws 1968, c. 138, § 7, eff. Jan. 13, 1969.

§19-812. Renumbered as § 1201 of Title 20 by Laws 1968, c. 138, § 10.

§19-813. Renumbered as § 1202 of Title 20 by Laws 1968, c. 138, § 10.

§19-814. Renumbered as § 1203 of Title 20 by Laws 1968, c. 138, § 10.

§19-815. Renumbered as § 1204 of Title 20 by Laws 1968, c. 138, § 10.

§19-816. Renumbered as § 1205 of Title 20 by Laws 1968, c. 138, § 10.

§19-817. Renumbered as § 1206 of Title 20 by Laws 1968, c. 138, § 10.

§19-818. Renumbered as § 1207 of Title 20 by Laws 1968, c. 138, § 10.

§19-819. Renumbered as § 1208 of Title 20 by Laws 1968, c. 138, § 10.

§19-820. Renumbered as § 1209 of Title 20 by Laws 1968, c. 138, § 10.

§19-821. Renumbered as § 1210 of Title 20 by Laws 1968, c. 138, § 10.

§19-822. Renumbered as § 1211 of Title 20 by Laws 1968, c. 138, § 10.

§19-823. Renumbered as § 1212 of Title 20 by Laws 1968, c. 138, § 10.

§19-824. Renumbered as § 1213 of Title 20 by Laws 1968, c. 138, § 10.

§19-825. Renumbered as § 1214 of Title 20 by Laws 1968, c. 138, § 10.

§19-826. Renumbered as § 1215 of Title 20 by Laws 1968, c. 138, § 10.

§19-827. Renumbered as § 1216 of Title 20 by Laws 1968, c. 138, § 10.

§19-828. Renumbered as § 1217 of Title 20 by Laws 1968, c. 138, § 10.

§19-829. Renumbered as § 1218 of Title 20 by Laws 1968, c. 138, § 10.

§19-830. Renumbered as § 1219 of Title 20 by Laws 1968, c. 138, § 10.

§19-831. Renumbered as § 1220 of Title 20 by Laws 1968, c. 138, § 10.

§19-841. Repealed by Laws 1949, p. 180, § 22.

§19-842. Repealed by Laws 1949, p. 180, § 22.

§19-843. Repealed by Laws 1949, p. 180, § 22.

§19-844. Repealed by Laws 1949, p. 180, § 22.

§19-845. Repealed by Laws 1949, p. 180, § 22.

§19-846. Repealed by Laws 1949, p. 180, § 22.

§19-847. Repealed by Laws 1949, p. 180, § 22.

§19-848. Repealed by Laws 1949, p. 180, § 22.

§19-849. Repealed by Laws 1949, p. 180, § 22.

§19-850. Repealed by Laws 1949, p. 180, § 22.

§19-851. Repealed by Laws 1949, p. 180, § 22.

§19-852. Repealed by Laws 1949, p. 180, § 22.

§19-853. Repealed by Laws 1949, p. 180, § 22.

§19-854.1. Repealed by Laws 1977, c. 256, § 1-106, eff. July 1, 1978.

§19-854.2. Repealed by Laws 1977, c. 256, § 1-106, eff. July 1, 1978.

§19-854.3. Repealed by Laws 1977, c. 256, § 1-106, eff. July 1, 1978.

§19-854.4. Repealed by Laws 1977, c. 256, § 1-106, eff. July 1, 1978.

§19-854.5. Repealed by Laws 1977, c. 256, § 1-106, eff. July 1, 1978.

§19-854.6. Repealed by Laws 1977, c. 256, § 1-106, eff. July 1, 1978.

§19-854.7. Repealed by Laws 1977, c. 256, § 1-106, eff. July 1, 1978.

§19-854.8. Repealed by Laws 1977, c. 256, § 1-106, eff. July 1, 1978.

§19-854.9. Repealed by Laws 1977, c. 256, § 1-106, eff. July 1, 1978.

§19-861.1. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.2. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.3. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.4. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.5. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.6. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.7. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.8. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.9. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.10. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.11. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.12. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.13. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.14. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.15. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.16. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.17. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.18. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.19. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.20. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.21. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.22. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.23. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-861.24. Repealed by Laws 1953, p. 539, § 32 and Laws 1955, p. 181, § 42.

§19-862.1. Repealed by Laws 1955, p. 181, § 42.

§19-862.2. Repealed by Laws 1955, p. 181, § 42.

§19-862.3. Repealed by Laws 1955, p. 181, § 42.

§19-862.4. Repealed by Laws 1955, p. 181, § 42.

§19-862.5. Repealed by Laws 1955, p. 181, § 42.

§19-862.6. Repealed by Laws 1955, p. 181, § 42.

§19-862.7. Repealed by Laws 1955, p. 181, § 42.

§19-862.8. Repealed by Laws 1955, p. 181, § 42.

§19-862.9. Repealed by Laws 1955, p. 181, § 42.

§19-862.10. Repealed by Laws 1955, p. 181, § 42.

§19-862.11. Repealed by Laws 1955, p. 181, § 42.

§19-862.12. Repealed by Laws 1955, p. 181, § 42.

§19-862.13. Repealed by Laws 1955, p. 181, § 42.

§19-862.14. Repealed by Laws 1955, p. 181, § 42.

§19-862.15. Repealed by Laws 1955, p. 181, § 42.

§19-862.16. Repealed by Laws 1955, p. 181, § 42.

§19-862.17. Repealed by Laws 1955, p. 181, § 42.

§19-862.18. Repealed by Laws 1955, p. 181, § 42.

§19-862.19. Repealed by Laws 1955, p. 181, § 42.

§19-862.20. Repealed by Laws 1955, p. 181, § 42.

§19-862.21. Repealed by Laws 1955, p. 181, § 42.

§19-862.22. Repealed by Laws 1955, p. 181, § 42.

§19-862.23. Repealed by Laws 1955, p. 181, § 42.

§19-862.24. Repealed by Laws 1955, p. 181, § 42.

§19-862.25. Repealed by Laws 1955, p. 181, § 42.

§19-862.26. Repealed by Laws 1955, p. 181, § 42.

§19-862.27. Repealed by Laws 1955, p. 181, § 42.

§19-862.28. Repealed by Laws 1955, p. 181, § 42.

§19-862.29. Repealed by Laws 1955, p. 181, § 42.

§19-862.30. Repealed by Laws 1955, p. 181, § 42.

§19-862.31. Repealed by Laws 1955, p. 181, § 42.

§19-863.1. City and county planning and zoning - Cooperative planning commission - Board of adjustment.

For the purpose of cooperating with the State of Oklahoma in conserving the natural resources of the state, and in promoting the health, safety, peace, morals and general welfare of the people of the state, there may be provided in all applicable counties of the state, city and county planning and zoning, in the manner herein provided, and for that purpose there are hereby created in each of such applicable counties a city-county cooperative planning commission and a county board of adjustment with the respective powers and duties as set out in this act.
Added by Laws 1955, p. 164, § 1, emerg. eff. June 3, 1955.

§19-863.2. Counties and cities to which applicable - Metropolitan area planning commission - Contributions.

Any county of the state having within its boundaries more than fifty percent (50%) of the incorporated area of a city having not less than one hundred eighty thousand (180,000) population, according to the last preceding Federal Decennial Census, or any future Federal Decennial Census, is hereby authorized to avail itself of the provisions of this act and to form a cooperative planning commission with such city and may combine its funds with the funds of such city, to be expended for the purposes as herein set forth. The board of county commissioners of any such county in this state may and they are hereby authorized to cooperate with the council of any such city as herein provided, and the funds herein referred to and named may be used in such work. Each county and city forming a cooperative city-county planning commission, as herein provided, shall, by resolution, at the beginning of the fiscal year, or so soon thereafter as may be practicable, agree upon contribution in equal amounts, appropriate funds for the amounts necessary, and combine said funds. The board and council shall contribute the funds appropriated to a common fund periodically as may be agreed upon by the board and council, upon a claim being filed by the commission with the respective board and council. The contribution shall be made by warrant drawn by the appropriate officer, after approval of the claim, payable to the city treasurer or the county treasurer as may be agreed upon by the board and council. Said common fund shall be maintained by either the city treasurer or the county treasurer as may be agreed upon and shall be disbursed upon vouchers drawn by such officer as may be agreed upon by the board and council. Said vouchers shall be registered with the city treasurer or county treasurer, as the case may be, before delivery to the payee and shall be issued only in payment of claims which have been executed in the manner prescribed by law for claims

against the county or the city and after such claims have been approved by the board and council. The officer designated by the board and council to draw vouchers for payment of such claims shall be bonded in an amount as may be required by the board and council but not less than Twenty Thousand Dollars ($20,000.00). The designated officer shall be governed by the same statutory provisions for depository accounts as apply to county officials. Nothing contained herein shall be construed as exempting the contributions of the city and county to this common fund from the application of the general statutes relating to appropriations. The city-county cooperative planning commission shall be designated "metropolitan area planning commission". Such city is hereby empowered to adopt, amend, extend, add to, or carry out a city plan for such city. Such county is hereby empowered to adopt, amend, extend, add to, or carry out a county plan within the unincorporated area of such county, all as provided in this act.
Added by Laws 1955, p. 164, § 2, emerg. eff. June 3, 1955. Amended by Laws 1957, p. 140, § 1; Laws 1959, p. 105, § 1; Laws 1963, c. 179, § 1, emerg. eff. June 10, 1963; Laws 1980, c. 54, § 1, eff. Oct. 1, 1980.

§19-863.3. Discontinuance of existing commission - Establishment of new commission - Procedure.

The board of county commissioners of any such county desiring to avail itself of the provisions of this act, shall at any time, discontinue any existing county planning commission and remove the entire membership thereof and set up a metropolitan area planning commission in the following manner:

(a) By resolution of the board of county commissioners, entered in the commissioners' journal of proceedings, setting forth its intention to avail itself of the provisions of this act and to enter into an agreement with the municipality for the organization of the metropolitan area planning commission herein provided for and upon such terms and conditions as may be agreed upon.

(b) Such resolution shall not become effective until such agreement has been entered into and until the municipality has by proper ordinance provided for the dissolution and discontinuance of its city planning commission.

(c) After such agreement has been entered into a copy thereof, together with a copy of said resolution, shall be served upon the county planning commission by delivering same to the chairman of the respective commissions, whereupon the terms of office of the members of such county and city planning commissions shall expire and the tenure of their respective director and technical staff shall cease.
Added by Laws 1955, p. 165, § 3, emerg. eff. June 3, 1955.

§19-863.4. Definitions.

For the purpose of this act, certain terms are defined as provided in this section. Whenever appropriate, the singular includes the plural and the plural includes the singular. "Municipality" or "municipal" shall mean or relate only to incorporated cities and towns. "Mayor" means the chief executive of the municipality, whether the official designation of his office be mayor, city manager or otherwise. "Council" means the legislative body of the municipality. The term "streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, highways and other ways. "Subdivision" and "zoning" are defined as hereinafter provided. "Board" shall mean the board of county commissioners. "Commission" shall mean the metropolitan area planning commission. "Area" shall mean all territory included within the jurisdiction of the commission.
Added by Laws 1955, p. 165, § 4, emerg. eff. June 3, 1955.

§19-863.5. Commission membership - Appointment and tenure - Compensation - Vacancies—Removal.

The Metropolitan Area Planning Commission shall consist of eleven (11) members, selected as follows: six shall be appointed by the mayor and approved by the city council and three shall be appointed by the board. The mayor of the municipality or a person designated by the mayor as an alternate and the chair of the board or a person designated by the chair of the board as an alternate shall be ex officio members of the Commission and shall be entitled to vote on all matters. Members selected by the mayor other than the alternate of the mayor shall serve for terms of three (3) years, except that the respective terms of the first two members appointed shall be one (1) year, the next two members appointed two (2) years, and the next two members three (3) years. Members selected by the chair of the board other than the alternate of the chair, shall serve for terms of three (3) years, except that the respective term of the members first appointed shall be one, two, and three years. All members of the Commission shall serve as such without compensation, except the commissioners may receive a per diem as set by the local board and council not to exceed Twenty-five Dollars ($25.00) for each meeting attended not to exceed One Hundred Dollars ($100.00) per month, and the appointed members other than the alternates shall hold no other municipal or county office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the official appointing the original holder of said membership.

A member of such Commission, other than an alternate, once qualified, can thereafter be removed during his or her term of office only for cause and after a hearing held before the governing body by which he or she was appointed.

Added by Laws 1955, p. 165, § 5, emerg. eff. June 3, 1955. Amended by Laws 1963, c. 179, § 2, emerg. eff. June 10, 1963; Laws 1977, c. 157, § 1, eff. Oct. 1, 1977; Laws 1990, c. 215, § 5, emerg. eff. May 18, 1990; Laws 1992, c. 47, § 1, emerg. eff. April 8, 1992; Laws 2009, c. 267, § 2, eff. July 1, 2009.

§19-863.6. Chairman - Meetings - Rules - Employees - Fees - Financial assistance.

The commission shall elect its chairman from its appointed members and fill such other offices as it may determine. The term of the chairman shall be one (1) year. The commission shall hold at least one (1) meeting each month and all meetings shall be open to the public. It shall adopt rules for the transaction of business and keep a record of its functions and activities, which record shall be a public record. The commission may appoint such employees as it may deem necessary and may establish a schedule of fees to cover the various services rendered and may also contract with other persons and agencies for such services as it may require, including private legal counsel and private auditing service, within the limits of its appropriations and may incur necessary expenses, all subject to the approval of the appropriate governing bodies. The commission may contract for, receive, and utilize any grants, or other financial assistance, from the United States or from any other source, public or private, in furtherance of its functions, and may incur necessary expenses in obtaining said grants, and/or financial assistance, within the limits of its appropriations; and shall receive and disburse such grants and/or other financial assistance in such manner as may be agreed upon by the board and council. The commission may to the extent authorized by the charter or ordinances of any city or town in the county, act as the planning commission for such city or town or lend planning assistance under such mutual arrangement for the sharing of expenses as may be agreed upon.
Added by Laws 1955, p. 166, § 6, emerg. eff. June 3, 1955. Amended by Laws 1957, p. 141, § 2.

§19-863.7. Master plan - Public hearing.

The commission shall make, adopt, and may publish a master plan of the municipality, and of the unincorporated area of the county, for the purpose of bringing about a coordinated physical development in accordance with the present and future needs of such area. The master plan shall be developed so as to conserve the natural resources of the area, to insure efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity, and general welfare of the people of the area and the state. Such master plan may include, among other things, studies and recommendations relative to the location, character, and the extent of highways, railroads, bus, streetcar and other transportation

routes, bridges, public buildings, schools, parks, parkways, airports, forests, wildlife refuges, dams and projects affecting the conservation of natural resources, and studies and recommendations for an annual budget and long-range financial program for public improvements. The commission may also perform in the area any additional urban planning which is needed, including but not limited to surveys, land use studies, urban renewal plans, technical services, and other planning work. The commission may adopt the master plan in whole or part, and subsequently amend or extend the adopted plan or portions thereof. Before the adoption, amendment, or extension of the plan or portions thereof, the commission shall hold at least one public hearing thereon. Such hearing may be adjourned from time to time. The adoption of the plan or portions thereof shall be by resolution carried by not less than the majority of the full membership of the commission including the ex officio members thereof. Before such master plan or part thereof shall have the status of an official plan, it shall be submitted to and shall have the approval of the council insofar as such plan affects the area within the city limits of the municipality and shall have the approval of the board of county commissioners, insofar as such plan affects the unincorporated area of the county, as the case may be. The council and/or board may approve the plan in whole or in part, or return the plan or any portion thereof to the commission for further consideration. Any part so approved shall immediately become in full force and effect as to the area covered by the approved portion of such plan. Should the council or board fail to act upon such plan within forty-five (45) days from the date of its submission by the commission, such plan shall be deemed to be approved by said council or board. After the adoption of the master plan, or part thereof, an attested copy shall be certified by the commission and by the approving authority and shall be certified to the county clerk of such county for safekeeping and as a public record, and certified to the clerks of such incorporated areas as may be covered or affected by the plan.
Added by Laws 1955, p. 166, § 7, emerg. eff. June 3, 1955. Amended by Laws 1957, p. 141, § 3; Laws 1980, c. 54, § 2, eff. Oct. 1, 1980.

§19-863.8. Approval of plans after adoption of master plan.

From and after the adoption of the master plan or portion thereof and its proper certification, then and henceforth no improvement of a type embraced within the recommendations of the master plan shall be constructed or authorized without first submitting the proposed plans thereof to the commission and receiving the written approval and recommendation of said commission; provided, however, that this requirement shall be deemed to be waived if the commission fails to make its report and recommendations within forty-five (45) days after the receipt of the

proposed plans, and provided further that the disapproval or recommendations of the commission may be overruled by a two-thirds (2/3) vote, properly recorded, of any regularly constituted governmental legislative body, board, or officials sponsoring or acting upon the proposed improvements, after the reasons for such overruling are spread upon its minutes.
Added by Laws 1955, p. 167, § 8, emerg. eff. June 3, 1955.

§19-863.9. Subdivision plats - Rules and regulations.

From and after the adoption of a plan for major streets or highways as a part of the master plan for the physical development of the area and the adoption of the rules and regulations hereinafter in this section provided for, no plat of a subdivision of land within the area shall be received for record in the office of the county clerk until it shall have been approved by the Metropolitan Area Planning Commission or the Commission's staff as provided in the regulations, and such approval endorsed in writing on the plat, and the filing or recording of such plat without such approval shall be without force or effect and shall be void as against public policy. No deed or other instrument of transfer referring to such unapproved plat shall be valid, and if recorded, shall not import notice.

The approval of the Commission or the Commission's staff as provided in the regulations required by this section or the refusal to approve shall take place within thirty (30) days from and after the submission of the plat for final approval; otherwise said plat shall be deemed to have been approved and the certificate of said Commission as to the date of the submission of the plat for approval and as to the failure to take action thereon within such time shall be sufficient in lieu of the written endorsement or evidence of approval herein required. The ground of refusal of any plat submitted, including citation to or reference to the rules or regulations violated by the plat shall be stated upon the record of the Commission.

If the governing body of any city or town in the county protests against a subdivision plat of any land lying within three (3) miles of the limits of the incorporated area of such city or town, the plat shall be approved by not less than a two-thirds (2/3) favorable vote of the entire membership of the Commission with the reasons therefor spread upon its minutes.

Such Commission shall adopt rules and regulations of uniform application governing plats and subdivisions of land falling within its jurisdiction. Such regulations shall be designed to secure and provide for the proper arrangement of streets or other highways in relation to the existing or planned streets or highways or to the master plan or plans of the area; for adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus,

parking lots, parks, playgrounds, light and air; and for the avoidance of congestion of population. The regulations may include provisions authorizing the Commission's staff to approve or deny lot-splits as provided in Section 863.10 of this title, plats and other matters expressly identified in the regulations. Such delegated authority shall be reserved for action in which the Commission or its staff is acting in a ministerial capacity. Said regulations may also include provisions as to the extent to which streets and other highways shall be graded and improved and to which water, sewer, or other utility mains, piping and other facilities shall be installed or assured as a condition precedent to the approval of the plat; the Council and/or the Board are hereby authorized to prepare such specifications and to make such orders, inspections, examinations, and certificates as may be necessary to protect and carry out such regulations and make them effective and to charge fees for services rendered and benefits involved as hereinafter provided or as may be provided by the respective governing bodies. Such rules and regulations shall provide for the modification thereof by the Commission in specific cases where unusual topographical or other exceptional conditions may require the same. Said regulations shall provide for a tentative approval of the plat previous to the installation or assurance of such improvements and facilities, provided that any such tentative approval shall be revocable and shall not be entered on the plat. Such regulations may provide that in lieu of the completion of the construction of the required improvements and facilities prior to the final approval of the plat, the Commission may accept bond in an amount and with surety and conditions satisfactory to them, providing for and securing to the Council and Board the actual construction of such improvement and facilities within a period specified by the Commission, and the Council and Board are hereby granted the power to enforce such bond by legal and equitable remedies. Such rules and regulations shall be adopted, changed, or amended only after a public hearing has been held thereon by the Commission. Such hearing may be adjourned from time to time. The adoption of the rules and regulations or amendments thereto, as above provided, shall be by resolution carried by not less than a majority of the full membership of the Commission. Upon adoption by the Commission, such rules and regulations or amendments thereto shall be certified to the Council, the Board, and to the county clerk of such county for safekeeping and as a public record, and shall be enforced as in this act provided.

For the purpose of this act, a subdivision is defined as any division of land into five or more lots, parcels, tracts, or areas, or any division of land involving the right-of-way or alignment of an existing or proposed street or highway.

Added by Laws 1955, p. 167, § 9, emerg. eff. June 3, 1955. Amended by Laws 2017, c. 119, § 1.

§19-863.10. Transfer or sale of lands.

Whoever, being the owner or agent of the owner of any land within the area, transfers, or sells or agrees to sell, or negotiates to sell any land by reference to or exhibition thereof, or by other use of a plat of a subdivision before such plat has been approved by the Metropolitan Area Planning Commission or the Commission's staff as provided in the regulations adopted pursuant to Section 863.9 of this title and filed of record in the office of the county clerk, or whoever, being the owner or agent of the owner of any parcel of ground, transfers, or sells or agrees to sell, or negotiates to sell any tract of land of five (5) acres or less, or which transfer or sale will result in a remainder tract of land of five (5) acres or less, where such tract or remainder tract was not shown of record in the office of the county clerk as separately owned at the effective date of the regulations hereinafter provided for and not located within a subdivision approved according to law and filed of record in the office of the county clerk, or if so located, not comprising at least one (1) entire lot as recorded, without first obtaining the written approval of the Commission or the Commission's staff as provided in the regulations adopted pursuant to Section 863.9 of this title, by the endorsement on the instrument of transfer, shall be subject to the penalties by this act provided; and such transaction shall be unlawful and the deed or other instrument of transfer shall not be valid; and if recorded, shall not import notice; and the description of such lot or parcel by metes and bounds, in the instrument of transfer or other document used in the process of selling or transferring, shall not exempt the transaction or the parties from such penalties or from the remedies in this act provided.

In the consideration of such transfers, referred to as "lot-splits", the Commission shall apply the same regulations as are applied to subdivisions in order to accomplish the purposes of planning as herein provided.

Added by Laws 1955, p. 168, § 9, emerg. eff. June 3, 1955. Amended by Laws 1992, c. 47, § 2, emerg. eff. April 8, 1992; Laws 2006, c. 27, § 1, eff. Nov. 1, 2006; Laws 2017, c. 119, § 2.

§19-863.11. Building line or set-back regulations - Considerations - Hearings.

Wherever a plan for major highways has been adopted and filed by the commission, the council and board, upon recommendations of the commission, are hereby authorized and empowered to establish, regulate, and limit, and to change and amend, building line or set-back regulations on such major highways, and to prohibit any new

building or set-back lines within the area. In establishing such building lines, the council and board shall take into consideration the present stage of development along such highways, including the type of buildings and nature of their use, as well as their number and location; the present width of such highways and type of construction; the amount of traffic using such highways; and probably future needs to protect safety and provide adequate transportation along such highways in view of the trend of development of residential, commercial, and industrial areas served by such highways.

Regulations authorized by this section shall not be adopted, changed, or amended by the council and board until a public hearing has been held thereon by the commission.

Added by Laws 1955, p. 168, § 11, emerg. eff. June 3, 1955.

§19-863.12. Enforcement of building line and set-back regulations - Appeals - Modification.

After the council and board shall have established building or set-back lines on such major highways, no new building or structure shall be erected within such building or set-back lines in the area and no permit for such building shall be issued by the city building inspector as respects the territory over which the municipality shall have enforcement jurisdiction or by the county engineer, hereby designated to administer and enforce building line and set-back regulations for the county, as respects the territory over which the county shall have enforcement jurisdiction. The city board of adjustment, as respects the territory over which the county shall have enforcement jurisdiction, shall hear appeals of any property owner aggrieved by such building line and set-back regulations in specific cases, in order than unwarranted hardship, which constitutes an unreasonable deprivation of uses as distinguished from a mere grant of privilege, may be avoided, the intended purpose of the regulations strictly observed, and the public welfare and public safety protected.

Added by Laws 1955, p. 169, § 12, emerg. eff. June 3, 1955.

§19-863.13. Zoning powers - Structures and equipment exempt.

For the purposes of promoting the public health, safety, peace, morals, comfort, convenience, prosperity, order, quality of life, and general welfare, and to lessen danger and congestion of public transportation and travel, and to secure safety from fire and other dangers, and to prevent overcrowding of land, and to avoid undue concentration of population, and to provide adequate police protection, transportation, water, sewerage, schools, parks, forests, recreational facilities, military and naval facilities, and other public requirements, and to prevent undue encroachment thereon, the council, as respects the municipality and the board of

any such county, as respects the unincorporated areas of the county, are hereby empowered in accordance with the conditions and procedure specified in this act, in the areas, respectively, to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot or area which may be occupied, the size of yards, courts and other open spaces, the density and distribution of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, civic and public activities and other purposes.

The zoning power hereby conferred shall not apply to the erection, installation, and use of structures and equipment, by public service corporations subject to the jurisdiction and regulation of the Oklahoma Corporation Commission, or other similar state or federal regulatory bodies; nor to the erection or use of the usual farm buildings for agricultural purposes or the planning of agricultural crops.

Added by Laws 1955, p. 169, § 13, emerg. eff. June 3, 1955. Amended by Laws 1980, c. 54, § 3, eff. Oct. 1, 1980; Laws 1999, c. 220, § 4, eff. Nov. 1, 1999.

§19-863.13A. Board of county commissioners may establish fines and penalties.

A. A board of county commissioners may provide for enforcement of its regulations and establish fines, penalties or other remedies for any offense in violation of its regulations, which shall be recoverable together with costs of suit.

B. 1. In addition to other powers and duties prescribed by law, a board of county commissioners shall have the power to establish and enforce fines and penalties for violation of its zoning, subdivision, storm water and floodplain regulations, including the issuance of citations by designated county personnel for violations of its zoning, subdivision, storm water and floodplain regulations. A board of county commissioners may additionally establish that any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction may be assessed a fine or penalty for each ensuing day during which such failure or violation continues.

2. In issuing a citation pursuant to this subsection, the county employee shall proceed as follows:

a. the employee shall prepare a written citation to appear in court, containing the name and address of the cited person and the violation/offense charged, and stating when the person shall appear in district court. The time to appear specified in the citation shall be at least five (5) days after the issuance of the citation,

b. one copy of the citation to appear shall be delivered to the person cited, and such person shall sign a duplicate written citation which shall be retained by the county employee, and

c. as soon as practicable, one copy of the citation shall be filed with the district court specified therein and one copy delivered to the prosecuting attorney.

3. If a person fails to appear in district court at the designated time, a warrant for arrest shall be issued.

4. Violations and penalties shall be deemed misdemeanor offenses, punishable by a fine of up to Five Hundred Dollars ($500.00). Jurisdiction is hereby conferred upon the district court within the county.

5. Fines and penalties collected pursuant to this subsection shall be deposited in the appropriate county fund.

6. Issuance of citations and/or payment of fines or penalties shall in no way preclude other remedies or appropriate action or proceedings to prevent or remove a violation.

Added by Laws 2009, c. 271, § 1.

§19-863.14. Division into districts or zones.

Whenever the commission of such county shall make and certify to the board of county commissioners of such county a zoning plan, including both the full text of the zoning resolution and proposed regulations and map or maps, representing the recommendations of the commission for the regulation by districts or zones, of the location, height, bulk, number of stories and size of buildings and other structures in the areas of the county, not included within the territorial jurisdiction of the municipality as herein defined, and the percentage of the lot or area which may be occupied, the size of yards, courts and other open spaces, the density and distribution of population, the uses of buildings, structures and land for trade, industry, residence, recreation, civic and public activities and other purposes, then the board may exercise the powers granted and, for the purposes mentioned in Section 13 of this act, may divide the areas of such county not included within the territorial jurisdiction of the municipality into districts or zones in such number, shape and areas as it may determine and, for said purposes, may regulate the erection, construction, reconstruction, conversion, alteration and uses of buildings and structures and the uses of land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

Added by Laws 1955, p. 169, § 14, emerg. eff. June 3, 1955.

§19-863.15. Recommendations by commission.

Prior to the adoption of any zoning regulations the board, as it affects its jurisdiction, shall request the commission to recommend the boundaries of the various districts and appropriate regulations to be enforced therein. The commission shall make a preliminary report of its recommendations for such zoning regulations and shall hold public hearing thereon, and such additional public hearings as it shall deem advisable. Such hearings may be adjourned from time to time. Within ninety (90) days after the final adjournment of such hearings the commission shall make its final report to the boards, together with a summary of the results of the public hearings, its proposed zoning regulations, map or maps, and suggested resolution. The board may then adopt the proposed regulations or refer them back to the commission for further consideration.
Added by Laws 1955, p. 170, § 15, emerg. eff. June 3, 1955.

§19-863.16. Existing nonconforming uses.

The lawful use of a building, structure or premises as such existed at the time of the adoption and recording of any regulation affecting it, may be continued, although such use does not conform with the provisions of such regulation. The board, as it affects its jurisdiction, may provide for the termination of nonconforming uses either by specifying the period or periods within which they shall be required to cease, or by providing a formula or formulas whereby the compulsory termination of nonconforming use shall be so fixed as to allow a reasonable period for the recovery of amortization of the investment in the nonconformance, provided, that in each instance any such action of the board shall be taken only after public notice and hearing thereon has been had before the commission and that commission's recommendations with respect thereto certified to the board.
Added by Laws 1955, p. 170, § 16, emerg. eff. June 3, 1955.

§19-863.17. Amendment or repeal of regulations - Hearing and notice.

The zoning regulations imposed and the districts created under authority of this act may be amended, supplemented, changed, modified or repealed from time to time by resolution of the board as it affects its jurisdiction, but no such change shall be made without public notice and hearing and the filing of a report and recommendations upon such proposed change by the commission. In case of written protest against any proposed change, signed by the owners of twenty percent (20%) or more of the area of land in such proposed change, or by the owners of twenty percent (20%) or more of the frontage within one thousand feet (1000') to the right or left of the frontage proposed to be changed, or by the owners of twenty percent (20%) or more of the frontage directly opposite the frontage

proposed to be changed, or in cases where the land affected lies within one and one-half (1 1/2) miles of the limits of a municipality having a zoning ordinance, by the governing body of such municipality filed with the commission, such amendment or change may not be made except by the unanimous favorable vote of all members of the board.

All projects or matters that fall within the purview of the duties of the commission, as specified in this section shall be referred to the commission for investigation and report before any final action shall be taken thereon; provided, however, that if said commission fails to make an investigation and report on any matter or subject referred to it for a period of thirty (30) days, such failure shall be considered a refusal to approve the proposed plan or project and the board shall be under no obligation to wait longer for reports or recommendations concerning said projects.
Added by Laws 1955, p. 170, § 17, emerg. eff. June 3, 1955.

§19-863.18. Permits - Enforcement of regulations.

After the adoption of such zoning regulations or building line regulations by the board and/or the council, no building or other structures shall be erected, constructed, enlarged or altered, or repaired in such manner as to prolong the life of the building, nor shall the use of any land be changed without a permit issued by the county inspector as to territory falling within the jurisdiction of the county and of the building inspector of the municipality as to territory falling within the jurisdiction of the municipality. The county inspector shall have the duty of administering the rules and regulations under this act applicable to the unincorporated area of the county, and shall make such inspections and investigations as may be necessary to the proper enforcement of such rules and regulations. The building inspector and the engineer of the municipality shall have the duty of administering the rules and regulations under this act applicable to the jurisdiction of the municipality and shall make such inspections and investigations as may be necessary to the proper enforcement of such rules and regulations, except that in the matter of construction, surfacing and maintenance of streets, roads, and highways in the entire unincorporated area of the county, the board may prescribe rules and regulations and prescribe standards and the county engineer shall have the duty of administering such rules and regulations and shall make such inspections and investigations as may be necessary to the proper enforcement of such rules and regulations.
Added by Laws 1955, p. 171, § 18, emerg. eff. June 3, 1955. Amended by Laws 1980, c. 54, § 4, eff. Oct. 1, 1980.

§19-863.19. Repealed by Laws 1980, c. 54, § 8, eff. Oct. 1, 1980.

§19-863.19A. Extraterritorial application of zoning powers.

When any city owns unannexed land contiguous to their city limits and such land is annexed by another city not owning the land, the zoning ordinance of the city owning the land shall govern over such land.

Added by Laws 1980, c. 54, § 7, eff. Oct. 1, 1980.

§19-863.20. County board of adjustment.

The board of county commissioners of any such county shall appoint a county board of adjustment composed of five (5) members, residents of such county, two of whom shall reside outside the corporate limits of the county seat town, for terms of three (3) years, except that when the first appointment is made hereunder, the terms of two members shall be one (1) year, the terms of two members shall be two (2) years, and the term of office of one of said members shall be three (3) years. A member of such county board of adjustment, once qualified, can thereafter be removed during his term of office only for cause and after a hearing held before the board of county commissioners. In the event of the death, resignation or removal of any such member before the expiration of his term, a successor shall be appointed by the board of county commissioners to serve his unexpired term. All members of the county board of adjustment shall serve as such without compensation except these members may receive a per diem as set by the local board of Twenty-five Dollars ($25.00) for each meeting attended not to exceed Fifty Dollars ($50.00) per month.

The county board of adjustment shall elect its own chairman and shall adopt rules of procedure consistent with the provisions of this act. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Three members of the county board of adjustment shall constitute a quorum. All meetings of the county board of adjustment shall be open to the public and a public record shall be kept of all proceedings.

The county board of adjustment may, with the approval of the board of county commissioners, appoint such employees as may be necessary and may incur necessary expenses, and the board of county commissioners is authorized to make appropriations therefor.

For each petition and for each request for a public hearing, the county board of adjustment shall collect a fee of Twenty-five Dollars ($25.00), which fees shall be deposited with the county treasurer as required by law, and credited to the general fund of the county, and report thereof made to the board of county commissioners each month. This is a maximum fee and may be reduced by action of the board of county commissioners. Publication notices and transcripts on appeal shall be paid for by parties requiring or requesting the same.

Added by Laws 1955, p. 171, § 20, emerg. eff. June 3, 1955. Amended by Laws 1963, c. 142, § 1, emerg. eff. June 4, 1963; Laws 1977, c. 157, § 2, eff. Oct. 1, 1977; Laws 1978, c. 167, § 1, eff. July 1, 1978; Laws 1992, c. 47, § 3, emerg. eff. April 8, 1992.

§19-863.21. Appeals to board - Powers and duties.

Appeals to the county board of adjustment may be taken by any person aggrieved or by a public officer, department, board or bureau affected by any decision of the county engineer in administering the county zoning regulations or building line and set-back regulations. Such appeals shall be taken within a period of not more than three (3) months, by filing written notice with the county board of adjustment and the county engineer, stating the grounds thereof. An appeal from the county board of adjustment shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken shall certify to the board of adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. The county board of adjustment shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the county engineer in the enforcement of the county zoning regulations.

2. To hear and decide requests for map interpretations or decisions on other special questions upon which it is authorized to pass by the regulations adopted by the board.

3. Where, by reason of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this act would result in peculiar and exceptional difficulties to, or exceptional and demonstrable undue hardship upon, the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such demonstrable difficulties or hardships, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

In exercising the above powers, such board of adjustment may, in conformity with the provisions of this act, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

In acting upon any appeal, such board of adjustment shall, in its consideration of and decision thereon, apply the principles,

standards and objectives set forth and contained in all applicable regulations, ordinances and resolutions and in the master plan.
Added by Laws 1955, p. 172, § 21, emerg. eff. June 3, 1955.

§19-863.22. Judicial review in district court.

A judicial review in the district court may be had of any ruling, regulation, interpretation, order, requirement, refusal, permit, approval, or decision made under the terms of this act, when such action is alleged to be arbitrary, unreasonable or capricious, and that by reason thereof such action has worked or, if enforced, will work an unnecessary hardship on or create substantial harm or loss to the complaining party.
Added by Laws 1955, p. 172, § 22, emerg. eff. June 3, 1955. Amended by Laws 1959, p. 106, § 1.

§19-863.23. Appeals to district court from acts of the commission.

Any person claiming to be aggrieved by any act of the commission in administering this act, or any regulations promulgated pursuant thereto, may as to any matter concerning plats, subdivisions and lot-splits, both as to land situated in the corporate limits of the municipality and as to land situated in the unincorporated area of the county, appeal directly to the district court of the county and the district courts of said counties are hereby expressly vested with jurisdiction to hear and determine said appeals. On appeal, said matter shall be tried de novo. Such appeal shall be taken by the parties claiming to be aggrieved by filing with the secretary of the metropolitan area planning commission within ten (10) days after the action appealed from, a notice of appeal which shall state the grounds of such appeal. No bond or deposits for costs shall be required for such appeal. Upon the filing of the notice of appeal, it shall be the duty of the commission to transmit to the court clerk of the county, the original or certified copies of all the papers constituting the record in the case, together with the order, decision or ruling appealed from. An appeal shall lie from the action of the district court as in all other proceedings.

An appeal to the district court from the commission stays all proceedings in furtherance of the action appealed from unless the chairman of the commission certifies to the court clerk after the notice of appeal shall have been filed that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the district court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of the order, decision or ruling appealed from, and upon notice to the commission, and upon due cause being shown, the court

may reverse or affirm, wholly or partly, or modify the decision brought up for review.

Costs shall not be allowed against the commission unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

All issues in any proceedings under this section shall have the same preferences over all other civil actions and proceedings as is provided for appeals from boards of adjustment by Section 44-110 of this title.

There shall be no right of appeal from any act of the commission in its advisory capacity to the council and board or from any of its acts which are subject to review, repeal or modification by said governing bodies.

Added by Laws 1955, p. 173, § 23, emerg. eff. June 3, 1955. Amended by Laws 1980, c. 54, § 5, eff. Oct. 1, 1980.

§19-863.24. Zoning regulations to govern.

Whenever the zoning regulations made under authority of this act require a greater width of size of yards, courts, or other open spaces or require a lower height of building or a less number of stories or require a greater percentage of lot to be left unoccupied or require a lower density of population, or require a more restricted use of land, or impose other higher standards than are required in any other statute, local order or regulation, private deed restrictions or private covenants, the regulations made under the authority of this act shall govern.

Added by Laws 1955, p. 173, § 24, emerg. eff. June 3, 1955.

§19-863.25. Fees - Farm homes and buildings exempt - Schedules.

For each tentative plat the commission may collect a fee of Ten Dollars ($10.00), and for each final plat a fee of Ten Dollars ($10.00), or a fee of fifty cents ($0.50) per lot, plus Five Dollars ($5.00), whichever is larger, and for each "lot-split" the commission may collect a fee of Two Dollars ($2.00). For each request for public hearing before the commission, the commission shall collect a fee of Twenty-five Dollars ($25.00), except no fee shall be required of municipalities. For each appeal to either the county board of adjustment, or the city board of adjustment, the commission shall collect a fee of Ten Dollars ($10.00).

The Legislature declares the foregoing fees to be reasonable and proportionate to the services rendered and the benefits involved. These are maximum fees and may be reduced by action of the respective governing bodies. No fees or permits shall be required for the construction of any farm home or any other farm building. The foregoing fees shall be divided as may be agreed upon by the governing bodies and each month paid into the respective general funds of the city and county pursuant to financial report furnished

to the governing bodies. Publication notices and transcripts on appeal shall be paid for by parties requiring or requesting the same.

Council and board may each establish a schedule of fees for inspections and investigations as respects the territory within their respective enforcement jurisdictions, which said fees shall be reasonable and proportionate to the services rendered and benefits involved and shall be paid into the respective general funds of the city and county.

Added by Laws 1955, p. 173, § 25, emerg. eff. June 3, 1955. Amended by Laws 1965, c. 350, § 6, emerg. eff. June 28, 1965.

§19-863.26. Notice of public hearings.

A. Notice of all public hearings herein provided for shall be given by one publication in a newspaper of general circulation in the county at least fifteen (15) days prior to the date of such hearing.

B. In addition to the notice required in subsection A of this section, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the zoning change shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter (1/4) of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice.

For purposes of this subsection, "entity" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

Added by Laws 1955, p. 174, § 26, emerg. eff. June 3, 1955. Amended by Laws 2009, c. 226, § 3, eff. Nov. 1, 2009.

§19-863.27. Validation of existing plans, ordinances, etc.

All existing plans, regulations, resolutions, ordinances, and codes and all amendments, supplements, and changes thereof adopted under prior existing planning acts, and all actions taken under the authority thereof, are hereby validated and continued in effect until amended, revised, or repealed by appropriate official action taken under authority of this act. Any master plan heretofore filed of record in the office of the county clerk of said county by either of the presently existing city or county planning commissions may by resolution of the commission be withdrawn from record and the

recording of such resolution of withdrawal in the office of the county clerk shall be authority for the exclusion from abstracts of title such plan so withdrawn.
Added by Laws 1955, p. 174, § 27, emerg. eff. June 3, 1955. Amended by Laws 1963, c. 179, § 3, emerg. eff. June 10, 1963.

§19-863.28. Violations and penalties.

A violation of this act or of any order or regulation adopted under authority of this act shall be deemed a misdemeanor and shall be punishable by fine or by imprisonment or both, as now provided by law for misdemeanors, and jurisdiction is hereby conferred upon any municipal, criminal, or police court in the municipality, over offenses occurring within the five-mile area surrounding the municipality, which jurisdiction shall be concurrent with that of any other court having jurisdiction thereof. The proper authorities or any person, the value or use of whose property is or may be affected by such violation, in addition to the other remedies, may also institute any appropriate action or proceedings to prevent or remove such violation.
Added by Laws 1955, p. 174, § 28, emerg. eff. June 3, 1955.

§19-863.29. Exclusive control by commission - Transfer of records, etc.

From and after the time such commission is constituted by the cooperating governmental units, it shall have exclusive control for the purposes herein provided over the territory within such city and the unincorporated areas of the county to the exclusion of any other planning and zoning agency, excepting therefrom any city or county boards of adjustment. The now existing city and county planning commissions shall transfer to this commission upon its activation all records, resolutions, maps, charts, plats and other descriptive matter which said city or county planning commissions shall have in their possession.
Added by Laws 1955, p. 174, § 29, emerg. eff. June 3, 1955.

§19-863.30. County electrical code - Definitions.

For the purpose of that portion of this act relating to a county electrical code in any affected county the following words shall have the following meanings:

a. Joint electrical examining and appeal board shall be held to mean the joint city-county electrical examining and appeal board hereinafter referred to.

b. "Electrical inspector" shall be held to mean and include the electrical inspector of any county within the terms of this act, or any of his duly authorized assistants.

c. "Class A electrical contractor" shall be held to mean any person, firm or corporation engaged in the business of wiring,

rewiring, installing, repairing or altering any electrical wiring, or installing or repairing any apparatus or electrical appliances in any city or county within the terms of this act, and shall not include persons, firms or corporations engaged in the business of selling or offering for sale to the public, electrical materials, apparatus and electrical appliances that are not installed by such persons, firm or corporation.

d. "Class B electrical contractor" shall be held to mean any person, firm or corporation engaged in the business of wiring, rewiring, installing, repairing or altering any electrical wiring or installing or repairing any apparatus or electrical appliances in any single-family residence building within any city or county within the terms of this act.

e. "Class A journeyman electrician" shall be held to mean any person actually engaged in the work of wiring, or installing or repairing any electrical apparatus or electrical appliances in any city or county within the terms of this act.

f. "Class B journeyman electrician" shall be held to mean any person actually engaged in the wiring or installing or repairing of any electrical apparatus or electrical appliances within any building constructed for, and designated to be used as, a single-family residence in any city or county within the terms of this act.

g. "Maintenance serviceman" shall be held to mean any person engaged only in the work of operating the electrical installations in any building or buildings or factory and/or the maintenance of such electrical equipment in a state of good repair.

h. "Electrical appliance repairman" shall be held to mean any person engaged only in the business of work of repairing electrical appliances.

i. "Electrical sign contractor" shall be held to mean any person, firm or corporation engaged in the business of manufacturing, assembling, wiring, rewiring, installing, erecting, repairing or altering interior or exterior electric signs, who does not himself perform any of the actual work aforementioned.
Added by Laws 1955, p. 174, § 30, emerg. eff. June 3, 1955.

§19-863.31. Electrical and elevator construction contractors - Examination and renewal fees.

The fee for the examination and initial certificate shall be Twenty Dollars ($20.00) for a Class A or B electrical contractor or elevator construction contractor and Ten Dollars ($10.00) for each of the following: a Class A or B journeyman electrician, a maintenance serviceman, an electrical appliance repairman, or a journeyman electrical sign man, which amount shall be paid to the joint electrical examining and appeal board. Such fee shall be paid before any applicant shall be permitted to take such examination.

Provided that such certificates once issued shall be subject to renewal on an annual basis upon payment of the renewal fee to said joint board in the amount of Ten Dollars ($10.00) for a Class A or Class B electrical contractor or elevator construction contractor and Five Dollars ($5.00) for each of the following: Class A or Class B journeyman electrician, maintenance serviceman, electrical appliances repairman or journeyman electrical sign man. Such fee shall be paid before the renewal certificates shall be issued.

Provided that the provisions of this section requiring payment of fees provided herein, shall not apply to any person, firm or corporation engaged in the business of manufacturing, assembling, wiring, rewiring, installing, erecting, repairing, or altering interior or exterior electric signs, where such person does not himself perform any of the work aforementioned.

Added by Laws 1955, p. 175, § 31, emerg. eff. June 3, 1955.

§19-863.32. Joint city-county electrical examining and appeal board.

Joint examining and appeal board.

a. Creation. The board of county commissioners of any such county together with the council of any such city may, by written agreement, adopted by said board of county commissioners and council of said city create a joint city-county electrical examining and appeal board. Such board to be composed of two (2) members appointed by the board of county commissioners and two (2) members appointed by the council of said city and one (1) member by the four (4) members so chosen, provided that said fifth member shall be a registered electrical engineer and a member of the American Institute of Electrical Engineers. Such members shall be appointed for a term of one (1) year and until their successors are appointed and qualified. The members of said board shall be persons proficient in all phases of electrical work, who shall have had at least ten (10) years practical experience in electrical work, either as contractor or journeyman and the members appointed by the council of said city shall be of those persons licensed and qualified under the ordinances of said city.

b. Powers and duties. It shall be the duty and within the authority of said board to perform any or all of the following acts:

(1) To give written examinations to persons desiring to obtain a license or certificate of qualification to engage in or work at the trade of the electrical business as the same is herein defined within said city and county.

(2) To hear appeals on technical disputes arising between the inspectors of the city or county and electrical contractors or home owners as to the interpretation and effect of the electrical code as hereinafter established.

(3) To prepare and issue interpretative opinions relative to the technical aspects of the electrical code, but to perform this function only in the event some real dispute has arisen between interested parties.

(4) To act as a permanent code committee and to investigate and suggest to the proper legislative authority such changes in the electrical code as may from time to time be desirable.

(5) To formulate its own rules and regulations pertaining to procedure within the limits as set forth in this act, provided that in no event shall examinations of persons desiring to obtain an electrical license be other than written.

(6) To hire necessary clerical personnel, to pay expenses and purchase necessary supplies to insure a proper functioning of the board. The foregoing expenditures to be subject to the approval of the board of county commissioners and the council of said city.

The expenses of operation of such board shall be shared by the city and county on an equal basis provided that each member shall be paid for attendance at board meetings in an amount to be set by the council and board of county commissioners subject however to the limitation that there shall be no more than two (2) paid meetings each month.

c. Appeals. Any ruling, requirements, decision or interpretation of the board shall be final and binding upon all parties thereto unless appealed to the district court of competent jurisdiction within fifteen (15) days in the manner and form now provided by statute for appeals generally. Provided, further, that any party feeling himself aggrieved by the action of the board shall serve written notice upon said board or any member thereof of his intention to appeal to the district court within fifteen (15) days from the action complained of.

Added by Laws 1955, p. 175, § 32, emerg. eff. June 3, 1955.

§19-863.33. Examinations - Certificates - Issuance without examination.

No person shall be issued a certificate as a Class A or Class B electrical contractor, elevator construction contractor, Class A or Class B journeyman electrician, maintenance service or electrical appliance repairman until he has passed an examination by the joint electrical examining and appeal board except as herein provided. Said board shall within ten (10) days after their appointment, meet, and shall then designate the time and places for examination of all applicants desiring to secure certificate. All examinations shall be written. Said board shall examine applicants for a Class A electrical contractor or Class A journeyman electrician as to his practical knowledge of electrical wiring, the installation of same, the installation of electrical appliances or fixtures, the installation of electrical elevators, the principles of armature

winding, the operation and control of electrical systems. An applicant for a Class B electrical contractor's certificate or Class B electrical journeyman's certificate shall be examined as to his practical knowledge of that type of wiring permitted to be used by this ordinance in single-family residences and the installation of same, the installation of the usual household-type electrical appliances and the operation and control of residence-type electrical systems. An applicant for a maintenance serviceman's certificate shall be examined as to his practical knowledge of the operation of electrical installations in buildings and the maintenance and repair of such installations. An applicant for an electrical appliance repairman's certificate shall be examined only to his practical knowledge of repairing electrical appliances. If the board is satisfied as to the competency of such applicant, it shall issue a certificate to such applicant authorizing him to engage only in such electrical work as is described in said certificate and as is defined in this code, upon compliance with the conditions of any other section herein relating thereto.

All certificates shall be signed by the chairman of said board and attested by the secretary thereof, and shall show the date of passage of such examination, or if issued without examination as herein provided, the reason thereof or the name of the person, the class of work authorized and such certificate shall be issued only for the year in which it is dated, and shall expire on December 31st of the year for which issued. Said certificates shall be numbered consecutively, and the examining board and the electrical inspector shall keep a record of all such certificates issued.

Provided that the provisions of this section requiring the taking of an examination to be given by the joint electrical examining and appeal board and the issuance of a certificate of qualification shall not apply to any person, firm, or corporation engaged in the business of manufacturing, assembling, wiring, rewiring, installing, erecting, repairing, or altering interior or exterior electric signs, where such person does not himself perform any of the work aforementioned.

Any certificate of competency heretofore issued by any city having a population of one hundred and eighty thousand (180,000) to two hundred and forty thousand (240,000) according to the last Federal Decennial Census, shall be recognized by the joint electrical examining and appeal board for the balance of the period covered by said certificate and shall be subject to renewal upon payment of the fee theretofore without further examination by said board.

Any person who has been engaged in the work as a Class A or Class B journeyman electrician, maintenance serviceman, electrical appliance man, or the work and business of a Class A or Class B electrical contractor as such classifications are defined herein

within any county, subject to the provisions of this act for a period of at least five (5) years immediately preceding the passage of this act, shall upon proof of such work be issued a certificate of competency by the joint electrical examining and appeal board without examination and upon such person's payment of all fees as provided herein and provided further the application therefore is made within sixty (60) days after the creation of the joint electrical examining and appeal board. The latter named group to be granted such certificates of competency without regard to whether they have ever been licensed in any municipality or not.
Added by Laws 1955, p. 176, § 33, emerg. eff. June 3, 1955.

§19-863.34. Apprentices.

Nothing herein contained shall be construed to prevent the employment of apprentices to perform any of the work herein defined provided said apprentice performs said work under the direct supervision of a licensed electrical contractor or journeyman. No license, examination or fees shall be required of such apprentices.
Added by Laws 1955, p. 177, § 34, emerg. eff. June 3, 1955.

§19-863.35. Classes of licenses - Fees.

The following classes of licenses are hereby established for the city and county as herein defined and the annual fee therefor shall be as follows:

a. Class A electrical contractor, which shall authorize the holder to do a general electrical contracting business covering all features of the electrical industry as permitted by this ordinance, license fee One Hundred Dollars ($100.00) per year.

b. Class B electrical contractor, which shall authorize the holder to do a general electrical contracting business restricted, however, to electrical work in, on or upon single-family residences, license fee One Hundred Dollars ($100.00) per year.

c. Elevator construction, which shall authorize the holder to install and equip all types of electrical elevators with electrical wiring and other equipment, and maintenance, license fee One Hundred Dollars ($100.00) per year.

d. Armature shops, which authorize the holder to wind, repair and replace any electrical armature device or motor, license fee Fifty Dollars ($50.00) per year.

e. Electrical sign contractors which shall authorize the holder to engage in the business of manufacturing, assembling, wiring, rewiring, installing, erecting, repairing or altering interior or exterior electric signs, where such person does not himself perform any of the work aforementioned, license fee Fifty Dollars ($50.00) per year.

Provided that this section wherein the holding of a certificate of qualification provided in this act is made a condition precedent

to the issuance and to the continued validity of the license aforementioned, shall not apply to any person, firm, or corporation engaged in the business of manufacturing, assembling, wiring, rewiring, installing, erecting, repairing or altering interior or exterior electric signs, where such person does not himself perform any of the work aforementioned.
Added by Laws 1955, p. 177, § 35, emerg. eff. June 3, 1955.

§19-863.36. Bonds.

Any person desiring an electrical license of any kind as above provided, shall make and file with the State of Oklahoma Electrical Administrative Board, or the city auditor of the affected city or with the county clerk of the county as herein defined, a good and sufficient bond executed by a surety company authorized to transact business in the State of Oklahoma and engaging himself thereon in the amount set forth, to-wit:

a. Class A electrical contractor, the amount of the bond shall be One Thousand Dollars ($1,000.00)

b. Class B electrical contractor, the amount of the bond shall be One Thousand Dollars ($1,000.00)

c. Elevator construction, the amount of the bond shall be One Thousand Dollars ($1,000.00)

d. Armature shops, the amount of the bond shall be One Thousand Dollars ($1,000.00)

e. Electrical sign contractor, the amount of the bond shall be Five Thousand Dollars ($5,000.00)

f. Electrical appliance repair, the amount of the bond shall be One Thousand Dollars ($1,000.00)

Said bond shall guarantee the performance on the part of the principal of all work in strict accord with the requirements of this act and the electrical code of the city as herein defined, the payment of fee or other charges due to either the city or county, the replacing of all faulty or defective materials or workmanship installed by principal, or by some person for or on behalf of said principal, when notified to do so by the electrical inspector of said city or county and said bond shall be further conditioned that, in the event the principal does not perform and discharge all duties and obligations resting upon him, he shall be liable in the first instance and suit may be brought directly upon said bond jointly and/or severally with said surety company by any person injured or damaged as a result of such principal's failure to comply with the provisions and requirements of the ordinance relating to such work.
Added by Laws 1955, p. 178, § 35, emerg. eff. June 3, 1955.

§19-863.37. Necessity for license - Applications - Contents - Violations.

No person, firm or corporation shall engage in the business of wiring, rewiring, installing, repairing or altering any electrical wiring, or installing or repairing any electrical apparatus, appliances or fixtures of any kind or description, as an electrical contractor within the limits of any city or county within the provisions of this act without securing from the joint electrical examining and appeal board herein created, a license. Said applicant shall file with the electrical inspector, an application showing the name of the person, firm or corporation in whose name it is desired that the license be issued, the kind of license applied for, the name of the certificate holder, the number and date of such certificate, and such further and other information as may be required by the electrical inspector. Said application shall be signed by the applicant, or a member of the firm, or an authorized officer of the corporation making the application and shall also be signed by the holder of the certificate and shall be attached to the application. The electrical inspector, if said application is correct, shall approve said application and retain for his file, the certificate of the joint electrical examining and appeal board, upon furnishing the applicant with a proper receipt therefor; if such certificate is withdrawn by the owner thereof, said license shall become inoperative and no further permits shall be issued by the electrical inspector under such license. Such license may be reinstated and rendered operative by the filing with the electrical inspector, of another proper certificate of the joint electrical examining and appeal board.

Violation of any of the provisions of this act shall constitute a misdemeanor and shall be punished as provided by a maximum fine of One Hundred Dollars ($100.00) upon conviction thereof. The electrical inspector shall be entitled to bring any action at law or equity to restrain the threatened or continued violation of any of the provisions of that portion of this act relating to electrical codes.

Added by Laws 1955, p. 178, § 36, emerg. eff. June 3, 1955.

§19-863.38. Electrical inspector - Deputies - Duties - Fees.

There is hereby created the office of "electrical inspector" of the county as defined herein. Such electrical inspector shall be a person familiar with all types of electrical installations and methods and shall be familiar with the electrical code of any affected municipality. Such inspector shall be appointed by the board of county commissioners of the affected county to serve such term as they may prescribe and to be paid such compensation as they may in their discretion see fit to set. Said county commissioners shall hire such deputy electrical inspectors for such terms and at such compensation as they may deem necessary.

It shall be the duty of said "electrical inspector" and such deputy electrical inspectors as may be appointed hereunder to inspect all electrical installations on both new construction, changes, revisions or remodeling of existing structures to determine that all such installations are in strict conformity with this act and the electrical code of the city, as defined herein, and to determine that all such installations are performed by competent, licensed workmen according to the classifications herein contained. The county commissioners of any such county shall determine and fix the reasonable fees to be charged therefor and said fees shall be of a sum sufficient to meet the expenses of operation of the office of the electrical inspector, herein created. All of such electrical inspection fees shall be payable to the general fund of any county as herein defined as to that work and inspection done in the county and outside the corporate limits of any municipality located in said county.

The electrical inspector as herein created shall adopt such rules in regard to the method of inspection and the time thereof as may be necessary and proper to carry out the intent of this act, but all of such rules and regulations shall be in strict accordance with the terms of this act and with the electrical code of any affected municipality adopted herein. After notice is received by the office of the electrical inspector of a desire by any builder, contractor or home owner for an electrical inspection, the same shall be accomplished as practicable and within a reasonable time, keeping in mind the necessity of prompt completion of all new construction and remodeling of existing constructions.
Added by Laws 1955, p. 179, § 37, emerg. eff. June 3, 1955.

§19-863.39. Standards of safety.

All electrical wiring, materials, equipment and the methods of installation thereof in every county, subject to the provisions of this act, shall be in strict conformity with approved standards for safety to persons and property. Compliance with the electrical code as said code exists at the date of the passage of this act, of any city having a population of from one hundred and eighty thousand (180,000) to two hundred and forty thousand (240,000) according to the last Federal Decennial Census or any future Federal Decennial Census located in any county as defined herein, shall be deemed to prima facie evidence of compliance with this act.

When the electrical code of any such city, as defined in this section, contains no specific standards as to the manner of electrical wiring, materials, equipment and the methods of installation thereof, compliance with the statutes of this state pertaining to the installation of electrical materials and equipment and conformity with the regulations set forth in the current National Electrical Code, in effect at the date of the passage of

this act, being the standard of the National Board of Fire Underwriters for electrical wiring and apparatus as recommended by the National Fire Protection Association and approved by the American Standards Association, shall be prima facie evidence of conformity with approved standards for safety to persons and property and of compliance with this act.
Added by Laws 1955, p. 180, § 38, emerg. eff. June 3, 1955.

§19-863.40. Plumbing inspector - Qualifications - Duties.

All plumbing materials, equipment and methods of installation thereof in every county subject to the provisions of this act shall be in strict conformity with approved standards for health and safety to persons and property. Compliance with the plumbing code as said code exists at the date of passage of this act of any city having a population of from one hundred and eighty thousand (180,000) to two hundred and forty thousand (240,000) according to the last Federal Decennial Census located in any county as defined herein shall be deemed to be prima facie evidence of compliance with this act.

The board of county commissioners of any county within the provisions of this act are hereby authorized to create, by resolution duly adopted, the office of plumbing inspector for such county. Such inspector shall be a person who holds a certificate of master plumber under the provisions of the laws of this state, relating to cities of two thousand (2,000) or more inhabitants, and shall have had at least ten (10) years practical experience as a master plumber. Such plumbing inspector is authorized to inspect all plumbing installations in any county within the provisions of this act, to determine that the same are done within the provisions of this act. However, where any such plumbing installations are subject to inspection by the duly qualified, appointed and acting plumbing inspector of any city or town, having a system of water supply or sewerage by reason of contract with the owner or builder of such plumbing facilities or otherwise, approval by such municipal plumbing inspector shall be deemed to establish compliance with this act and inspection by the county plumbing inspector or county plumbing permits will be unnecessary.

The board of county commissioners may, on recommendation of the county plumbing inspector, adopt all necessary rules and regulations to carry out purposes of this act and may prescribe the necessary permits, notices and inspection procedure and set and determine the fees therefor. Such fees shall be reasonable and shall be sufficient to meet the expenses of operation of the office of county plumbing inspector. The county commissioner shall be authorized to hire such deputy plumbing inspectors for such terms and at such compensation as they may deem reasonable. The county plumbing inspector shall issue, without examination, certificates of

competency to all persons holding such a certificate issued by any city or town in the State of Oklahoma of two thousand (2,000) or more inhabitants, provided that such certificate has been issued or renewed for the year in which application therefor to the county plumbing inspector is made.
Added by Laws 1955, p. 180, § 39, emerg. eff. June 3, 1955.

§19-863.41. Increase in population.

Any county availing itself of the provisions of this act may continue to operate thereunder though the population of any city therein may hereafter exceed two hundred and forty thousand (240,000).
Added by Laws 1955, p. 181, § 40, emerg. eff. June 3, 1955.

§19-863.42. Inspection by county inspector continued.

The inspection of electrical work as herein provided on houses under actual construction in territory annexed by the city shall be continued by the county inspector until the completion of such work.
Added by Laws 1955, p. 181, § 41, emerg. eff. June 3, 1955.

§19-863.43. Partial invalidity.

If any section, clause, paragraph or part of this act is for any reason held invalid, such decision shall not affect the validity of the remaining portion of this act, or of this act as a whole, and it is hereby declared to be the purpose of the Legislature in enacting this act to enact the same, notwithstanding the invalidity of any section, clause, paragraph or part thereof, which is for any reason held invalid.
Added by Laws 1955, p. 181, § 43, emerg. eff. June 3, 1955.

§19-863.44. Building and/or fire codes.

Any county of the state to which the provisions of Section 863.2 of this title are applicable is authorized to adopt, by appropriate resolution of the board of county commissioners, building and/or fire codes, which codes shall be designed for the purpose of promoting, benefiting and protecting the public health, safety and welfare of the inhabitants of this state, and which shall be applicable to the unincorporated areas of the county, as hereinafter provided.

All building materials, equipment and methods of installation and/or construction shall be at least the equivalent of that prescribed in any building or fire code adopted by the board of county commissioners, under the provision of this act, in quality, strength, effectiveness, fire resistance, durability, and safety; provided that any codes adopted pursuant to this act shall not apply to the installation and maintenance of electric supply and communications lines of public utilities and public service

companies which are subject to regulation by the State Corporation Commission. Provided that this act shall not apply to any area located within any county excluded from the application of Section 863.2 of this title.
Added by Laws 1965, c. 350, § 2, emerg. eff. June 28, 1965. Amended by Laws 1980, c. 54, § 6, eff. Oct. 1, 1980.

§19-863.44A. High-Rise Safety Act of 1975.
This act may be cited as the "High-Rise Safety Act of 1975".
Added by Laws 1975, c. 207, § 1, emerg. eff. May 27, 1975.

§19-863.44B. Purpose.
The purpose of this act is to require the installation of automatic water sprinkler systems in high-rise buildings within this state which are occupied by persons in order to protect life and prevent fire in such buildings where fire must be fought internally because of height.
Added by Laws 1975, c. 207, § 2, emerg. eff. May 27, 1975.

§19-863.44C. Definitions.
As used in this act:
1. High-rise building shall mean any building more than seventy-five (75) feet in height measured from the lowest level of access by fire-fighting equipment, the normal use of which is intended for occupancy by human beings, excluding hospital treatment or operating rooms.
2. Water sprinkler system shall mean a water distribution system designed in accordance with standards adopted by the Oklahoma State Fire Marshal Commission. Provided nothing herein shall be construed as prohibiting the alternative use of other high-rise life protection systems which are equivalent to and in accordance with a nationally recognized building code.
Added by Laws 1975, c. 207, § 3, emerg. eff. May 27, 1975.

§19-863.44D. Sprinkler systems required - Exceptions.
Every high-rise building to be constructed within this state after the effective date of this act must be equipped with a water sprinkler system as defined herein, provided this act shall not apply to buildings primarily housing electric generating or transforming equipment or to buildings primarily housing telephone company equipment of public utilities or public service corporations which are subject to regulation by the State Corporation Commission, but such buildings shall contain fire prevention devices of near equal safety factors as may be required by the State Fire Marshal Commission.
Added by Laws 1975, c. 207, § 4, emerg. eff. May 27, 1975.

§19-863.44E. Penalties.

Violation of this act shall be punishable by a penalty of One Hundred Dollars ($100.00). Each day such violation continues shall be considered a separate and continuing violation. Such penalty shall be payable by the record owner of said building and upon failure to pay such penalty and after being reduced to judgment in a court of competent jurisdiction, such sum including all reasonable costs of the court action may become a lien to be levied against said property. Any monies collected under the terms of this act shall be paid into the General Revenue Fund. The Attorney General is hereby authorized to institute and prosecute such action upon receiving a request of the State Fire Marshal to initiate such court action.

Added by Laws 1975, c. 207, § 5, emerg. eff. May 27, 1975.

§19-863.44F. Provisions as cumulative.

The provisions of this act shall be cumulative to existing laws and shall not be construed to repeal, amend or supersede any ordinance of any incorporated city which deals with the same subject to the extent such terms shall exceed the requirements hereof.

Added by Laws 1975, c. 207, § 6, emerg. eff. May 27, 1975.

§19-863.45. County building inspector.

There is hereby authorized the creation of the office of county building inspector for each county adopting a building and/or fire code. Said building inspector shall be appointed by the board of county commissioners at such compensation and terms as it may prescribe and deem necessary; provided, however, for any person to be eligible for the appointment to the office of building inspector he must have completed a minimum of a high school education and he must have a minimum of ten (10) years actual experience in the building and construction industry and be thoroughly familiar with building, construction, codes, methods and procedures. The board of county commissioners shall hire deputy building and fire inspectors at such compensation and terms as it may prescribe and deem necessary.

The building inspector and/or his authorized deputy inspectors shall enforce the provisions of any building and/or fire code adopted pursuant hereto, and shall be authorized to inspect all buildings for the purpose of discharging the duties imposed herein or by any building and/or fire code adopted by the board of county commissioners.

The board of county commissioners may adopt all necessary rules and regulations to carry out the purposes of this act, and may prescribe the necessary permits, notices and inspection procedures, and may set and determine the fees therefor. Such fees shall be

reasonable and shall be sufficient to meet the expenses of operation of the office of county building inspector.

The board of county commissioners shall be authorized to hire other employees necessary for the operation of the office of county building inspector and may expend such sums as it deems reasonable and necessary for equipment and ancillary services therefor.
Added by Laws 1965, c. 350, § 2, emerg. eff. June 28, 1965.

§19-863.46. Agreements with cities.

The board of county commissioners is hereby authorized to enter into such agreements as it may deem necessary with any city within its territorial limits for the administration or enforcement of any provisions of this act or any building and/or fire code adopted pursuant to the provisions hereof.
Added by Laws 1965, c. 350, § 3, emerg. eff. June 28, 1965.

§19-863.47. Appeals.

Any person aggrieved by any order or decision of the building inspector may appeal from the order or decision of the building inspector to the board of county commissioners. Such appeal shall be in writing and filed with the county clerk within ten (10) days after the order or decision is rendered by the building inspector except in cases of emergency. The decision of the building inspector shall be final in cases of emergency which in his opinion involve imminent danger to human life or health. He shall promptly cause such building, structure, or portion thereof to be made safe or removed. He is further authorized to vacate all occupants of the unsafe building or structure and any adjacent structures, as he may deem necessary. Appeals hereunder shall be on forms provided by the building inspector and shall state the grounds of appeal. On such appeals the board of county commissioners shall have the power to affirm, limit, modify or reverse the order or decision of the building inspector and where there are practical difficulties or unnecessary hardships resulting from the strict enforcement of provisions of the code, the board of county commissioners shall have the power, in a specific case, to vary any such provision in harmony with its general purpose and intent so that the public health, safety, convenience, prosperity and general welfare may be secured and substantial justice done; provided that any such permitted variations shall not be construed as amending the code or as a waiver of any of the other provisions hereof.
Added by Laws 1965, c. 350, § 4, emerg. eff. June 28, 1965.

§19-863.48. Penalties - Injunction.

Violation of any of the provisions or conditions of this act or of any building and/or fire code adopted hereunder shall be punishable by a maximum fine of One Hundred Dollars ($100.00) and/or

imprisonment for a maximum period of thirty (30) days upon conviction thereof. Each day shall constitute a separate violation.

The board of county commissioners or the building inspector shall be entitled to bring any action at law or equity including action for injunction to restrain, restrict and/or prohibit the threatened or existing violation of any of the provisions of this act or of any building and/or fire code adopted hereunder.
Added by Laws 1965, c. 350, § 5, emerg. eff. June 28, 1965.

§19-864.1. Joint city-county electrical examining and appeals board - Authorization.

For the purpose of cooperating with the State of Oklahoma in conserving the natural resources of the state and in promoting the health, safety, peace, morals, and general welfare of the people of the state, there may be provided in any county of the State of Oklahoma having within its boundaries a city having a population of one hundred eighty thousand (180,000) or more, according to the last preceding Federal Decennial Census or any future Federal Census, a city or cities and county electrical examining and appeals board, in the manner herein provided, and for the purpose there is hereby authorized to be created in each of such counties a joint city-county electrical examining and appeals board with the respective powers and duties as set out in this act; provided, however, this act shall not apply to any county containing any such city if that city includes territory in more than four counties.
Added by Laws 1965, c. 406, § 1, emerg. eff. July 5, 1965.

§19-864.2. Definitions.

For the purpose of this act the following words shall have the following meanings:

a. "Joint electrical examining and appeals board" shall be held to mean the joint city-county electrical examining and appeals board hereinafter referred to.

b. "Electrical inspector" shall be held to mean and include the electrical inspector of any city, county or metropolitan area within the terms of this act, or any of his duly authorized assistants.

c. "Class A electrical contractor" shall be held to mean any person, firm or corporation licensed to engage in the business of wiring, rewiring, installing, repairing or altering any electrical wiring, or installing or repairing any electrical apparatus or electrical appliances in any city, county or metropolitan area. Class A electrical contractor shall not include persons, firms, or corporations engaged in the business of selling or offering electrical materials, electrical apparatus and electrical appliances for sale to the public that are not installed by such persons, firms or corporations. The governing bodies of any city and county within the terms of this act may, for good cause shown and in the public

interest, after public hearing, establish subdivisions of this classification. The license should be endorsed by the board to show the classification or type of work the license would be limited to.

d. "Class A journeyman electrician" shall be held to mean any person licensed to engage in the work of wiring, rewiring, installing, repairing or altering any electrical wiring or actually engaged in installing or repairing any electrical apparatus or electrical appliances in any city, county or metropolitan area within the terms of this act. The governing bodies of any city and county within the terms of this act may, for good cause shown and in the public interest, after public hearing, establish subdivisions of this classification. Any such subdivision license shall be endorsed by the board to show the classification or type of work authorized thereunder.

e. "Class B electrical contractor" shall be held to mean any person, firm, or corporation licensed to engage in the business of wiring, rewiring, installing, repairing, or altering any electrical wiring or installing or repairing any apparatus or electrical appliances in any single-family residence building within any city, county or metropolitan area within the terms of this act.

f. "Class B journeyman electrician" shall be held to mean any person licensed to engage in the wiring or installing or repairing of any electrical apparatus or electrical appliances or electrical wiring within any building constructed for and designated to be used as a single-family residence in any city, county or metropolitan area within the terms of this act.

g. "Appliance repair shop" shall be held to mean any person, firm or corporation licensed to engage in the business of repairing, altering or otherwise modifying, replacing or changing the function or parts of electrical appliances.

h. "Electrical appliance repairman" shall be held to mean any person licensed to engage in the business of actually making repairs, alterations or otherwise actually doing the work of modifying, repairing or changing the function or parts of electrical appliances.

i. "Electrical sign contractor" shall be held to mean any person, firm or corporation licensed to engage in the business of manufacturing, assembling, wiring, rewiring, installing, erecting, repairing or altering interior or exterior electric signs.

j. "Journeyman sign electrician" shall be held to mean any person licensed to engage in the business of performing the assembling, wiring, rewiring, installing, erecting, repairing or altering interior or exterior electric signs.

k. "Motor shop" shall be held to mean any person, firm or corporation licensed to engage only in the business of the assembling, wiring, rewiring, installing or repairing electric motors, generators and transformers.

l. "Apprentices and/or helpers" shall be held to mean any unlicensed person who assists a licensed contractor or licensed electrician in doing the actual work that such electrician or contractor is qualified and permitted by license to do.

m. "Certificate of competency" shall be held to mean a certificate issued to any person who has been certified by the board, under the terms of this act, as possessing the skills and knowledge qualifying him as competent to do and perform those acts authorized and permitted by the classification for which the certificate is issued.

n. "Metropolitan area" shall include all territory within the limits of any city or county within the provisions of this act.

o. "Transfer of license" shall be held to mean allowing the use of a license or certificate of competency, directly or indirectly, by any other person, firm or corporation, for the purpose of obtaining a permit to do any electrical work covered by this act. Added by Laws 1965, c. 406, § 2, emerg. eff. July 5, 1965.

§19-864.3. Creation - Board - Duties - Review of Decisions - Expenses of operation.

Joint city-county electrical examining and appeals board:

a. The board of county commissioners and the governing body of any city having a population of one hundred eighty thousand (180,000), or more, according to the last preceding Federal Decennial Census or any future Federal Census, may, by an agreement in writing, create a joint city-county electrical examining and appeals board. The agreement may contain such provisions for the creation and manner of dissolution of the board and such other matters as may be agreed upon, and shall provide for the appropriations to be made by the city and county for the operation of the board. Where used herein, the term board shall have reference to the joint city-county electrical examining and appeals board unless otherwise specifically noted.

The board shall be composed of seven (7) members. Two members shall be required to be holders of certificates of competency as Class A electrical contractors. Two members shall be holders of certificates of competency as Class A journeyman electricians. The board of county commissioners shall appoint one person certified as Class A electrical contractor and one person certified as a Class A journeyman electrician. The governing body of the city shall appoint one person certified as a Class A electrical contractor and one person certified as a Class A journeyman electrician. The remaining three members shall be appointed by the governing body of the city with the consent of the board of county commissioners, provided however, that if the governing body of the city and the board of county commissioners do not concur in such appointments within thirty (30) days of any such vacancy the appointments may be

made by a majority of the members of the board. One member of said board shall be a registered professional engineer with experience or training in the field of electrical engineering, one member of said board shall be a lawyer admitted to practice before the courts of this state, and one member shall be a licensed architect. The initial terms of the Class A electrical contractors and the Class A journeyman electricians appointed by the governing body of the city and appointed by the board of county commissioners shall be for a period of two (2) years and the initial term of the remaining three appointments shall be for a term of one year. The term of such initial appointees and of all subsequent appointees of the city and county shall expire as of July 31 of that calendar year in which the terms expire, regardless of the calendar date upon which the appointments are made. Subsequent appointments of the city and county shall be for terms of two (2) years, except in the case of an appointment to fill a vacancy in the membership of the board which latter appointment shall be for the unexpired term of the member whose death, resignation, or removal has created the vacancy. Following the expiration of the term for which he was appointed, any member shall continue to serve until his successor has been appointed and qualified; provided, however, that no person shall serve more than two successive terms as a member of said board.

A quorum of such board necessary to conduct business or take action of a discretionary nature shall be four members.

b. It shall be the duty and within the authority of said board to perform any or all of the following acts:

(1) To give written examinations to persons desiring to obtain a certificate of competency to engage in or work at that phase or classification of the electrical business designated and as the same is herein defined as to the applicant's skill and knowledge and entitlement to such certificate of competency.

(2) To re-examine any applicant who fails to pass an examination required herein. Provided, however, that such person will be ineligible for re-examination until the expiration of ninety (90) days from the date of such prior examination. Payment of the examination fees established herein must be made for each separate examination or re-examination.

(3) To hear appeals on technical disputes arising between the inspectors of the city, county or metropolitan area and electrical contractors, property owners or lessees, as to the interpretation and effect of the electrical code as the same is established.

(4) To prepare and issue interpretative opinions relative to the technical aspects of the electrical code, but to perform this function only in the event some real dispute has arisen between affected parties.

(5) To act as a permanent code committee and to investigate and suggest to the proper legislative authority such changes in the electrical code as may be desirable.

(6) To formulate its own rules and regulations pertaining to procedure within the limits set forth in this act, provided all examinations required herein upon which a determination or conclusion is reached by the board shall be reduced to writing subject to review in accordance with provisions hereof and not otherwise in conflict therewith.

(7) To employ necessary clerical personnel subject to the joint approval of the city, county or metropolitan area authority, and to expend funds for necessary technical and professional services and equipment within the limits of appropriations made therefor; all of which shall be subject to the terms and conditions of the agreement creating such board.

(8) The board may, upon its own motion or upon a charge in writing by any person, consider charges against any licensee or certificate of competency holder that such person has been guilty of repeated wilful violations of this act or of a transfer of license in violation of this act. At all times and in all proceedings the board shall comply with the provisions of Chapter 8, Title 75, Oklahoma Statutes, otherwise known as the Administrative Procedures Act, and specifically the board shall be required to comply with and have the powers and duties of the provisions of Sections 309 et seq., Title 75, Oklahoma Statutes, in connection with any hearing authorized by this act. If the board finds from the evidence presented that the charges have been sustained by the evidence presented, it shall then file such findings with the district court clerk styled: In Re: The matter of the suspension or revocation of the license or certificate of competency of "_____", (inserting the name of the person, firm or corporation so charged). Such matter shall be docketed and considered as any other civil matter within the equity jurisdiction of the district court. The matter shall be considered de novo by the district court. The charges and findings of the board filed with the district court clerk and any response or answer filed by the person, firm or corporation so charged shall constitute the issues for trial by the district court. If the district court finds that the evidence sustains the charges, the district court may suspend, revoke, or impose sanctions upon the license or certificate of competency of any person, firm or corporation found guilty of such charges, and provided for the conditions for the reinstatement, restoration or removal of sanctions as a part of any such judgment.

(9) To issue, reissue or renew licenses, under the terms of this act, and to receive and account for all license and examination fees paid to it. Funds so received shall be deposited as provided in the agreement establishing the board.

(10) Proceedings of the board shall be in writing with minutes kept of all meetings, both regular and special. Copies of proceedings, including findings, determinations and interpretations shall be public records, and all meetings, both regular and special, shall be open to the public, except during those meetings when the examination of applicants for certificates of competency are being conducted or personnel matters are being considered.

c. Any ruling, requirement, decision or interpretation of the board shall be final and binding upon all parties thereto unless appealed to the district court of competent jurisdiction within fifteen (15) days from the rendition of such rule, requirement, decision or interpretation, in the manner and form now provided by statute for appeals generally. In the event of an appeal, any party aggrieved by the action of the board shall serve a copy of the petition of appeal upon the secretary or any member of the board within fifteen (15) days following the action from which an appeal is taken.

Any appeal from a judgment, decision, action or determination of the board considered by the board under the provisions of Section 3, subsection b., (3), of this act in regard to technical disputes shall be to the district court sitting as an appellate tribunal. All other appeals shall be to the district court for hearing and trial de novo.

Any contractor, property owner or lessee who appeals the decision of the board relating to electrical code requirements to the district court must, upon order of the district court, file with the clerk of the district court a bond in an amount as determined by the district court to be sufficient to place the work in condition to satisfy the requirements of the code. Upon failure to file a bond as herein required, the appeal shall be dismissed. Anyone taking an appeal from the board must pursue the appeal diligently and in the event the appeal is not heard within six (6) months, due to failure of the appellant to diligently pursue the appeal, the court shall thereupon dismiss said appeal with prejudice and order the action appealed from enforced.

d. The filing of a notice of appeal from a decision of the electrical inspector or the board shall stay any order of the electrical inspector or board if such order is based upon a technical violation of the electrical code. If the board or a court of competent jurisdiction shall determine that such order is based on a present and immediate danger to life and property, then any appeal as permitted herein shall not stay the order of the electrical inspector, provided, however, that any such order shall be made in writing and served on the affected parties.

e. The expenses of operating the board shall be provided for under the terms of the agreement creating such board. Necessary funds will be appropriated by the city or county, or both, as the

case may be, for the purpose of defraying approved operating expenses. The manner in which claims shall be presented and approved for payment shall be provided by the agreement creating the board. Members of the board shall be compensated for attendance at meetings in an amount fixed by the agreement creating the board not to exceed Fifteen Dollars ($15.00) per diem, and such compensation shall be limited to two meetings per calendar month.

f. All actions, decisions and opinions of the board which have become final shall be binding upon the electrical inspectors and upon all of the parties to the proceeding in which the action, decision or opinion has been given, shall remain in force and be binding thereafter until otherwise changed, overruled, modified or cancelled.

Added by Laws 1965, c. 406, § 3, emerg. eff. July 5, 1965.

§19-864.4. Certificates of competency - Examinations.

No person shall be issued a certificate of competency as a Class A electrical contractor, Class B electrical contractor, appliance repair shop, electrical sign contractor, motor shops, Class A journeyman electrician, Class B journeyman electrician, journeyman sign electrician, or electrical appliance repairman until he has passed an examination by the joint electrical examining and appeals board, except as herein provided. Said board shall meet within ten (10) days after its appointment and shall then designate the time and place for the first examination of all applicants desiring to secure certificates.

Said board shall examine applicants for certificate of competency as Class A electrical contractors or Class A journeyman electricians, as to their practical knowledge of electrical wiring, the installation of same, the installation of electrical appliance or fixtures, and the operation and control of electrical systems.

Applicants for certificate of competency as Class A electrical contractors shall further be required to present evidence of five (5) years' actual electrical experience. Applicants for certificate of competency as Class A journeyman electricians shall further be required to present evidence of three (3) years' actual electrical experience. A credit shall be allowed, however, of not to exceed one (1) year for Class A and Class B electrical contractor applicants, electrical sign contractor applicants, and Class A and Class B journeyman electrician applicants for time spent as a student in a program of electrical study or training at a school approved by the board. Such board approval shall not be required, however, with respect to publicly supported technology center schools.

All other applicants for certificates of competency shall be examined as to their practical knowledge of the installation, maintenance and repair of the appliances, equipment, apparatus and

systems permitted to be worked on under the certificate which they seek. All examinations shall be written. If the applicant demonstrates his competency in that phase of the trade for which a certificate of competency is sought the board shall issue a certificate of competency to such applicant authorizing him to engage only in such electrical work described in said certificate upon compliance with the conditions of any other section herein relating thereto.

All certificates shall be signed by the chairman of said board and attested by the secretary and shall show the date of passage of the examination or, if issued without examination as herein provided, the reason therefor, the name of the person and the class of work authorized. Such certificate shall be issued only for the year in which it is dated and shall expire on December 31 of the year for which issued. Certificates shall be numbered consecutively and the examining board and the electrical inspector shall keep a record of all such certificates issued.

It shall be unlawful for any certificate of competency or license holder to transfer his certificate or license or to allow it to be used directly or indirectly by any other person.

Licensed contractors shall employ workmen licensed in the category of the contractor's work classification.

Any certificate of competency or license heretofore issued by a city of this state having a population of one hundred eighty thousand (180,000), or more, according to the last Federal Decennial Census, or by a joint examining and/or appeals board created under any previous act, shall be recognized for the balance of the year of its issue by the joint electrical examining and appeals board in the county in which such city or joint board shall have been located. Such certificates or licenses shall be subject to renewal without further examination upon payment of the regularly established renewal fee in the same manner as if such certificate or license had been originally issued by the joint electrical examining and appeals board to which it is presented for renewal.

In any county not heretofore covered by a statutory electrical code, any person who has been engaged in the work as a Class A journeyman electrician, Class B journeyman electrician, sign electrician, electrical appliance repairman or the work and business of a Class A electrical contractor, Class B electrical contractor, electrical sign contractor, motor shop or appliance repair shop, as such classifications are defined herein, within any county subject to the provisions of this act, for a period of at least two (2) years, immediately preceding July 5, 1965, shall, upon proof of such work, be issued a certificate of competency by the joint electrical examining and appeals board without examination and upon such person's payment of all fees as provided herein, and provided further that the application therefor is made within sixty (60) days

after the creation of the joint electrical examining and appeals board. The latter-named group shall be granted such certificates of competency without regard as to whether they have ever been licensed in any municipality or not.
Added by Laws 1965, c. 406, § 4, emerg. eff. July 5, 1965. Amended by Laws 1971, c. 299, § 1, emerg. eff. June 24, 1971; Laws 2001, c. 33, § 18, eff. July 1, 2001.

§19-864.5. Examination fees - Renewals.

The fee for the examination and issuance of the initial certificate of competency shall be Twenty Dollars ($20.00) for a Class A electrical contractor, Class B electrical contractor, appliance repair shop, electrical sign contractor or motor shop, and Ten Dollars ($10.00) for each of the following: Class A journeyman electrician, Class B journeyman electrician, electrical appliance repairman, journeyman sign electrician.

Such fees shall be paid to the joint electrical examining and appeals board for the use and benefit of the city and/or county on such terms and conditions as they may provide and the articles of agreement referred to herein. Such fees shall be paid before any applicant will be permitted to take any examination. When good cause is shown the fees provided by this section may be increased or decreased from time to time by mutual agreement of the city and county.

The certificate of competency provided herein, once issued, shall be subject to renewal without further examination on an annual basis upon payment of the renewal fee to said joint board in the amount of Ten Dollars ($10.00) for a Class A electrical contractor, Class B electrical contractor, appliance repair shop, electrical sign contractor or motor shop, and Five Dollars ($5.00) for each of the following: Class A journeyman electrician, Class B journeyman electrician, electrical appliance repairman, journeyman sign electrician. If the renewal fee is not paid the certificate and all rights thereunder shall expire upon the conclusion of term of issuance. The period of issuance shall not exceed one year. An expired certificate shall be reinstated within one year from the date of expiration thereof without further examination upon application therefor and payment of the renewal fee; provided further, that any such holder of a certificate of competency must qualify by examination as provided herein before reissuance of any such certificate which has been allowed to lapse or expire for a period of more than one year.
Added by Laws 1965, c. 406, § 5, emerg. eff. July 5, 1965.

§19-864.6. Apprentices - Registration - Limitations.

All apprentices as herein defined shall be registered with the city-county electrical examining and appeals board. No fee shall be

required for such registration and no test shall be required for such registration. The city-county electrical examining and appeals board, upon acceptance of such registration, shall issue a certificate of registration to each registrant. Such registration shall authorize such apprentice to do electrical work, provided such work is done under the direct personal supervision of a licensed journeyman at all times. Such supervision shall be defined as the doing of work within sight and audible communication with a journeyman electrician. No work shall be done by an apprentice when not in the presence of and under the supervision of a journeyman. No more than three apprentices shall perform electrical work at the same time under the supervision of one journeyman electrician. All apprentice registrations and certificates shall expire on the 31st day of December of the year in which they are issued.
Added by Laws 1965, c. 406, § 6, emerg. eff. July 5, 1965.

§19-864.7. Classes of licenses.

The following classes of licenses are hereby established for the city, county or metropolitan area as herein defined and the annual fee therefor shall be as follows:

a. Class A electrical contractor, One Hundred Dollars ($100.00) per year.

b. Class B electrical contractor, One Hundred Dollars ($100.00) per year.

c. Motor shop, Fifty Dollars ($50.00) per year.

d. Electrical sign contractor, Fifty Dollars ($50.00) per year.

e. Appliance repair shop, Fifty Dollars ($50.00) per year.
Added by Laws 1965, c. 406, § 7, emerg. eff. July 5, 1965.

§19-864.8. Bond.

Any person desiring an electrical license of any kind, as above provided, shall make and file with the city auditor or clerk of the affected city or the county clerk of the county as herein defined, a good and sufficient bond executed by a surety company authorized to transact business in the State of Oklahoma and engage himself thereon in the amount set forth, to wit:

a. Class A electrical contractor, the amount of the bond shall be Five Thousand Dollars ($5,000.00).

b. Class B electrical contractor, the amount of the bond shall be Three Thousand Dollars ($3,000.00).

c. Motor shops, the amount of the bond shall be One Thousand Dollars ($1,000.00).

d. Electrical sign contractor, the amount of the bond shall be Five Thousand Dollars ($5,000.00).

e. Electrical appliance repair, the amount of the bond shall be One Thousand Dollars ($1,000.00).

Said bond shall guarantee the performance on the part of the principal of all work in strict accord with requirements of this act, the payment of fees or other charges due to the city, county or metropolitan area, the replacing of all faulty or defective materials or workmanship installed by principal, or by some person for or on behalf of said principal, when notified to do so by the electrical inspector of said city, county or metropolitan area and said bond shall be further conditioned that, in the event the principal does not perform and discharge all duties and obligations resting upon him, he shall be liable in the first instance and suit may be brought directly upon said bond jointly and/or severally with said surety company by any person injured or damaged as a result of such principal's failure to comply with the provisions and requirements of the ordinance relating to such work.
Added by Laws 1965, c. 406, § 8, emerg. eff. July 5, 1965.

§19-864.9. License - Application.

No person, firm or corporation shall engage in the business of wiring, rewiring, installing, repairing or altering any electrical wiring or installing or repairing any electrical apparatus, appliance or fixtures of any kind or description within the limits of any city, county or metropolitan area within the provision of this act without securing from the joint electrical examining and appeals board, herein authorized, a license. Any person desiring a license shall file with the said board an application showing the name of the person, firm or corporation in whose name said license is to be issued, the kind of license applied for, the name of the certificate holder under whose supervision work will be done, the number and date of such certificate, and such further information as may be required by the board. Said license shall bear the name of the certificate holder on the face of the license. All applications shall be signed by the applicant or a member of the firm or an authorized officer of the corporation making the application, and shall also be signed by the holder of the supporting certificate and the certificate shall be attached to the application. The board, if it finds said application is proper and in accordance with law, shall approve said application and retain the certificate for its file upon furnishing the applicant with a proper receipt therefor. If said certificate is withdrawn by the owner thereof, said license shall become inoperative and no further permits shall be issued by the electrical inspector to such license. Such license may be reinstated and rendered operative by the filing with the board of another proper certificate of the joint electrical examining and appeals board.

No certificate of competency holder shall be entitled to have operative more than one license in any classification under this act at any given time. The certificate of competency holder shall

notify the board immediately of any change affecting his certificate or license. The holder of a certificate of competency must at all times be directly associated with the licensee and be in a position to control or supervise work performed by the firm licensed under his certificate of competency. Continued or recurring absence from the city, county or metropolitan area by the certificate holder during times when jobs or work is being performed by the licensee shall be deemed prima facie evidence that such certificate holder is not exercising the control or supervision herein required.

In the event of the death of a certificate holder who has been licensed as an individual, or in the event of the death, disability or withdrawal of that person holding the certificate upon which a license has been issued to a partnership or a corporation, the estate of the deceased individual, the surviving partners or the corporation, as the case may be, shall be permitted to complete all work then in progress. The estate, the surviving partners or the corporation shall have a one-hundred-twenty-day period within which to affiliate another certificate holder if it desires to continue to conduct business under the license then in effect. If such affiliation occurs, the license shall remain valid and renewable; if such affiliation does not occur, the license shall expire at the end of the one-hundred-twenty-day period, and shall not authorize the performance of any work other than uncompleted work which was in progress at the time of the death, disability or withdrawal of the certificate holder.

Added by Laws 1965, c. 406, § 9, emerg. eff. July 5, 1965.

§19-864.10. Electrical inspector - Selection - Duties.

There is hereby authorized the creation of the office of "electrical inspector" of the county or metropolitan area as defined herein. Such electrical inspector shall be a person familiar with all types of electrical installations and methods and shall be familiar with the electrical code of any affected municipality or county and shall have ten (10) years' practical experience in electrical work as a contractor, engineer or Class A journeyman electrician, and shall be licensed by the joint electrical examining and appeals board.

A city electrical inspector shall be appointed by the governing body of the city, a county electrical inspector shall be appointed by the board of county commissioners and a metropolitan electrical inspector shall be appointed in accordance with any written agreement executed by the governing body of the city and board of county commissioners creating such office. The governmental unit or units authorized to make such appointments may employ such deputy electrical inspectors who shall possess the same qualifications, for such terms and at such compensation as the affected governmental unit or units shall determine.

It shall be the duty of any such electrical inspector and/or any such deputy electrical inspectors to inspect all electrical installations on new construction and on changes, revisions or remodeling of existing structures lying within the jurisdiction of the appointing governmental unit or units, to determine that all such installations are in strict conformity with the requirements of this act and to determine that all such installations are performed by competent licensed workmen, according to the qualifications herein contained; provided, any person who shall make a false affidavit in order to obtain electrical inspection shall be guilty of perjury and, upon conviction thereof, shall be punished as provided by the statutes of this state relating to the crime of perjury. Nothing contained herein should be construed as exempting any unlicensed individual who is otherwise authorized from the payment of regular inspection fees, or as exempting his electrical work from compliance with the same standards of safety as are applied to the inspection of electrical work by a licensed workman.

Any electrical inspector of the appropriate jurisdiction shall have the authority to condemn any electrical wiring which is unsafe within any city, county or metropolitan area within the terms of this act, provided, however, that a county electrical inspector shall not have jurisdiction in the corporate limits of or upon property owned by any city having established an electrical inspection department. Such city shall have jurisdiction upon property owned by it whether located within or without its corporate limits. Provided further, that nothing herein contained shall be construed as extending the jurisdiction of any inspector of a city having a population in excess of one hundred eighty thousand (180,000) persons, the county or metropolitan inspector to areas within the corporate limits of cities or towns having a population less than one hundred eighty thousand (180,000) persons and located within any affected county.

Notices shall be mailed to the property owner specifying any necessary changes and a reasonable amount of time shall be given any such owner to comply with the inspector's decision, and a copy of the notice shall be filed with the utility supplying electrical service. If compliance with the inspector's decision has not been completed on or before the expiration of the time allowed, the inspector shall have the authority to have the electrical service of such property disconnected.

The affected governmental unit or units of any such county shall determine and fix the reasonable fees to be charged for inspections, which fees shall be sufficient to meet the expenses of operation of the office or offices of the electrical inspector. All of such inspection fees shall be payable to the general fund of the authorizing and supervising governmental unit or units.

The electrical inspector shall adopt such rules in regard to the method of inspection and the time thereof as may be necessary and proper to carry out the intent of this act, but all of such rules and regulations shall be in strict accordance with the terms of this act. After notice is received by the office of the electrical inspector of the desire by any person for an electrical inspection, the same shall be accomplished as soon as practicable. No public utility shall furnish electrical service until such work has been inspected and approved.

The chief electrical inspector of the city, county or metropolitan area shall have the authority to designate one person, qualified as an electrical inspector as provided herein, to act as an investigator for the purpose of enforcing the provisions of this statute. Such person shall be responsible for presenting all cases of violations to the city or district courts for prosecution. He shall be bonded and shall carry a commission for this purpose.

No electrical inspector shall accept any gratuity for any services performed, acts of commission or omission in connection with the duties and obligations charged to be performed by his office, or be connected in any way with any person, firm or corporation engaged in the business of electrical contracting of any classification.

Upon the application of any municipality which lies wholly or partly within the county or metropolitan area and which is not otherwise covered by this act, and upon the authorization of the board of county commissioners, and the governing body of the city if a metropolitan electrical inspection office has been created, the electrical inspector may inspect electrical installations in such excluded municipality, provided that such municipalities shall collect and pay to the general fund of the county a fee for each inspection in an amount determined by the board of county commissioners.

This act shall apply to all counties having a population of over three hundred thousand (300,000) according to the last decennial census.

Added by Laws 1965, c. 406, § 10, emerg. eff. July 5, 1965. Amended by Laws 1968, c. 251, § 1, emerg. eff. April 26, 1968; Laws 1983, c. 102, § 1, emerg. eff. May 9, 1983.

§19-864.11. Manner of installation.

All electrical wiring, materials, equipment and the methods of installation thereof, in every county or metropolitan area subject to the provisions of this act, shall be installed, furnished and used in such manner as to protect the safety of all persons and property affected thereby. Compliance with the electrical code of any city having a population of one hundred eighty thousand (180,000), or more, according to the last Federal Decennial Census

or any future Federal Decennial Census, which city is located in the county of inspection, shall be deemed to be prima facie evidence of compliance with this act.

If the electrical code of any such city, as defined in this section, or any electrical code which may be adopted by the board of county commissioners by virtue of the authority hereinafter granted, contains no specific standards as to the manner of electrical wiring, materials, equipment and the methods of installation thereof, compliance with the statutes of this state pertaining to the installation of electrical materials and equipment and conformity with the regulations set forth in then current National Electrical Code which is the standard of the National Board of Fire Underwriters for electrical wiring and apparatus, as recommended by the National Fire Protection Association and approved by the American Standards Association, shall be prima facie evidence of conformity with approved standards of safety to persons and property and of compliance with this act.

In the event that a board of county commissioners of any county or the governing body of any city affected by this act fails to enter into an agreement authorized under this act with a city or county, as the case may be, or if such an agreement is terminated, the governing body of any city or the board of county commissioners of such county is hereby granted the authority to adopt an electrical code for the city or county, as the case may be. Such code shall not be adopted by the board of county commissioners until after it has held a public hearing at which all interested persons have been permitted to appear to express their views as to what provisions the code should contain. Public notice of such hearing must be given by the board of county commissioners by publication in its proceedings at least thirty (30) days prior to the date of said hearing. From and after the effective date of any county electrical code adopted by the board of county commissioners under the authority created herein, all electrical installations within the unincorporated area of the county must be made to conform therewith. Such code shall afford safety to persons and property from hazardous electrical installations, but shall not unduly restrict owners in the improvement of their property.

Added by Laws 1965, c. 406, § 11, emerg. eff. July 5, 1965.

§19-864.12. Manufacturers and assemblers.

Manufacturers or assemblers of electrical equipment shall not be subject to the provisions of this act in regard to any work involved in the manufacture, test, alteration, maintenance or repair by the manufacturers or assemblers of electrical materials, devices, appliances or apparatus, except that nothing herein contained shall exempt any manufacturer or assembler from compliance with any applicable electrical installation code in his plant.

Added by Laws 1965, c. 406, § 12, emerg. eff. July 5, 1965.

§19-864.13. Annexed territory.

The inspection of electrical work as herein provided on improvements under actual construction in territory annexed by any city shall be continued by the county inspector until the completion of such work, and the regular inspection fees shall be paid to the county regardless of such annexation.

Added by Laws 1965, c. 406, § 13, emerg. eff. July 5, 1965.

§19-864.14. Exceptions.

The provisions of this act shall not apply to:

1. Buildings owned by the federal government.

2. Installation, alteration or repair of electrical equipment and devices by municipalities for street lighting or traffic signal systems.

3. Vehicles, boats or airplanes.

4. Integral parts of communications systems of telephone or telegraph companies.

5. Communications systems of railroads or pipeline companies, or oil or gas producers.

6. Public utilities systems subject to the regulations of the Corporation Commission and rural electric cooperatives in the generation, transmission and distribution of electricity.

7. Persons performing electrical work on integral components of equipment for which they have been otherwise qualified by examination of other competent bodies.

8. Any person engaged only in the work of operating any of the electrical installation in a factory, refinery, office building, school district, institution of higher learning, hospital or eleemosynary institution or any facility thereof; provided he shall be hired by only one entity and shall not establish an electrical business nor be able to assume any electrical contracting functions.

9. Elevator construction contractors and/or elevator construction journeymen in those jurisdictions of the city, county or metropolitan area which otherwise provides for licensing and inspection thereof by separate ordinance or resolution, and authority to so exempt and establish such licensing and inspection code by such enactment is hereby granted to such government entities.

Added by Laws 1965, c. 406, § 14, emerg. eff. July 5, 1965.

§19-864.15. Violations.

Violation of any of the provisions or conditions of this act shall constitute a misdemeanor and shall be punishable by a maximum fine of One Hundred Dollars ($100.00) upon conviction thereof. Each day shall constitute a separate violation. The electrical inspector

shall be entitled to bring any action at law or equity to restrain the threatened or continued violation of any of the provisions of this act relating to electrical codes.

It shall be unlawful for any person, firm or corporation to hold himself out, by publication or other means, as qualified to perform work restricted by the terms of this act, unless they are, in fact, so qualified.

Added by Laws 1965, c. 406, § 15, emerg. eff. July 5, 1965.

§19-864.16. Identification of contractors.

Every contractor shall have a means of identification which may be either name, license number or certificate of competency number on each and every service vehicle in letters not less than two inches high.

Added by Laws 1965, c. 406, § 16, emerg. eff. July 5, 1965.

§19-865.1. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.2. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.3. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.4. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.5. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.6. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.7. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.8. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.9. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.10. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.11. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.12. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.13. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.14. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.15. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.16. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.17. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.18. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.19. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.20. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.21. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.22. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.23. Repealed by Laws 1963, c. 179, § 5, emerg. eff. June 10, 1963.

§19-865.51. County planning commission and county board of adjustment authorized.

For the purpose of cooperating with the State of Oklahoma in conserving the natural resources of the state, and in promoting the health, safety, peace and general welfare of the people of the state, there may be provided in any county of the State of Oklahoma county planning in the manner herein provided, and for that purpose there is hereby authorized to be created in each of such counties a

county planning commission and a county board of adjustment with the respective powers and duties as set out in this act. In no county shall there be at the same time a county planning commission established pursuant to this section and a metropolitan area planning commission established pursuant to Section 866.1 of Title 19 and Section 863.2 of Title 19 of the Oklahoma Statutes. Provided that county commissioners may by proper resolution confer authority to any metropolitan area planning commission located in such county for the purposes of planning for unincorporated areas existing in county. Provided further that any county planning commission created under the provisions of this act shall have no jurisdiction over the area covered by any lake area planning and zoning commission in any county created pursuant to Section 866.36 of Title 19 of the Oklahoma Statutes.
Added by Laws 1970, c. 324, § 1, emerg. eff. April 28, 1970.

§19-865.52. Resolution of board - Majority vote of people.

Each county of the state which is hereby authorized to avail itself of the provisions of this act is hereby authorized to set up a planning commission by resolution of the board and by a vote of the majority of the people voting at an election called for such purpose in said county and to appropriate funds in the amounts necessary to carry out the purpose of this act. The commission, upon approval of the board, is hereby authorized to contract for, receive and utilize any grants or other financial assistance from the federal or state government or from any other source, public or private, in furtherance of its functions and may incur necessary expenses in obtaining said grants and/or financial assistance within the limits of its appropriations.
Added by Laws 1970, c. 324, § 2, emerg. eff. April 28, 1970.

§19-865.53. Territorial jurisdiction.

The territorial jurisdiction of the county, as respects administering and enforcing of rules and regulations as in this act provided, shall be the unincorporated portions of such county.
Added by Laws 1970, c. 324, § 3, emerg. eff. April 28, 1970.

§19-865.54. Definitions.

For the purpose of this act, certain terms are defined as provided in this section. Whenever appropriate, the singular includes the plural and the plural includes the singular. "Municipality" or "municipal" shall mean or relate only to incorporated cities and towns. "Board" shall mean the board of county commissioners. "Commission" shall mean the county planning commission. "Area" shall mean all territory included within the jurisdiction of the commission.
Added by Laws 1970, c. 324, § 4, emerg. eff. April 28, 1970.

§19-865.55. Commission membership.

The commission shall consist of three (3) members appointed by the board of county commissioners and the chairman of the board of county commissioners or a member of the board of county commissioners appointed by the chairman and one member to be appointed by the mayor of each incorporated city or town having a population of one thousand or more according to the last federal census. Members appointed by the board shall serve a term of four (4) years, except that the respective terms of the first three appointed shall be for terms of four (4) years. All members of the commission shall serve as such without compensation. Each appointed member shall be a resident of the area included within the jurisdiction of the commission for a period of three (3) years or more immediately preceding appointment and shall hold no other municipal or county office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term.

A member of such commission, once qualified, can thereafter be removed during his term of office only for cause and after a hearing held before the governing body by which he was appointed.

Added by Laws 1970, c. 324, § 5, emerg. eff. April 28, 1970.

§19-865.56. Cooperation and assistance.

In the pursuance of its duties, the planning commission may seek the advice, cooperation and collaboration of appropriate federal, state, municipal and other local governmental offices, departments, agencies, and instrumentalities, educational institutions and research organizations, whether public or private, and of civic groups and private persons and organizations. The planning commission also shall cooperate and confer with, and upon request supply information to federal, state, municipal and other local governmental agencies and, so far as possible, cooperate with planning agencies of adjoining areas on matters of mutual interest relevant to its activities. Whenever such cooperation or assistance includes the rendering of technical services, such services may be rendered free or in accordance with an agreement for reimbursement.

Added by Laws 1970, c. 324, § 6, emerg. eff. April 28, 1970.

§19-865.57. Coordinated physical development.

The commission may prepare, adopt, and from time to time revise, amend, extend or add to a plan or plans for the development of the area for the purpose of bringing about an orderly, coordinated physical development in accordance with the present and future needs.

Added by Laws 1970, c. 324, § 7, emerg. eff. April 28, 1970.

§19-865.58. Adoption and amendment of plan - Notice and hearing - Public record.

The commission may adopt the plan or plans, in whole or part, and subsequently amend or extend the adoption plan or portions thereof. Before the adoption, amendment, or extension of the plan or portions thereof, the commission shall hold at least one public hearing thereon. Such hearing may be adjourned from time to time. Prior to said hearing or hearings, the commission shall give reasonable notice in all papers of general circulation in the county, stating time, place and purpose of the hearing, and stating where copies of the proposed plan or plans may be acquired. The adoption of the plan or portions thereof shall be by resolution carried by not less than four (4) members of the commission, including the ex officio member thereof. Before such plan or plans or parts thereof shall have the status of an official plan, it shall be submitted to and shall have the approval of the board of county commissioners. The board may approve the plan in whole or in part, or return the plan or any portion thereof to the commission for further consideration. Any part so approved shall immediately become in full force and effect and as to the area covered by the approved portion of such plan. Should the board fail to act upon such plan within forty-five (45) days from the date of its submission by the commission, such plan shall be deemed to be approved by said board and shall have the status of an official plan or plans for the area. After the adoption of the plan or plans, or part thereof, an attested copy shall be certified by the commission and by the board and shall be certified to the county clerk of such county for safekeeping and as a public record.
Added by Laws 1970, c. 324, § 8, emerg. eff. April 28, 1970.

§19-865.59. Proposed improvements - Recommendations by commission.

From and after the adoption of the plan or plans or portion thereof and their proper certification, then and henceforth no improvement of a type embraced within the recommendations of the plan or plans shall be constructed or authorized without first submitting the proposed plans thereof to the commission and receiving the written recommendations of said commission; provided, however, that this requirement shall be deemed to be waived if the commission fails to make its report and recommendations within forty-five (45) days after the receipt of the proposed plans.
Added by Laws 1970, c. 324, § 9, emerg. eff. April 28, 1970.

§19-865.60. Rules and regulations for enforcement.

The commission is hereby empowered to promulgate and adopt rules and regulations for the implementation and enforcement of plan or plans adopted in accordance with this act.
Added by Laws 1970, c. 324, § 10, emerg. eff. April 28, 1970.

§19-865.61. Exemptions.

The rules and regulations of this commission shall not apply to the erection of farm homes or the erection or use of the usual farm buildings for agricultural purposes or the planting of agricultural crops.

Added by Laws 1970, c. 324, § 11, emerg. eff. April 28, 1970.

§19-865.62. County board of adjustment.

The board of county commissioners of any such county shall appoint a county board of adjustment composed of five (5) members, residents of such area, for terms of three (3) years, except that when the first appointment is made hereunder, the terms of office of two of said members shall be two (2) years, and the term of office of one of said members shall be three (3) years. A member of such county board of adjustment, once qualified, can thereafter be removed during his term of office only for cause and after a hearing held before the board of county commissioners. In the event of the death, resignation or removal of any such member before the expiration of his term, a successor shall be appointed by the board of county commissioners to serve his unexpired term. All members of the county board of adjustment shall serve as such without compensation.

The county board of adjustment shall elect its own chairman and shall adopt rules or procedures consistent with the provisions of this act. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Four (4) members of the county board of adjustment shall constitute a quorum. All meetings of the county board of adjustment shall be open to the public and a public record shall be kept of all proceedings.

The county board of adjustment may, with the approval of the board of county commissioners, appoint such employees as may be necessary and may incur necessary expenses, within the limits of the appropriations authorized by the board of county commissioners.

For each petition and for each request for a public hearing, the county board of adjustment shall collect a fee the amount thereof to be fixed by the respective boards of county commissioners which such fees shall be deposited with the county treasurer as required by law, and credited to the general fund of the county, and report thereof made to the board of county commissioners each month. Publication notices and transcripts on appeal shall be paid for by parties requiring or requesting the same.

Added by Laws 1970, c. 324, § 12, emerg. eff. April 28, 1970.

§19-865.63. Appeals to county board of adjustment.

Appeals to the county board of adjustment may be taken by any person aggrieved or by a public officer, department, board or bureau affected by any decision of the county inspecting officer in administering the commission's rules and regulations. Such appeals shall be taken within a period of not more than ten (10) days, by filing written notice with the county board of adjustment and the county inspecting officer, stating the grounds thereof. An appeal from the county board of adjustment shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken shall certify to the board of adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. The county board of adjustment shall have the following powers and it shall be its duty:

To hear and decide appeals where it is alleged that there is error of law in any order, requirement, decision or determination made by the county inspecting officer in the enforcement of the commission's rules and regulations.

In exercising the above powers, such board of adjustment may, in conformity with the provisions of this act, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

In acting upon any appeal, such board of adjustment shall, in its consideration of and decision thereon, apply the principles, standards and objectives set forth and contained in all applicable regulations and plans as adopted.

Added by Laws 1970, c. 324, § 13, emerg. eff. April 28, 1970.

§19-865.64. Appeals to district court and Supreme Court.

An appeal to the district court from any decision, ruling, judgment, or order of said county board of adjustment may be taken by any person or persons, firm or corporation, jointly or severally, aggrieved thereby, or any department, board or official of government by filing with the clerk of said board within ten (10) days a notice of such appeal. No bond shall be required for such appeal, but costs may be required in the district court as in other cases. Upon filing of such notice, the clerk of said board shall forthwith transmit to the clerk of the district court the originals or certified copies of all papers constituting the record in such case, together with the order, judgment or decisions of said board. Said cause shall be tried de novo in the district court and said court shall have the same power and authority as the county board of adjustment, together with all other powers of the district court in law or in equity. An appeal to the Supreme Court from the decision of the district court shall be allowed as in other cases.

Added by Laws 1970, c. 324, § 14, emerg. eff. April 28, 1970.

§19-865.65. Schedule of fees.

The board may establish a schedule of fees for inspections and investigations, which said fees shall be reasonable and proportionate to the services rendered and benefits involved, and shall be paid into the general fund of the county.

Added by Laws 1970, c. 324, § 15, emerg. eff. April 28, 1970.

§19-865.66. Notice of public hearings.

A. Notice of all public hearings herein provided for shall be given by one publication in a newspaper of general circulation in the municipality and the county at least fifteen (15) days prior to the date of such hearing.

B. In addition to the notice required in subsection A of this section, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the zoning change shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter (1/4) of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice.

For purposes of this subsection, "entity" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

Added by Laws 1970, c. 324, § 16, emerg. eff. April 28, 1970.
Amended by Laws 2009, c. 226, § 4, eff. Nov. 1, 2009.

§19-865.67. Repealed by Laws 2009, c. 271, § 5.

§19-865.67A. Board of county commissioners may establish fines and penalties.

A. A board of county commissioners may provide for enforcement of its regulations and establish fines, penalties or other remedies for any offense in violation of its regulations, which shall be recoverable together with costs of suit.

B. 1. In addition to other powers and duties prescribed by law, a board of county commissioners shall have the power to establish and enforce fines and penalties for violation of its zoning, subdivision, storm water and floodplain regulations, including the issuance of citations by designated county personnel for violations of its zoning, subdivision, storm water and

floodplain regulations. A board of county commissioners may additionally establish that any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction may be assessed a fine or penalty for each ensuing day during which such failure or violation continues.

2. In issuing a citation pursuant to this subsection, the county employee shall proceed as follows:

a. the employee shall prepare a written citation to appear in court, containing the name and address of the cited person and the violation/offense charged, and stating when the person shall appear in district court. The time to appear specified in the citation shall be at least five (5) days after the issuance of the citation,

b. one copy of the citation to appear shall be delivered to the person cited, and such person shall sign a duplicate written citation which shall be retained by the county employee, and

c. as soon as practicable, one copy of the citation shall be filed with the district court specified therein and one copy delivered to the prosecuting attorney.

3. If a person fails to appear in district court at the designated time, a warrant for arrest shall be issued.

4. Violations and penalties shall be deemed misdemeanor offenses, punishable by a fine of up to Five Hundred Dollars ($500.00). Jurisdiction is hereby conferred upon the district court within the county.

5. Fines and penalties collected pursuant to this subsection shall be deposited in the appropriate county fund.

6. Issuance of citations and/or payment of fines or penalties shall in no way preclude other remedies or appropriate action or proceedings to prevent or remove a violation.

Added by Laws 2009, c. 271, § 2.

§19-865.68. Exclusive control.

From and after the time such commission is constituted by the cooperating governmental units, it shall have exclusive control for the purposes herein provided over the territory within the jurisdiction of the county to the exclusion of any other planning agency, provided, however, this does not prevent commissioners from contracting with agencies formed in accordance with Chapter 31, Title 74, of the Oklahoma Statutes for planning services and regulation enforcement assistance.

Added by Laws 1970, c. 324, § 18, emerg. eff. April 28, 1970.

§19-865.69. Existing county planning commissions - Advisory agency.

For the purpose of cooperating with the State of Oklahoma in conserving the material resources of the state, any incorporated city or town within a county having in existence a county planning commission, as authorized in this act, is hereby authorized to contract with or retain such commission to function as an advisory, consultative, and coordinating agency for such city or town in its urban planning activities.
Added by Laws 1970, c. 324, § 20, emerg. eff. April 28, 1970.

§19-866.1. Metropolitan area planning commission - County board of adjustment.

For the purpose of cooperating with the State of Oklahoma in conserving the natural resources of the state, and in promoting the health, safety, peace, morals and general welfare of the people of the state, there may be provided in any county of the State of Oklahoma in which there is no city having a population of more than two hundred thousand (200,000), according to the last preceding Federal Decennial Census or any future federal census, one or more city and county planning and zoning commissions, in the manner herein provided, and for the purpose there is hereby authorized to be created in each of such counties city-county cooperative planning commissions, which shall be designated "metropolitan area planning commission", and a county board of adjustment with the respective powers and duties as set out in this act. In the execution of its purposes, such metropolitan area planning commission shall function as an advisory, consultative and coordinating agency, established to harmonize its planning activities with the planning activities of departments, agencies and instrumentalities of federal, state and local government; and to stimulate public interest and participation in the development of the area. As used in Sections 866.1 through 866.36 of this title, the word "city" includes incorporated towns.
Added by Laws 1957, p. 128, §1, emerg. eff. May 31, 1957. Amended by Laws 1959, p. 104, § 1; Laws 1983, c. 303, § 1, emerg. eff. June 23, 1983.

§19-866.2. City and county powers.

In any county of the state authorized to avail itself of the provisions of this act and form with a city located therein a cooperative planning commission, such city is hereby empowered to adopt, amend, extend, add to or carry out a comprehensive plan for such city under the authority of existing statutes and laws and in addition is hereby authorized to establish a housing code in accordance with the provisions hereinafter set forth in this act, and it may also perform any additional urban planning which is needed including, but not limited to, surveys, land use studies, urban renewal plans, conservation plans, technical service and other planning work.

Such county is hereby granted authority to establish zoning regulations, a building code and construction codes and a housing code in accordance with the provisions of this act for all the area located within three (3) miles of such municipality or within one-fourth (1/4) mile of any state or federal highway located anywhere in the county, or within one-half (1/2) mile of any water supply or reservoir owned by the municipality, excluding, however, any incorporated area, except as hereinafter provided; and further provided that such county is hereby granted authority to adopt, amend, extend, add to or carry out within the jurisdictional limits as provided by this act, excluding, however, any incorporated area and any unincorporated town which has been platted for more than ten (10) years, except as hereinafter provided, all additional elements of a comprehensive plan including, but not limited to, plans for major streets and highways and other elements of water, rail, air and land transportation plans, public facilities plans, capital improvement programs, uniform regulations for land subdivision and for the improvements located thereon, building line regulations, urban renewal plans and conservation plans. However, the provisions of this section shall not be construed to prohibit a municipality in a metropolitan area planning commission from creating its own separate planning commission to act within the boundary of the municipality. In every county of this state having an upstream terminal port and turnaround where navigation ends, or in any county containing all or any part of a reservoir or reservoirs constructed by the Bureau of Reclamation, the United States Army Corps of Engineers or by the Grand River Dam Authority, such county is hereby granted authority, at the discretion of the board of county commissioners, to establish zoning regulations, a building code and construction codes and a housing code in accordance with the provisions of this act for all or any part of the unincorporated area within the county, and further provided that such county is hereby granted authority to adopt, amend, extend, add to or carry out, throughout the unincorporated area of the county, additional elements of a comprehensive plan including, but not limited to, plans for major streets and highways and other elements of water, rail, air and land transportation plans, public facilities plans, capital improvement programs, uniform regulations for land subdivision and for the improvements located thereon, building line regulations and conservation plans.

Added by Laws 1957, p. 128, § 2, emerg. eff. May 31, 1957. Amended by Laws 1963, c. 212, § 1, emerg. eff. June 11, 1963; Laws 1963, c. 329, § 1, emerg. eff. June 22, 1963; Laws 1965, c. 403, § 1, emerg. eff. July 5, 1965; Laws 1978, c. 122, § 1, emerg. eff. March 31, 1978; Laws 1982, c. 183, § 1; Laws 1985, c. 33, § 1, eff. Nov. 1, 1985.

§19-866.3. Funds - Grants.

Any county of the state which is hereby authorized to avail itself of the provisions of this act and to form with a city located therein a cooperative planning commission may combine a portion of its funds with a portion of the funds of such city, to be expended for the purposes as herein set forth. Each such county and city is hereby authorized to appropriate funds in the amounts necessary to carry out the purpose of this act. The commission, upon approval of the council or board, as the case may be, is hereby authorized to contract for, receive, and utilize any grants or other financial assistance from the federal or state government or from any other source, public or private, in furtherance of its functions and may incur necessary expenses in obtaining said grants and/or financial assistance within the limits of its appropriations.

Added by Laws 1957, p. 128, § 3, emerg. eff. May 31, 1957.

§19-866.4. Territorial jurisdiction.

The territorial jurisdiction of the municipality as respects administering and enforcing of rules and regulations as in this act provided, shall include all territory located in the municipality, and all other territorial jurisdiction for the purpose of administering and enforcing the rules and regulations as in this act provided shall be exercised by the county.

Added by Laws 1957, p. 129, § 4, emerg. eff. May 31, 1957.

§19-866.5. Establishment of planning commission.

The board of county commissioners of any such county and the city council of such city desiring to avail itself of the provisions of this act shall at any time, set up a metropolitan area planning commission by resolution of the board of county commissioners, entered in the commissioners' journal of proceedings, setting forth its intention to avail itself of the provisions of this act and to enter into an agreement with the municipality for the organization of the metropolitan area planning commission herein provided for and upon such terms and conditions as may be agreed upon.

Added by Laws 1957, p. 129, § 5, emerg. eff. May 31, 1957. Amended by Laws 1997, c. 340, § 2, emerg. eff. June 9, 1997.

§19-866.6. Definitions.

For the purpose of this act, certain terms are defined as provided in this section. Whenever appropriate, the singular includes the plural and the plural includes the singular. "Municipality" or "municipal" shall mean or relate only to incorporated cities and towns. "Council" means the legislative body of the municipality. The term "streets" includes street, avenues, boulevards, roads, lanes, alleys, viaducts, highways and other ways. "Subdivision" and "zoning" are defined as hereinafter provided.

"Board" shall mean the board of county commissioners. "Commission" shall mean the metropolitan area planning commission. "Area" shall mean all territory included within the jurisdiction of the commission.
Added by Laws 1957, p. 129, § 6, emerg. eff. May 31, 1957.

§19-866.7. Commission membership - Appointment and tenure - Compensation - Vacancies - Removal.

The commission shall consist of the following members: four (4) members appointed by the mayor and confirmed by the council; four (4) members appointed by the board of county commissioners which members shall not be residents of any incorporated city or town; and one (1) member appointed by each incorporated city or town within the jurisdiction of the commission. The mayor, or a member of the governing body of the city appointed by the mayor, and chairman of the board of county commissioners, or a member of the board of county commissioners appointed by the chairman, shall be ex officio members of the commission. Members appointed by the mayor shall serve for a term of four (4) years except that the respective terms of the first two appointed shall be for a term of two (2) years and the next two appointed shall be for a term of four (4) years. Members appointed by the board shall serve a term of four (4) years except that the respective terms of the first two appointed shall be for a term of two (2) years and the next two appointed shall be for a term of four (4) years. Members appointed by an incorporated city or town shall serve at the pleasure of the appointing city or town. All members of the commission shall serve as such without compensation. The appointed members shall be residents for a period of three (3) years or more immediately preceding appointment and shall hold no other municipal or county office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the official appointing the original holder of said membership.

A member of such commission, once qualified, can thereafter be removed during his term of office only for cause and after a hearing held before the governing body by which he was appointed.
Added by Laws 1957, p. 129, § 7, emerg. eff. May 31, 1957. Amended by Laws 1963, c. 20, § 1, emerg. eff. March 15, 1963; Laws 1985, c. 33, § 2, eff. Nov. 1, 1985.

§19-866.8. Chairman - Meetings - Rules - Employees - Fees.

The commission shall elect its chairman from its appointed members and fill such other offices as it may determine. The term of the chairman shall be one (1) year. The commission shall hold at least one (1) meeting each month and all meetings shall be open to the public. It shall adopt rules for the transaction of business and keep a complete record of its functions and activities, which

record shall be a public record. The commission may appoint such employees as it may deem necessary and may establish a schedule of fees to cover the various services as it may require within the limits of its appropriations and may incur necessary expenses, all subject to the approval of the appropriate governing bodies. The commission may, to the extent authorized by the charter or ordinances of any city or town in the county, act as the planning commission for such city or town or lend planning assistance under such mutual arrangement for the sharing of expenses as may be agreed upon.
Added by Laws 1957, p. 129, § 8, emerg. eff. May 31, 1957.

§19-866.9. Submission of proposals and plans - Advice and cooperation of other agencies.

To facilitate effective and harmonious planning of the metropolitan area, the boards and the councils concerned and other county, municipal and local governmental agencies concerned shall submit to the metropolitan planning commission all proposals for plans and amendments or revisions thereto, as well as other proposals, recommendations and reports on matters with which the planning commission is concerned. In the pursuance of its duties, the metropolitan planning commission may seek the advice, cooperation and collaboration of appropriate federal, state, municipal and other local governmental offices, departments, agencies, and instrumentalities, educational institutions and research organizations, whether public or private, and of civic groups and private persons and organizations. The planning commission also shall cooperate and confer with, and upon request supply information to, federal, state, municipal and other local governmental agencies, and so far as possible cooperate with planning agencies of adjoining areas, on matters of mutual interest relevant to its activities. Whenever such cooperation or assistance includes the rendering of technical services, such services may be rendered free or in accordance with an agreement for reimbursement. The planning commission also shall advise and supply information, as far as possible, to civic groups and private persons and organizations who may request such information and advise, and who study or otherwise concern themselves with the metropolitan area's problems and development, insofar as such problems and development may be relevant to the activities of the planning commission.
Added by Laws 1957, p. 130, § 9, emerg. eff. May 31, 1957.

§19-866.10. Metropolitan comprehensive plan.

A. 1. The metropolitan area planning commission shall prepare, adopt, and from time to time revise, amend, extend or add to a plan or plans for the development of the metropolitan area. The plan or

plans may be published and collectively shall be known as the metropolitan comprehensive plan.

2. The comprehensive plan shall be developed:
   a. for the purpose of bringing about an orderly, coordinated, physical development in accordance with the present and future needs of such area,
   b. to conserve the natural resources of the area,
   c. to ensure efficient expenditure of public funds, and
   d. to promote the health, safety, convenience, prosperity, and general welfare of the people of the area and the state.

3. The metropolitan comprehensive plan shall:
   a. set forth the policy recommendations of the metropolitan area planning commission in regard to the physical development of the metropolitan area,
   b. contain a statement of the objectives, standards and principles sought to be embodied therein,
   c. contain recommendations for the most desirable pattern of land use within the metropolitan area, in the light of the best available information concerning:
      (1) topography, climate, soil and underground conditions, water courses and bodies of water and other natural or environmental factors,
      (2) the present and prospective economic bases of the metropolitan area, past and future trends of industry, population or other developments and the habits and standards of life of the people of the metropolitan area, and
      (3) the relation of land use within the metropolitan area to land use in adjoining areas,
   d. insofar as appropriate, indicate areas for residential uses and maximum recommended densities therein; areas for manufacturing and industrial uses, with classification of such areas in accordance with their compatibility with land use in adjoining areas; areas for the concentration of wholesale and retail business and other commercial uses; areas for recreational uses and areas for open spaces; and areas for mixed uses,
   e. include the circulation pattern recommended for the metropolitan area, including routes and terminals of transit, transportation and communication facilities whether used for movement within the metropolitan area or for the movement from and to adjoining areas,
   f. include recommendations concerning the need for and the proposed general location of public and private works and facilities, such as utilities, flood control

works, water reservoirs and pollution control facilities,

g. include such other recommendations of the metropolitan area planning commission concerning current and impending problems as may affect the metropolitan areas as a whole, and

h. be based on studies of physical, social, economic and governmental conditions and trends.

B. 1. Before the adoption, amendment, or extension of the plan or portions thereof, the commission shall hold at least one public hearing thereon.

2. Such hearing may be adjourned from time to time.

C. The commission may recommend for adoption or denial by the municipal council and/or, as appropriate, the board of county commissioners the comprehensive plan in whole or part, and subsequently may recommend the adoption or denial of any amendment or extension of the plan or portions thereof.

D. 1. Before the metropolitan comprehensive plan or part thereof has the status of an official plan, the plan shall be submitted to and shall have the approval of the municipal council insofar as such plan affects the area within the city limits of the municipality. In addition, the plan shall have the approval of the board of county commissioners, insofar as such plan affects the balance of the county excluding, however, any area within any incorporated municipality located within the balance of the county.

2. The council and the board may approve the plan in whole or in part, or return the plan or any portion thereof to the commission for further consideration.

3. Any part so approved shall immediately become in full force and effect as to the area covered by the approved portion of such plan.

4. Should the council or board fail to act upon such plan within forty-five (45) days from the date of its submission by the commission, such plan shall be deemed to be approved by said council or board and shall have the status of an official plan for the area.

E. After the adoption of the comprehensive plan, or part thereof, an attested copy shall be certified by the commission and by the approving authority and shall be certified to the county clerk of such county as a public record and certified to the clerks of such incorporated areas as may be covered or affected by the plan.

Added by Laws 1957, p. 130, § 10, emerg. eff. May 31, 1957. Amended by Laws 1963, c. 212, § 2, emerg. eff. June 11, 1963; Laws 2000, c. 117, § 1, eff. Nov. 1, 2000.

§19-866.11. Submission of proposed improvement plans for commission recommendations.

From and after the adoption of the comprehensive plan or portion thereof and its proper certification, then and henceforth no improvement of a type embraced within the recommendations of the comprehensive plan shall be constructed or authorized without first submitting the proposed plans thereof to the commission and receiving the written recommendations of said commission; provided, however that this requirement shall be deemed to be waived if the commission fails to make its report and recommendations within forty-five (45) days after the receipt of the proposed plans. Added by Laws 1957, p. 131, § 11, emerg. eff. May 31, 1957.

§19-866.12. Plats and subdivisions - Rules and regulations.

The commission is hereby empowered to adopt rules and regulations of uniform application governing plats and subdivisions of land falling within its jurisdiction. Such regulations shall be submitted to the council and to the board for approval and shall not be in force or effect within the corporate limits of the municipality until approved by the council and shall not be in force or effect within any part of the county, except within the municipality, until approved by the council and the board.

For the purpose of this act, a subdivision is defined as any division of land into two or more lots, parcels, tracts, or areas, any one of which when divided has an area of less than ten acres, or any division of land involving the vacation or dedication or right-of-way or alignment of an existing or proposed street or highway or public utility easement, or the resubdivision of land heretofore divided into lots, sites or parcels.

Such regulations shall be designed to secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or other highways or to the comprehensive plan or plans of the area; for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, parking lots, parks, playgrounds, light and air; and for the avoidance of congestion of population. Such regulations may include provisions as to the extent to which streets and other highways shall be graded and improved and to which water, sewer, or other utility mains, piping and other facilities shall be installed or assured as a condition precedent to the approval of the plat; the council and/or the board are hereby authorized to prepare such specifications and to make such order, inspections, examinations, and certificates as may be necessary to protect and carry out such regulations and make them effective, and to charge fees to services rendered and benefits involved as hereinafter provided or as may be provided by the respective governing bodies.

Such rules and regulations shall provide for the modification thereof by the commission in specific cases where unusual topographical or other exceptional conditions may require the same.

Such regulations shall provide for a tentative approval of the plat previous to the installation of such improvements and facilities, provided, that any such tentative approval shall be revocable and shall not be entered on the plat. Such regulations may provide that in lieu of the completion of the construction of the required improvements and facilities prior to the final approval of the plat, the board of council may accept bond in an amount and with surety and conditions satisfactory to them, providing for and securing to the council and board the actual construction of such improvement and facilities within a specified period, and the council and board are hereby granted the power to enforce such bond by legal and equitable remedies. Such rules and regulations shall be adopted, changed, or amended only after a public hearing has been held thereon by the commission. Such hearing may be adjourned from time to time. The adoption of the rules and regulations or amendments thereto, as above provided, shall be by resolution carried by not less than a majority of the full membership of the commission. Upon adoption by the commission, and upon approval by the board and council such rules and regulations or amendments thereto shall be certified to the county clerk of such county and the city clerk of the municipality for safekeeping and as a public record and shall be enforced as in this act provided.
Added by Laws 1957, p. 131, § 12, emerg. eff. May 31, 1957. Amended by Laws 1963, c. 212, § 3, emerg. eff. June 11, 1963.

§19-866.13. Recording of plats or deeds - Approval.

From and after the adoption of a plan for major streets or highways as a part of the comprehensive plan for the physical development of the area and the adoption of the rules and regulations governing subdivision of land no plat or deed or other instrument of a subdivision of land within the area shall be accepted for record in the office of the county clerk until it shall have been approved by such commission as being in accordance with the officially adopted rules and regulations of the commission and such approval endorsed in writing on the plat.

The approval of the commission required by this section or the refusal to approve shall take place within forty-five (45) days from and after the submission of the subdivision of land for final approval; otherwise said subdivision of land shall be deemed to have been approved and the certificate of said commission as to the date of the submission of the subdivision of land for approval and as to the failure to take action thereon within such time shall be sufficient in lieu of the written endorsement or evidence of approval herein required. The ground of refusal of any subdivision of land submitted, including citation to or reference to the rules or regulations violated by the subdivision of land shall be stated upon the record of the commission.

Whoever, being the owner or agent of the owner of any land within the area, transfers or sells or agrees to sell, or negotiates to sell any land by reference to or exhibition thereof, or by other use of a plat of a subdivision or a contract for deed or other instrument before such plat or deed or instrument has been approved by the commission and filed of record in the office of the county clerk, or whoever, being the owner or agent of the owner of a parcel of ground, transfers, or sells or agrees to sell, or negotiates to sell any tract of land of less than ten (10) acres, except in counties adjoining a county having a cooperative planning commission formed under the provisions of 19 O.S. 1961, Section 863.2, in which case upon order or rule of the city-county cooperative planning commission a tract of less than two and one-half (2 1/2) acres where such tract was not shown of record in the office of the county clerk as separately owned at the effective date of the regulations hereinafter provided for and not located within a subdivision approved according to law and filed of record in the office of the county clerk, or if so located, not comprising at least one entire lot as recorded, without first obtaining the written approval of the commission by its endorsement on the instrument of transfer, or contract of sale or other agreement to transfer, shall be subject to the penalties by this act provided; and such transaction shall be unlawful and shall not be recorded by the county clerk; provided that a tract of land which has not been subdivided, a tract of more than ten (10) acres, except in counties adjoining a county having a cooperative planning commission formed under the provisions of 19 O.S. 1961, Section 863.2, in which case upon order or rule of the city-county cooperative planning commission a tract of more than two and one-half (2 1/2) acres, may be transferred by the owner thereof to any person without complying with the provisions of this act and such transfer shall be duly recorded by the county clerk; and provided, further, that such person may further transfer such tract without complying with the provisions of this act, so long as such transfer involves the whole of such tract and the transfer shall be recorded by the county clerk, and thereafter any transfer shall be subject to existing law. Provided further, all deeds of record as of January 1, 1963, which convey tracts of land not portions of an approved or disapproved plat or subdivision, are hereby validated insofar as the filings of the same are concerned, whether or not first approved by the commission.

In its consideration of such transfers, referred to as "lot-splits" the commission shall apply the same regulations as are applied to subdivisions in order to accomplish the purpose of planning as herein provided. No city board of adjustment or county board of adjustment or any office representing such boards shall require that easements be given to the city or county for major street usages serving approval on a lot-split deed, and approving

such deeds shall not be deemed consideration for the transfer of easements for road purposes, except in the case of streets platted and dedicated by the owner in approved subdivision plans.
Added by Laws 1957, p. 132, § 13, emerg. eff. May 31, 1957. Amended by Laws 1963, c. 212, § 4, emerg. eff. June 11, 1963; Laws 1968, c. 221, § 1, emerg. eff. April 23, 1968.

§19-866.14. Building lines.

Wherever a plan for major streets and highways has been adopted and filed by the commission, the council and board, upon recommendations of the commission, are hereby authorized and empowered to establish, regulate, and limit, and to change and amend, building line or setback regulations on such major streets and highways, and to prohibit any new building being located within such building or setback lines within the area. In establishing such building lines, the council and board shall take into consideration the present stage of development along such highways, including the type of buildings and nature of their use, as well as their number and location; the present width of such highways; and probable future needs to protect safety and provide adequate transportation along such highways in view of the trend of development of residential, commercial, and industrial areas served by such highways.

Regulations authorized by this section shall not be adopted, changed, or amended by the council or board until a public hearing has been held thereon by the commission.
Added by Laws 1957, p. 133, § 14, emerg. eff. May 31, 1957.

§19-866.15. Enforcement of building line regulations - Appeals - Modification.

After the council or board shall have established building or setback lines on such major highways, no new building or structure shall be erected within such building or setback lines in the area and no permit for such building shall be issued by the city building inspector as respects the territory over which the municipality shall have enforcement jurisdiction or by the county inspecting officer appointed by the board to administer and enforce building line and setback regulations and other regulations for the county, as respects the territory over which the county shall have enforcement jurisdiction. The city board of adjustment, as respects the territory over which the municipality shall have enforcement jurisdiction, and the county board of adjustment as respects the territory over which the county shall have enforcement jurisdiction, shall hear appeals of any property owner aggrieved by such building line and setback regulations. Each said board of adjustment shall have the power to modify or vary the building line or setback regulations in specific cases, in order that unwarranted hardship,

which constitutes an unreasonable deprivation of uses as distinguished from a mere grant of privilege, may be avoided, the intended purpose of the regulations strictly observed, and the public welfare and public safety protected.
Added by Laws 1957, p. 133, § 15, emerg. eff. May 31, 1957.

§19-866.16. Zoning powers - Exemptions.

A. For the purposes of promoting the public health, safety, peace, morals, comfort, convenience, prosperity, order and general welfare, and to lessen danger and congestion of public transportation and travel, and to secure safety from fire and other dangers, and to prevent overcrowding of land, and to avoid undue concentration of population, and to provide adequate police protection, transportation, water, sewerage, schools, parks, forests, recreational facilities, military and naval facilities, and other public requirements, and to prevent undue encroachment thereon, the board of any such county is hereby empowered in accordance with the conditions and procedure specified in this act, to regulate:

1. The location, height, bulk, number of stories and size of buildings and other structures in the areas of the county not included within the territorial jurisdiction of the municipality as herein defined;

2. The percentage of the lot or area which may be occupied;

3. The size of yards, courts and other open spaces;

4. The density and distribution of population; and

5. The uses of buildings, structures and land for trade, industry, residence, recreation, civic and public activities and other purposes.

B. 1. The zoning power hereby conferred shall not apply to the erection or use of the usual farm buildings for agricultural purposes, the planting of agricultural crops or forestry activities.

2. For purposes of this subsection, "forestry activity" means any activity associated with the reforesting, growing, managing, protecting and harvesting of timber, wood and forest products including, but not limited to, forestry buildings and structures. The term "forestry activity" shall not pertain to areas and property which would restrict access to public road construction or right-of-way.
Added by Laws 1957, p. 133, § 16, emerg. eff. May 31, 1957. Amended by Laws 2000, c. 300, § 1, emerg. eff. June 5, 2000.

§19-866.16A. Board of county commissioners may establish fines and penalties.

A. A board of county commissioners may provide for enforcement of its regulations and establish fines, penalties or other remedies

for any offense in violation of its regulations, which shall be recoverable together with costs of suit.

B. 1. In addition to other powers and duties prescribed by law, a board of county commissioners shall have the power to establish and enforce fines and penalties for violation of its zoning, subdivision, storm water and floodplain regulations, including the issuance of citations by designated county personnel for violations of its zoning, subdivision, storm water and floodplain regulations. A board of county commissioners may additionally establish that any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction may be assessed a fine or penalty for each ensuing day during which such failure or violation continues.

2. In issuing a citation pursuant to this subsection, the county employee shall proceed as follows:

a. the employee shall prepare a written citation to appear in court, containing the name and address of the cited person and the violation/offense charged, and stating when the person shall appear in district court. The time to appear specified in the citation shall be at least five (5) days after the issuance of the citation,

b. one copy of the citation to appear shall be delivered to the person cited, and such person shall sign a duplicate written citation which shall be retained by the county employee, and

c. as soon as practicable, one copy of the citation shall be filed with the district court specified therein and one copy delivered to the prosecuting attorney.

3. If a person fails to appear in district court at the designated time, a warrant for arrest shall be issued.

4. Violations and penalties shall be deemed misdemeanor offenses, punishable by a fine of up to Five Hundred Dollars ($500.00). Jurisdiction is hereby conferred upon the district court within the county.

5. Fines and penalties collected pursuant to this subsection shall be deposited in the appropriate county fund.

6. Issuance of citations and/or payment of fines or penalties shall in no way preclude other remedies or appropriate action or proceedings to prevent or remove a violation.

Added by Laws 2009, c. 271, § 3.

§19-866.17. Division into districts or zones.

Whenever the commission of such county shall make and certify to the board of county commissioners of such county a zoning plan, including both the full text of the zoning resolution and proposed regulations and map or maps, representing the recommendations of the

commission for the regulation by districts or zones, of the location, height, bulk, number of stories and size of buildings and other structures in the areas of the county, not included within the territorial jurisdiction of the municipality as herein defined, and the percentage of the lot or area which may be occupied, the size of yards, courts, and other open spaces, the density and distribution of population, the uses of buildings, structures, and land for trade, industry, residence, recreation, civic, and public activities and other purposes, then the board may exercise the powers granted and, for the purposes mentioned in 19 O.S. 1961, Section 866.16, may divide the areas of such county located within three miles of such municipality or within one-fourth mile of a state or federal highway, and not included within the territorial jurisdiction of the municipality or within another incorporated municipality, into districts or zones in such number, shape, and areas as it may determine and, for said purposes, may regulate the erection, construction, reconstruction, conversion, alteration, and uses of buildings and structures and the uses of land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts. In every county of this state having an upstream terminal port and turnaround where navigation ends, or in any county containing all or any part of a reservoir or reservoirs constructed by the United States Army Corps of Engineers, such county is hereby granted authority, at the discretion of the board of county commissioners, to divide all or any part of unincorporated areas of such county into districts or zones in such number, shape, and areas as it may determine and, for said purposes, may regulate the erection, construction, reconstruction, conversion, alteration, and uses of buildings and structures and the uses of land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.
Added by Laws 1957, p. 134, § 17, emerg. eff. May 31, 1957. Amended by Laws 1963, c. 329, § 2, emerg. eff. June 22, 1963.

§19-866.18. Recommendations by commission.

Prior to the adoption of any zoning regulations the board, as it affects its jurisdiction, shall request the commission to recommend the boundaries of the various districts and appropriate regulations to be enforced therein. The commission shall make a preliminary report of its recommendations for such zoning regulations and shall hold one or more public hearings thereon. Such hearings may be adjourned from time to time. Within ninety (90) days after the final adjournment of such hearings, the commission shall make its final report to the board, together with a summary of the results of the public hearings, its proposed zoning regulations, map or maps,

and suggested resolution. The board may then adopt the proposed regulations or refer them back to the commission for further consideration.
Added by Laws 1957, p. 134, § 18, emerg. eff. May 31, 1957.

§19-866.19. Termination of nonconforming uses.

The board, within its area of jurisdiction may provide for the termination of nonconforming uses either by specifying the period or periods within which they shall be required to cease, or by providing a formula or formulas whereby the compulsory termination of nonconforming use shall be so fixed as to allow a reasonable period for the recovery of amortization of the investment in the nonconformance, provided, that in each instance any such action of the board shall be taken only after public notice and hearing thereon has been had before the commission and that commission's recommendations with respect thereto certified to the board.
Added by Laws 1957, p. 134, § 19, emerg. eff. May 31, 1957.

§19-866.20. Amendment or repeal of regulations - Notice and hearing.

The zoning regulations imposed and the districts created under authority of this act may be amended, supplemented, changed, modified or repealed from time to time by resolution of the board, as it affects its jurisdiction, but no such change shall be made without public notice and hearing and the filing of a report and recommendations upon such proposed change by the commission.

All projects or matters that fall within the purview of the duties of the commission, as specified in this section shall be referred to the commission for investigation and report before any final action shall be taken thereon; provided, however, that if the said commission fails to make an investigation and report on any matter or subject referred to it for a period of thirty (30) days, such failure shall be considered a refusal to approve the proposed plan or project and the board shall be under no obligation to wait longer for reports or recommendations concerning said projects.
Added by Laws 1957, p. 134, § 20, emerg. eff. May 31, 1957.

§19-866.21. Permits required - Administration of rules and regulations.

After the adoption of such zoning regulations or building line regulations by the board and/or the council, no building or other structures shall be erected, constructed, enlarged or altered, or repaired in such manner as to prolong the life of the building, nor shall the use of any land be changed without a permit issued in accordance with the rules and regulations adopted by the council or board under the terms of this act by the county inspecting officer as to territory falling within the jurisdiction of the county and of

the inspector of the municipality as to territory falling within the jurisdiction of the municipality. The county inspecting officer shall have the duty of administering the rules and regulations under this act applicable to territory over which the municipality does not have jurisdiction, and shall make such inspections and investigations as may be necessary to the proper enforcement of such rules and regulations. The inspector of the municipality shall have the duty of administering the rules and regulations under this act insofar as it applies to the territorial jurisdiction of the municipality and shall make such inspections and investigations as may be necessary to the proper enforcement of such rules and regulations, except that in the matter of construction, surfacing and maintenance of streets, roads, and highways in the entire unincorporated area of the county, the board may prescribe rules and regulations and prescribe standards and the county engineer shall have the duty of administering such rules and regulations and when requested, shall assist in administering the rules and regulations governing subdivision of land in the unincorporated portions of the county and shall make such inspections and investigations as may be necessary to the proper enforcement of such rules and regulations. The county inspecting officer and the city inspector may be designated as one and the same person by the board and council respectively, and when so designated shall exercise the authority vested in both officers.
Added by Laws 1957, p. 135, § 21, emerg. eff. May 31, 1957.

§19-866.22. County Board of Adjustment.

The board of county commissioners of any such county shall appoint a county board of adjustment composed of five (5) members, residents of such county, two of whom shall reside outside the corporate limits of the municipality, for a term of three (3) years, except that when the first appointment is made hereunder, the term of office of two of said members shall be one (1) year, the term of two of said members shall be two (2) years, and the term of office of one of said members shall be three (3) years. A member of such county board of adjustment, once qualified, can thereafter be removed during his or her term of office only for cause and after a hearing held before the board of county commissioners. In the event of the death, resignation or removal of any such member before the expiration of his or her term, a successor shall be appointed by the board of county commissioners to serve his or her unexpired term. All members of the county board of adjustment shall serve as such without compensation.

The county board of adjustment shall elect its own chair and shall adopt rules or procedures consistent with the provisions of Section 866.1 et seq. of this title. The chair, or, in his or her absence, the acting chair, may administer oaths and compel the

attendance of witnesses. Three members of the county board of adjustment, with both the city and the county being represented, shall constitute a quorum. All meetings of the county board of adjustment shall be open to the public and a public record shall be kept of all proceedings.

The county board of adjustment may, with the approval of the board of county commissioners, appoint such employees as may be necessary and may incur necessary expenses, within the limits of the appropriations authorized by the board of county commissioners.

For each petition and for each request for a public hearing, the county board of adjustment shall collect a fee the amount thereof to be fixed by the respective boards of county commissioners which such fees shall be deposited with the county treasurer as required by law, and credited to the general fund of the county, and report thereof made to the board of county commissioners each month. Publication notices and transcripts on appeal shall be paid for by parties requiring or requesting the same.

Added by Laws 1957, p. 135, § 22, emerg. eff. May 31, 1957. Amended by Laws 2009, c. 108, § 1, eff. Nov. 1, 2009.

§19-866.23. Appeals to board - Powers and duties.

Appeals to the county board of adjustment may be taken by any person aggrieved or by a public officer, department, board or bureau affected by any decision of the county inspecting officer in administering the county zoning regulations or building line and setback regulations. Such appeals shall be taken within a period of not more than ten (10) days, by filing written notice with the county board of adjustment and the county inspecting officer, stating the grounds thereof. An appeal from the county board of adjustment shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken shall certify to the board of adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. The county board of adjustment shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged that there is error of law in any order, requirement, decision or determination made by the county inspecting officer in the enforcement of the county zoning regulations.

2. To hear and decide requests for map interpretations or for decisions on other special questions upon which it is authorized to pass by the regulations adopted by the board.

3. Where, by reason of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this act would result in peculiar and exceptional difficulties to, or exceptional and demonstrable undue

hardship upon, the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such demonstrable difficulties or hardships, provided such relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan or other element of the comprehensive plan as embodied in the zoning regulations and map.

In exercising the above powers, such board of adjustment may, in conformity with the provisions of this act, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

In acting upon any appeal, such board of adjustment shall, in its consideration of and decision thereon, apply the principles, standards and objectives set forth and contained in all applicable regulations, ordinances and resolutions and in the comprehensive plan.

Added by Laws 1957, p. 136, § 23, emerg. eff. May 31, 1957.

§19-866.24. Appeals to district court.

An appeal to the district court from any decision, ruling, judgment, or order of said county board of adjustment may be taken by any person or persons, firm or corporation, jointly or severally, aggrieved thereby, or any department, board or official of government by filing with the clerk of said board within ten (10) days a notice of such appeal. No bond shall be required for such appeal, but costs may be required in the district court as in other cases. Upon filing of such notice, the clerk of said board shall forthwith transmit to the clerk of the district court the originals or certified copies of all papers constituting the record in such case, together with the order, judgment or decisions of said board. Said cause shall be tried de novo in the district court and said court shall have the same power and authority as the county board of adjustment, together with all other powers of the district court in law or in equity. An appeal to the Supreme Court from the decision of the district court shall be allowed as in other cases.

Added by Laws 1957, p. 136, § 24, emerg. eff. May 31, 1957.

§19-866.25. Zoning regulations to govern.

Whenever the zoning regulations made under authority of this act require a greater width of size of yards, courts, or other open spaces or require a lower height of building or a less number of stories or require a greater percentage of lot to be left unoccupied or require a lower density of population, or require a more restricted use of land, or impose other higher standards than are required in any other statute, local order of regulation, private

deed restrictions or private covenants, the regulations made under the authority of this act shall govern.
Added by Laws 1957, p. 137, § 25, emerg. eff. May 31, 1957.

§19-866.26. Construction codes.

Whenever a zoning plan has been adopted and filed by the council and board, the board, upon the recommendations of the commission, is hereby authorized and empowered to establish for the area over which it exercises zoning jurisdiction a building code and other construction codes including, but not limited to, a plumbing code, an electrical code and an air conditioning and refrigeration code. Such building regulations and construction codes shall be administered and enforced by the county inspecting officer appointed by the board.

Regulations authorized by this section shall not be adopted, changed, or amended by the board until a public hearing has been held thereon by the commission.
Added by Laws 1957, p. 137, § 26, emerg. eff. May 31, 1957.

§19-866.27. Housing code.

Whenever a zoning plan and building code have been officially adopted by the council, authorization is hereby given the council to establish a housing code, upon recommendation of the commission, for the incorporated municipality. Whenever a zoning plan and building code have been officially adopted by the council and board for their respective jurisdictions, authorization is hereby given the board to establish a housing code for the area over which it exercises zoning jurisdiction, upon recommendation of the commission.

A housing code established under the terms of this act shall establish minimum equipment and facility standards relating to health and sanitation including standards for lighting; heating; ventilation; garbage and waste disposal; sewage disposal; water supply; and egress. Standards shall be established for the general sanitary condition of the dwelling unit; sanitary equipment; heating equipment; chimney and flues, the storage of inflammable liquids, wiring, and other fire hazards; pest infestation; internal structural repair; external structural repair; dampness; and other factors relating to health and sanitation. Minimum standards for condition of occupancy shall be established relative to general room crowding and area crowding for sleeping and nonsleeping area and relative to mixing business and living uses in the same area or structure.

A housing code established under the authorization of this act shall be based on a comprehensive survey of the actual condition of structures and environmental surroundings in the area as they relate to quality of housing, and shall be drawn to apply to all types of dwellings, and the environment thereof, used for human occupancy in

the area. The enforcement and administration of the housing code shall be conducted by the inspector of the city and the inspecting officer of the county who shall advise with and work in conjunction with the city and county health departments in such administration. Administration and enforcement shall be carried out on a systematic inspection basis designed to apply quality of housing standards equally throughout the area. Enforcement of the housing code shall be coordinated with the enforcement program of the building code, construction codes and zoning regulations of the city and county respectively.

Regulations authorized by this section shall not be adopted, changed, or amended by the council or board until a public hearing has been held thereon by the commission.

Added by Laws 1957, p. 137, § 27, emerg. eff. May 31, 1957.

§19-866.28. Building permit fees - Inspection fees.

For building permits issued under this act, there shall be paid a fee of One Dollar and fifty cents ($1.50), plus one-tenth (1/10th) of the one percent (1%) of the job valuation up to One Hundred Thousand Dollars ($100,000.00) and one-twenty-fifth (1/25) of one percent (1%) of the job valuation over One Hundred Thousand Dollars ($100,000.00), but not to exceed Three Hundred Dollars ($300.00). For each tentative plat there shall be paid a fee of Ten Dollars ($10.00), and for each final plat a fee of Ten Dollars ($10.00), or a fee of fifty cents ($0.50) per lot, plus Five Dollars ($5.00), whichever is larger, and for each "lot-split" there shall be paid a fee of Two Dollars ($2.00). For each request for public hearing before the commission, there shall be paid a fee of Twenty-five Dollars ($25.00). No fees shall be required of municipalities or public schools. For each appeal to the county board of adjustment, there shall be paid a fee of Fifteen Dollars ($15.00). All fees shall be paid to the county treasurer of the county or the city clerk of the municipality, as the case may be.

The Legislature declares the foregoing fees to be reasonable and proportionate to the services rendered and the benefits involved; provided, however, the amount of the foregoing fees may be increased or diminished by action of the respective governing bodies. No fees or permits shall be required for the construction of any farm home or any other farm building. The foregoing fees shall be paid to the county treasurer or the city clerk in accordance with the territorial jurisdiction for enforcing and administering this act. All monies received shall be paid into the respective general funds of the city and county. Publication notices and transcripts on appeal shall be paid for by parties requiring or requesting the same.

The council and board may each establish a schedule of fees for inspections and investigations as respects the territory within

their respective enforcement jurisdictions, which said fees shall be reasonable and proportionate to the services rendered and benefits involved, and shall be paid into the respective general funds of the city and county.
Added by Laws 1957, p. 138, § 28, emerg. eff. May 31, 1957.

§19-866.29. Notice of public hearings.

A. Notice of all public hearings herein provided for shall be given by one publication in a newspaper of general circulation in the municipality and the county at least fifteen (15) days prior to the date of such hearing.

B. In addition to the notice required in subsection A of this section, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the zoning change shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter (1/4) of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice.

For purposes of this subsection, "entity" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.
Added by Laws 1957, p. 138, § 29, emerg. eff. May 31, 1957. Amended by Laws 2009, c. 226, § 5, eff. Nov. 1, 2009.

§19-866.30. Exemptions from zoning regulations.

A. The zoning power conferred herein shall not apply to the erection or use of the usual farm buildings for agricultural purposes or to the planting of agricultural crops, to the extraction of oil or natural gas, or to forestry activities.

B. The power of the board to establish building and construction codes shall not apply to:

1. A single family residence located on a separate parcel of land under one ownership, containing twenty (20) acres or more in area;

2. Any lands which, as of the effective date hereof:

   a. are devoted to manufacturing and/or industrial use, or

   b. have been acquired by any owner for expansion of facilities devoted to manufacturing and/or industrial use, so long as such use or ownership continues;

3. The acquisition of property or easements for or the installation, construction, maintenance or use of structures, facilities and property of electric cooperatives or public utilities subject to the jurisdiction of the Corporation Commission of the State of Oklahoma, or other similar state or federal body.

C. For purposes of this section, the term "forestry activity" means any activity associated with the reforesting, growing, managing, protecting and harvesting of timber, wood and forest products including, but not limited to, forestry buildings and structures. The term "forestry activity" shall not pertain to areas and property which would restrict access to public road construction or right-of-way.

Added by Laws 1957, p. 138, § 30, emerg. eff. May 31, 1957. Amended by Laws 1963, c. 212, § 5, emerg. eff. June 11, 1963; Laws 2000, c. 300, § 2, emerg. eff. June 5, 2000.

§19-866.31. Validation of existing plans, ordinances, etc.

All existing plans, regulations, resolutions, ordinances and codes and all amendments, supplements and changes thereof adopted under prior existing planning acts, and all actions taken under the authority thereof, are hereby validated and continued in effect until amended, revised, or repealed by appropriate official action taken under authority of this act. Any comprehensive plan heretofore filed of record in the office of the county clerk of said county by the presently existing city commission may by resolution of the commission be withdrawn from record and the recording of such resolution of withdrawal in the office of the county clerk shall be authority for the exclusion from abstracts of title of such plan so withdrawn.

Added by Laws 1957, p. 138, § 31, emerg. eff. May 31, 1957.

§19-866.32. Violations and penalties.

A violation of this act or of any order or regulation adopted under authority of this act shall be deemed a misdemeanor and shall be punishable by fine or by imprisonment or both, as now provided by law for misdemeanors, and jurisdiction is hereby conferred upon any municipal, criminal, or police court in the municipality over offenses occurring within the municipality, which jurisdiction shall be concurrent with that of any other court having jurisdiction thereof.

Added by Laws 1957, p. 139, § 32, emerg. eff. May 31, 1957.

§19-866.33. Exclusive control by commission - Transfer of records, etc.

From and after the time such commission is constituted by the cooperating governmental units, it shall have exclusive control for the purposes herein provided over the territory within such city and

the unincorporated areas of the county to the exclusion of any other planning and zoning agency, excepting therefrom any city or county boards of adjustment. The now existing city planning commission shall transfer to this commission upon its activation all records, resolutions, maps, charts, plats and other descriptive matter which said city planning commission shall have in their possession.
Added by Laws 1957, p. 139, § 33, emerg. eff. May 31, 1957.

§19-866.34. Continued operation after population increase.

Any county availing itself of the provisions of this act may continue to operate thereunder though the population of a city therein may hereafter exceed one hundred thousand (100,000).
Added by Laws 1957, p. 139, § 34, emerg. eff. May 31, 1957.

§19-866.35. Contracts with city-county planning commissions.

For the purpose of cooperating with the State of Oklahoma in conserving the material resources of the state, and in promoting the health, safety, peace, morals and general welfare of the people of the state, any incorporated city or town within a county having in existence a city-county planning commission, as authorized in 19 O.S. 1961, Section 866.1, is hereby authorized to contract with or retain such commission to function as an advisory, consultative and coordinating agency for such city or town in its urban planning activities, including but not limited to making surveys, transportation plans, public facility plans, land use studies, urban renewal plans, conservation plans, technical service, and other planning work.
Added by Laws 1965, c. 143, § 1, emerg. eff. May 24, 1965.

§19-866.36. Repealed by Laws 1982, c. 183, § 10.

§19-867.1. Dedications for street or highway purposes not required as condition for approval of zoning ordinance.

The county commissioners of any county or the governing body of any incorporated city or town or the planning commission of any county, city, or town or the board of adjustment of any county, city, or town or any other governing body, board, or commission having authority to approve or disapprove a zoning ordinance or resolution or a recording of a lot-split deed shall not require the dedication for street or road right-of-way purposes of any easements or other interest in land as a condition for the approval of such zoning ordinance or resolution or the recording of a lot-split deed. Any transfer of interest in land for the purpose of securing such approval shall not be deemed a consideration therefor, provided, however, that the provisions of this section shall not apply to dedications to the public of property interest by the owner thereof in approved subdivision plats or building set-back requirements.

Added by Laws 1965, c. 152, § 1, emerg. eff. May 25, 1965.

§19-867.2. Counties exempt.

This act shall not apply in counties of more than four hundred thousand (400,000) population according to the last Federal Decennial Census.

Added by Laws 1965, c. 152, § 2, emerg. eff. May 25, 1965.

§19-868.1. Creation of county planning commission and board of adjustment.

In every county subject to the provisions of this act there are hereby created a county planning commission and a county board of adjustment with the respective powers and duties as set forth in this act.

Added by Laws 1972, c. 244, § 1, emerg. eff. April 7, 1972.

§19-868.2. Personnel of county planning commission.

The county planning commission shall be composed of seven (7) members to be appointed by the board of county commissioners. One member shall be a member of the board of county commissioners and the remaining six members shall be residents of the unincorporated areas of the county. The term of the county commissioner member shall be coextensive with his term of official office, and all other members shall be appointed for terms of six (6) years, except that such terms shall be made overlapping and the respective terms of those first appointed may be less than six (6) years. All members shall serve as such without compensation. Members may be removed by the board of county commissioners for cause after a public hearing held for that purpose and vacancies shall be filled by additional appointments.

Added by Laws 1972, c. 244, § 2, emerg. eff. April 7, 1972.

§19-868.3. Personnel and procedure of county board of adjustment.

The county board of adjustment shall be composed of three resident property owners of the county to be appointed by the board of county commissioners. At least one member shall be a resident of the county seat of such county and at least one member shall be duly licensed as an attorney in the State of Oklahoma. The term of each member shall be three (3) years except that the terms shall be overlapping and the membership of the board first appointed shall be for terms of one (1), two (2) and three (3) years, respectively. The board of county commissioners is hereby authorized to fill vacancies which may occur in the board and to appoint a substitute or substitutes to serve in a particular case in which a member or members shall certify his disqualification. Members may be removed by the board of county commissioners for cause after a public hearing held for that purpose, and vacancies shall be filled by

additional appointments. All members of the county board of adjustment shall serve as such without compensation.

The county board of adjustment shall elect its own chairman and shall adopt rules of procedure consistent with the provisions of the zoning regulations and the provisions of this act. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the county board of adjustment shall be open to the public, and minutes shall be kept of all proceedings and official actions, which minutes shall be filed in the office of the board and shall be a public record. The board of adjustment shall fix a reasonable time for the hearing of any appeal and every appeal shall be heard within sixty (60) days from the date of filing.

Notice of hearings before the county board of adjustment shall be given by at least one (1) publication in a newspaper of general circulation in the county and by mail to the record owners of lands contiguous to the affected area at least fifteen (15) days prior to the date of such hearing.

Added by Laws 1972, c. 244, § 3, emerg. eff. April 7, 1972.

§19-868.4. Staff and finances - Fees.

The county planning commission may appoint such employees as it may deem necessary for its work and may contract with planners and other consultants for such services as it may require, and may incur other necessary expenses; provided that the expenditures of the county funds by the planning commission shall not be in excess of the amounts appropriated for that purpose by the board of county commissioners. It shall be lawful for the board of county commissioners to appropriate funds for the administration of this act and to contract with the governing body of the county seat city to contribute jointly to pay expenses and salaries of a combined staff to serve the county planning commission, county board of adjustment, city planning commission and city board of adjustment, and to provide offices for such combined staff either in the county courthouse or the municipal building.

For building permits issued pursuant to this section, the county engineer shall collect a fee set by the county planning commission, which shall be approved every two (2) years by the board of county commissioners. For each petition for amendments to zoning regulations, the county planning commission shall, upon approval and authorization by the board of county commissioners, collect a fee sufficient to cover the cost of mailing notices and conducting investigations into the applicant's petition. In the event the petition is withdrawn by the applicant before consideration by the county planning commission but after notice and mailing of such public hearing on applicant's amendments to zoning regulations or in the event the applicant's petition is denied by the county planning

commission and an appeal is not pursued to the county board of adjustment, the applicant shall not be permitted to file another petition for amendment to zoning regulations covering the matter withdrawn or denied until ninety (90) days from such withdrawal or denial and upon payment of a nonrefundable fee as set by the county planning commission, which shall be approved by the board of county commissioners. All fees collected by the county planning commission and the county engineer shall be deposited with the county treasurer daily, as is now provided by law, to the credit of the county planning commission and such fees shall be placed in a separate fund to the credit of the said county planning commission, to be designated as the "County Planning Commission Special Fund", and shall be expended by the county planning commission, as follows: for salaries of the staff or any member thereof, for mailing cost to potentially affected members of the public concerning notice of petitions for amendment to zoning regulations, for books, records, supplies, fixtures and other necessary expenses incurred in the operation of said Planning Commission, provided that any of the fee so expended shall be upon verified claims duly filed, and approved by the board of county commissioners of the county as provided by law. Provided, however, that in the event the fees shall be in excess of the necessary operating expenses of the planning commission, said excess shall revert to the general fund of any such county at the end of the fiscal year. Provided further, that in the event said fees shall not be sufficient to operate the planning commission, the difference may be supplied by appropriation as provided by law. On the first day of each month the county engineer and the county planning commission shall each submit to the board of county commissioners a verified report of all fees charged and collected during the preceding month.

For each petition for an appeal to the board of adjustment, the county planning commission shall, upon approval and authorization by the board of county commissioners, collect a fee sufficient to cover the cost of mailing notices and conducting investigations into the applicant’s petition.

Added by Laws 1972, c. 244, § 4, emerg. eff. April 7, 1972. Amended by Laws 1995, c. 103, § 1, eff. Nov. 1, 1995; Laws 2008, c. 294, § 2, eff. Nov. 1, 2008.

§19-868.5. Procedure of county planning commission.

The county planning commission shall hold at least one regular meeting each month. The commission shall elect a chair who shall serve for one (1) year with eligibility for reelection. The commission shall adopt rules of procedure for the transaction of its business, set fees for building permits and time periods for filing petitions and fees for amendments to zoning regulations which shall be approved and adopted by the board of county commissioners. The

county planning commission shall keep a public record of its resolutions, transactions, findings and recommendations.

Before holding any hearing hereinafter provided for in this act, the county planning commission shall give notice stating the nature of the hearing and the time and place where it shall be held. Such notice shall be given at least once each week for three (3) successive weeks prior to the date of such hearing in a newspaper of general circulation in the county.

Added by Laws 1972, c. 244, § 5, emerg. eff. April 7, 1972. Amended by Laws 1995, c. 103, § 2, eff. Nov. 1, 1995.

§19-868.6. Master plan.

The county planning commission shall make, adopt and may publish an official master plan of the county for the purpose of bringing about coordinated physical development in accordance with the present and future needs of the county. The master plan shall be developed so as to conserve the natural resources of the county, to insure efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants. Such master plan may include, among other things, studies and recommendations relative to the location, character and extent of highways, railroads, bus, street car and other transportation routes, bridges, public buildings, schools, parks, parkways, airports, forests, wildlife refuges, dams and projects affecting conservation of natural resources. The master plan shall not limit the construction, maintenance or operation of public service facilities outside of the riding surface of county roads, streets, highways or section lines of companies regulated by the Oklahoma Corporation Commission, nor shall such master plan apply to or limit construction of telephone exchange buildings. The commission may adopt the master plan in whole or in part and subsequently amend or extend the adopted plan or portion thereof. Before the adoption, amendment or extension of the plan or portion thereof the commission shall hold at least one public hearing thereon. Such hearing may be adjourned from time to time. The adoption of the plan, or part thereof, shall be by resolution carried by not less than a majority vote of the full membership of the commission. After the adoption of the master plan, or part thereof, an attested copy shall be certified to the board of county commissioners, to the county clerk and to the clerk of such incorporated area covered by the plan.

Added by Laws 1972, c. 244, § 6, emerg. eff. April 7, 1972.

§19-868.7. Submission of proposed improvements to county planning commission.

From and after the adoption of the master plan or portion thereof and its proper certification, then and henceforth no

improvement of a type embraced within the recommendations of the master plan shall be constructed or authorized without first submitting the proposed plans thereof to the planning commission and receiving the written approval and recommendation of said commission; provided, however, that this requirement shall be deemed to be waived if the county planning commission fails to make its report and recommendations within forty-five (45) days after the receipt of the proposed plans, and provided further that the disapproval or recommendations of the commission may be overruled by a two-thirds (2/3) vote, properly recorded, of the legislative body, board or officials sponsoring or acting upon the proposed improvements, after the reasons for such overruling are spread upon its minutes.
Added by Laws 1972, c. 244, § 7, emerg. eff. April 7, 1972.

§19-868.8. Approval of plat of subdivided lands - Rules and regulations.

From and after the date of the adoption of a plan for major streets or highways as a part of the master plan for the physical development of the unincorporated areas of the county and the adoption of the rules and regulations hereinafter in this section provided for, no plat of a subdivision of land within the unincorporated areas of said county shall be recorded in the office of the county clerk until it shall have been approved by such county planning commission and such approval be endorsed in writing on the plat. The approval of the planning commission required by this section or the refusal to approve shall take place within forty-five (45) days from and after the submission of the plat for final approval unless stipulation for additional time is agreed to by the applicant; otherwise, said plat shall be deemed to have been approved, and the certificate of the said county planning commission as to the date of the submission of the plat for approval and the failure to take action thereon within such time shall be sufficient in lieu of the written endorsement or evidence of approval herein required. The ground of refusal or approval of any plat submitted, including citation of or reference to the rule or regulation violated by the plat, shall be stated upon the record of the commission.

Such county planning commission shall adopt rules and regulations of uniform application governing plats and subdivisions of land falling within its jurisdiction. Such regulations shall provide for: the proper arrangement of streets or other highways in relation to existing or planned streets or highways or to the master plan of the county; building lines; open spaces for traffic, utilities, access of fire fighting apparatus, recreation and light and air; and the avoidance of congestion of population, including the minimum width and area of lots. Such rules and regulations

shall not require the dedication to the general public of open grounds or space other than streets and ways and utility easements, nor any requirement as to the minimum percentage of lot occupancy, nor as to height, bulk, location or use of buildings; and minor streets shall not be required to be wider than sixty (60) feet. Said regulations may include provisions as to the extent to which streets and other highways shall be graded and improved and to which water, sewer and other utility mains, piping or other facilities shall be installed or assured as a condition precedent to the approval of the plat; and the board of county commissioners is hereby authorized to prepare such specifications and to make such orders, inspections, examinations and certificates as may be necessary to protect and carry out such provisions and make them effective. Such general rules shall provide for the modification thereof by the county planning commission in specific cases where unusual topographical or other exceptional conditions may require the same. Said regulations shall provide for tentative approval of the plat previous to the installation or assurance of such improvements and facilities; provided that any such tentative approval shall be revocable and shall not be entered upon the plat. Such regulations shall provide that, in lieu of the completion of the construction of the required improvements and facilities prior to the final approval of the plat, the county planning commission may accept bond of not less than ten percent (10%) and not to exceed one hundred percent (100%) of the cost of construction of the proposed improvements and facilities for the board of county commissioners in the amount and with surety and conditions satisfactory to it, providing for and securing to the board of county commissioners the actual construction of such improvements and facilities within a period specified by the county planning commission, and the board of county commissioners is hereby granted the power to enforce such bond by all legal and equitable remedies. Such regulations shall be adopted, changed or amended only after a public hearing has been held thereon. Upon adoption, said general rules shall be certified to the board of county commissioners and to the county clerk.

If the governing body of a city or town protests against a subdivision plat of any land lying within three (3) miles of the limits of the incorporated area of such city or town, the plat shall be approved only by a favorable vote of two-thirds (2/3) of the whole membership of the county planning commission with the reasons therefor spread upon its minutes.

Added by Laws 1972, c. 244, § 8, emerg. eff. April 7, 1972.

§19-868.9. Building law regulations.

Whenever a plan for major highways has been adopted and filed by the county planning commission, the board of county commissioners,

upon recommendation of the county planning commission, is hereby authorized and empowered to establish, regulate and limit, and to change and amend, building or set-back regulations on such major highways, and to prohibit any new building's being located within such building or set-back lines outside the corporate limits of any city or town. In establishing such building line, the board of county commissioners shall take into consideration the present stage of development along such highways, including the type of buildings and nature of their use, as well as their number and location, the present width of such highways and type of construction, the amount of traffic using such highways, and probable future needs to protect safety and provide adequate transportation along such highways in view of the trend of development of residential, commercial and industrial areas served by such highways.

Regulations authorized by this section shall not be adopted, changed or amended by the board of county commissioners until a public hearing has been held thereon by the county planning commission.

Added by Laws 1972, c. 244, § 9, emerg. eff. April 7, 1972.

§19-868.10. Enforcement - Appeals - Modification.

After the board of county commissioners shall have established building or set-back lines on such major highways, no new building or structure shall be erected within such building or set-back lines outside the corporate limits of any city or town, and no permit for such building shall be issued by the county engineer who is hereby designated as the officer to administer and enforce such building or set-back line regulations. The county board of adjustment, hereinbefore created, shall hear appeals of any property owner aggrieved by such building line regulations. Said board of adjustment shall have the power to modify or vary the building or set-back line regulations in specific cases, in order that unwarranted hardship, which constitutes an unreasonable deprivation of uses as distinguished from a mere grant of privilege, may be avoided, the intended purpose of the regulations strictly observed, and the public welfare and public safety protected.

Added by Laws 1972, c. 244, § 10, emerg. eff. April 7, 1972.

§19-868.11. Zoning by board of county commissioners.

The board of county commissioners is hereby empowered to adopt zoning regulations effective in the unincorporated areas of the county for the purposes of promoting the health, safety, peace, morals, comfort and the general welfare of the inhabitants; lessening danger and congestion in public transportation and travel; securing safety from fire and other dangers; preventing overcrowding of land; avoiding undue concentration of population; providing adequate police protection, transportation, water, sewerage,

schools, parks, forests, recreational facilities, airports, military and naval facilities, and other public requirements; and preventing undue encroachment thereon. The zoning power hereby conferred shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted except as hereinafter provided; nor shall the provisions of this act apply to the erection, installation and use of structures and equipment by public utilities subject to the jurisdiction and regulation of the Corporation Commission of the State of Oklahoma or other similar state or federal regulatory bodies; nor to the erection or use of the usual farm buildings for agricultural purposes, the planting of agricultural crops or the extraction of minerals.
Added by Laws 1972, c. 244, § 11, emerg. eff. April 7, 1972.

§19-868.11A. Board of county commissioners may establish fines and penalties.

A. A board of county commissioners may provide for enforcement of its regulations and establish fines, penalties or other remedies for any offense in violation of its regulations, which shall be recoverable together with costs of suit.

B. 1. In addition to other powers and duties prescribed by law, a board of county commissioners shall have the power to establish and enforce fines and penalties for violation of its zoning, subdivision, storm water and floodplain regulations, including the issuance of citations by designated county personnel for violations of its zoning, subdivision, storm water and floodplain regulations. A board of county commissioners may additionally establish that any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction may be assessed a fine or penalty for each ensuing day during which such failure or violation continues.

2. In issuing a citation pursuant to this subsection, the county employee shall proceed as follows:

a. the employee shall prepare a written citation to appear in court, containing the name and address of the cited person and the violation/offense charged, and stating when the person shall appear in district court. The time to appear specified in the citation shall be at least five (5) days after the issuance of the citation,

b. one copy of the citation to appear shall be delivered to the person cited, and such person shall sign a duplicate written citation which shall be retained by the county employee, and

c. as soon as practicable, one copy of the citation shall be filed with the district court specified therein and one copy delivered to the prosecuting attorney.

3. If a person fails to appear in district court at the designated time, a warrant for arrest shall be issued.

4. Violations and penalties shall be deemed misdemeanor offenses, punishable by a fine of up to Five Hundred Dollars ($500.00). Jurisdiction is hereby conferred upon the district court within the county.

5. Fines and penalties collected pursuant to this subsection shall be deposited in the appropriate county fund.

6. Issuance of citations and/or payment of fines or penalties shall in no way preclude other remedies or appropriate action or proceedings

Added by Laws 2009, c. 271, § 4.

§19-868.12. Zoning regulations defined.

Zoning regulations are hereby defined as regulations restricting the height, number of stories and size of buildings, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence, recreation or other purposes. For the purpose of such zoning regulations the unincorporated territory of the county may be divided into districts of such number, shape and area as may be deemed best suited to carry out the purpose of this act and shall be shown upon the zoning plan; and within such district, the erection, construction, reconstruction, alteration or use of buildings, structures or land may be regulated and restricted. All such regulations shall be uniform for each class or kind of buildings or land uses throughout each district, but the regulations in one district may differ from those in other districts. The regulations shall be made in accordance with a comprehensive plan, and they shall give reasonable consideration, among other things, to the existing character of the district and its suitability for practical usage, while conserving the value of buildings and of existing development and encouraging the most appropriate use of land throughout the county.

In formulating the zoning regulations, a survey shall be made of the area to be zoned and information collected concerning the topography of the land, the types of uses to which land and buildings are currently put, the extent of development, the density of population, the public utilities currently available and transportation facilities, and other information pertinent to the formulation of such zoning regulations. In each district created by the zoning regulations there shall be specified a maximum height of buildings, the size of yards, courts and open spaces, the uses of

land and buildings permitted and the intensity thereof, and parking requirements for vehicles. All of such requirements shall be reasonable in view of the information obtained in the survey in order that the benefits hereinbefore named shall be secured to the community as a whole.

The classification of the various uses of lands and buildings shall provide separate districts for single-family dwellings, two-family dwellings, multiple-family dwellings, commercial areas devoted to small shops or stores designed to serve limited residential areas, less restrictive business and industrial uses, and unrestricted uses. The regulation of yards and open spaces shall bear a relationship to the uses of lands and buildings which are permitted in the district. The height limitation and yard requirements of residential districts may be imposed upon a commercial district which is located immediately adjacent to a dwelling district. The parking requirement for vehicles shall bear reasonable relationship to the uses permitted in the district and the physical size and arrangement of streets.

Added by Laws 1972, c. 244, § 12, emerg. eff. April 7, 1972.
Amended by Laws 2008, c. 294, § 3, eff. Nov. 1, 2008.

§19-868.13. Outdoor advertising structures.

Outdoor advertising structures may be built and maintained in areas zoned for business, commerce, industry and agriculture.

Added by Laws 1972, c. 244, § 13, emerg. eff. April 7, 1972.

§19-868.14. Existing uses.

A legally existing use, building or structure, existing at the time of the adoption and recording of any regulations authorized hereunder, but not in conformity therewith, may be continued but shall not be extended or structurally altered unless the same be changed to conform to such regulations or changed to a higher or more restrictive use.

Added by Laws 1972, c. 244, § 14, emerg. eff. April 7, 1972.

§19-868.15. Procedure for adoption of zoning regulations.

Prior to the adoption of any zoning regulations, the board of county commissioners shall request the county planning commission to recommend the boundaries of the various districts and appropriate regulations to be enforced therein. The county planning commission shall make a preliminary report of its recommendations for such zoning regulations and shall hold a public hearing thereon for each township to be affected by the proposed regulations. Such hearings may be adjourned from time to time. Within ninety (90) days after the final adjournment of such hearings the county planning commission shall make its final report together with its proposed zoning regulations and a summary of the results of the public

hearings to the board of county commissioners. The board of county commissioners may then adopt the proposed regulation or refer it back to the county planning commission for further consideration. If a written protest against the proposed zoning of any land lying within one and one-half (1 1/2) miles of the limits of any municipality having a zoning ordinance is received from the governing body thereof, the board of county commissioners shall not adopt the proposed zoning regulations of such land except by a record vote of all members and after a statement of the reasons for such action shall be spread upon its minutes or records.
Added by Laws 1972, c. 244, § 15, emerg. eff. April 7, 1972.

§19-868.16. Amendment of zoning regulations.

The regulations imposed and the districts created under authority of this act may be amended from time to time by the board of county commissioners by order after the order establishing the same has gone into effect, but no such amendment shall be made without a hearing before the county planning commission. In case of written protest against any proposed amendment, signed and acknowledged by the owners of twenty percent (20%) of the frontage within one thousand (1,000) feet to the right or left of the frontage proposed to be changed, or by the owners of twenty percent (20%) of the frontage directly opposite, or directly in the rear of the frontage proposed to be altered, or, in cases where the land affected lies within one and one-half (1 1/2) miles of the limits of a municipality, by the governing body of the zoned municipality, filed with the county planning commission, such amendment may not be passed except by the favorable vote of all members of the board of county commissioners.
Added by Laws 1972, c. 244, § 16, emerg. eff. April 7, 1972.

§19-868.17. Enforcement by county engineer.

After the adoption of such zoning regulations or building line regulations by the board of county commissioners, no building or other structure within the area authorized by this act to be zoned shall be erected, constructed, enlarged or altered in such manner as to prolong the life of the buildings, nor shall the use of any land within such area be changed without a permit issued by the county engineer. The county engineer shall have the duty of administering the rules and regulations under this act and shall make such inspections and investigations as may be necessary to the proper enforcement of such rules and regulations.
Added by Laws 1972, c. 244, § 17, emerg. eff. April 7, 1972.

§19-868.17A. Building and fire codes for unincorporated areas.

The board of county commissioners may, by resolution, adopt building codes, fire codes, or both building and fire codes which

shall be designed for the purpose of promoting, benefiting, and protecting the public health, safety and welfare of the people of this state. The codes adopted pursuant to this section shall be applicable only in the unincorporated areas of the county. All building materials, equipment, and methods of installation or construction shall be at least the equivalent of that prescribed in any building or fire code adopted by the board of county commissioners in quality, strength, effectiveness, fire resistance, durability, and safety. Any codes adopted pursuant to this section shall not apply to the installation and maintenance of electric supply and communication lines of public utilities and public service companies which are regulated by the Corporation Commission. The provisions of this section shall not apply to any area located within any county not subject to the provisions of Section 868.1 through 868.22 of Title 19 of the Oklahoma Statutes. Building inspectors may be employed by a county to enforce building or fire codes. The building inspectors shall be licensed by the State of Oklahoma. The building inspectors shall enforce the provisions of any building or fire code adopted pursuant to this section and shall be authorized to inspect all buildings for the purpose of discharging the duties imposed by this section or by any building or fire code adopted by the board of county commissioners. The board of county commissioners may adopt rules to carry out the inspections to enforce the building or fire codes, may prescribe the necessary permits, notices, and inspection procedures and may set and determine fees. The fees shall be reasonable and shall be sufficient to meet the expense of inspection and enforcement of the building or fire codes. The county engineer shall have the duty of supervising and ensuring that the rules for building inspections are carried out. The board of county commissioners may hire other employees necessary for inspection and enforcement of building or fire codes and may expend funds as it deems reasonable and necessary for equipment and ancillary services.
Added by Laws 2003, c.387, § 3, emerg. eff. June 4, 2003.

§19-868.18. Appeals to county board of adjustment.

Appeals to the county board of adjustment may be taken by any person aggrieved or by a public officer, department, board or bureau affected by any decision of the county engineer in administering the county zoning regulations. Such appeals shall be taken within a period of not more than ten (10) days, by filing written notice with the county board of adjustment stating the grounds therefor. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to

life or property. The county board of adjustment shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the county engineer in the enforcement of the county zoning regulations;

2. To hear and decide requests for map interpretations or for decisions on other special questions upon which it is authorized to pass by the regulations adopted by the board of county commissioners; and

3. Where, by reason of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this act would result in peculiar and exceptional difficulties to, or exceptional and demonstrable undue hardship upon, the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such demonstrable difficulties or hardships, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoning plan as embodied in the zoning regulations and map. For every variance granted, the county board of adjustment shall state in detail as a matter of record the exceptional and demonstrable undue hardship upon the owner of such property.

In exercising the above powers, such board may, in conformity with the provisions of the act, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as should be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
Added by Laws 1972, c. 244, § 18, emerg. eff. April 7, 1972.

§19-868.19. Appeals to district court and Supreme Court.

An appeal to the district court from any decision, ruling, judgment or order of said county board of adjustment may be taken by any person or persons, firm or corporation, jointly or severally, aggrieved thereby, or any department, board or official of government by filing with the clerk of said board within ten (10) days a notice of such appeal. No bond shall be required for such appeal, but costs may be required in the district court as in other cases. Upon filing of such notice the clerk of said board shall forthwith transmit to the clerk of the district court the originals or certified copies of all papers constituting the record in such case, together with the order, judgment or decision of said board. Said cause shall be tried de novo in the district court and said court shall have the same power and authority as the county board of

adjustment, together with all other powers of the district court in law or in equity. An appeal to the Supreme Court from the decision of the district court shall be allowed as in other cases.
Added by Laws 1972, c. 244, § 19, emerg. eff. April 7, 1972.

§19-868.20. Conflicts between cities or towns and county.

The jurisdiction of the county planning commission and the county board of adjustment is exclusively limited to the unincorporated areas of the county and any conflict between the acts of the county planning commission or the county board of adjustment and any city or town shall be resolved in favor of said city or town.
Added by Laws 1972, c. 244, § 20, emerg. eff. April 7, 1972.

§19-868.21. Violations.

A violation of this act or of any order or regulation adopted under authority of this act shall be deemed a misdemeanor and shall be punishable by fine or imprisonment or both, as now provided by law for misdemeanors. The proper county authorities or any person, the value or use of whose property is or may be affected by such violation, in addition to other remedies, may also institute any appropriate action including injunctive relief or proceedings to prevent or remove such violation.
Added by Laws 1972, c. 244, § 21, emerg. eff. April 7, 1972.

§19-868.22. Counties in which applicable.

The provisions of this act shall apply only to counties having a population in excess of five hundred thousand (500,000) according to the latest Federal Decennial Census.
Added by Laws 1972, c. 244, § 22, emerg. eff. April 7, 1972.

§19-869.1. Lake area planning commission - Power to create.

For the purpose of cooperating with the State of Oklahoma in conserving the natural resources of the state and promoting the health, safety, peace, morals and general welfare of the state, in any county of the state having within its boundaries all or part of an upstream terminal port or turnaround where navigation ends, or in any county containing all or part of a reservoir or reservoirs constructed by the Bureau of Reclamation, the U.S. Army Corps of Engineers or the Grand River Dam Authority, there may be created at the discretion of the board of county commissioners a lake area planning commission with the powers, authority, functions, duties and jurisdictional area set out in this act.
Added by Laws 1982, c. 183, § 2.

§19-869.2. Resolution creating.

In any county or counties authorized by this act to create a lake area planning commission, the planning commission shall be created by resolution of the board of county commissioners of the county or counties. The resolution shall include the following information: (a) the name of the proposed lake area planning commission, (b) the area to be included within the jurisdiction of the planning commission, (c) the number of members of the planning commission, the length of their terms, the area from which they shall be selected and the method by which they shall be selected, and (d) other pertinent information concerning the formation of the planning commission which the board of county commissioners may require.
Added by Laws 1982, c. 183, § 3.

§19-869.3. Membership - Qualifications - Term - Joint commission - Removal - Vacancies - Compensation.

A lake area planning commission shall consist of not less than five (5) nor more than eleven (11) members, all of whom shall be residents of the affected county or counties. The board of county commissioners shall, by resolution creating the planning commission, establish the qualifications for membership on the planning commission and the length of terms; provided, that after the initial appointment of planning commission members, not more than forty percent (40%) of the terms shall expire in any one (1) calendar year. In the event that two or more counties elect to cooperate in a joint lake area planning commission, the board of county commissioners of each county shall appoint the number of members to the planning commission as is mutually agreed by joint resolution of the boards of county commissioners of the participating counties. In the event that one or more incorporated cities or towns elect to come within the jurisdiction of a lake area planning commission, the governing bodies of such cities or towns may appoint the members of planning commissions as may be mutually agreed upon in a joint resolution among the participating county or counties and cities or towns.

Once appointed, members of a lake area planning commission may be removed from office during the term only for cause and after a hearing before the governing body by which the members were appointed. Vacancies occurring other than through the expiration of terms shall be filled for the unexpired term. Members of a lake area planning commission shall serve without compensation; provided, that upon the appropriation of funds members of the planning commission may be reimbursed for true and reasonable expenses incurred in the performance of their duties.
Added by Laws 1982, c. 183, § 4.

§19-869.4. Jurisdiction of commission.

The jurisdictional area of a lake area planning commission may include all or part of the unincorporated area of any county or counties authorized to create such a planning commission, provided that the jurisdictional area shall be limited to a three-mile perimeter from the normal shoreline elevation of the upstream terminal port or turnaround where navigation ends, or any reservoir or reservoirs constructed by the Bureau of Reclamation, the U.S. Army Corps of Engineers or the Grand River Dam Authority, regardless of the population of the county or counties or the cities or towns therein. In the event that the three-mile perimeter described above includes portions of two or more counties, the counties may cooperate in a joint lake area planning commission; provided, that no lake area planning commission may establish or maintain any jurisdictional area within any county or counties without a resolution of participation from the board of county commissioners of the county or counties.

In the event that all or part of an incorporated city or town lies within the three-mile perimeter, as described above, the incorporated areas may elect to come under the jurisdiction of the lake area planning commission. In the event that an incorporated area elects to come within the jurisdiction of a lake area planning commission, the commission shall become the planning commission or zoning commission, or both, for the incorporated area or areas in their entirety, without regard for the three-mile perimeter from the normal shoreline elevation.

In counties where a metropolitan area planning commission exists, the board of county commissioners may utilize that commission in forming a lake area planning commission.

In no event shall the boundaries of any statutorily authorized planning commissions overlap, and where a situation of overlap does occur, the jurisdictional question shall be settled on the basis of prior jurisdiction.

Added by Laws 1982, c. 183, § 5.

§19-869.5. Authority of commission - Powers of county - Officers - Meetings - Funds - Personnel - Expenses - Fees

A lake area planning commission shall have the authority to adopt, amend, extend, add to and implement a comprehensive plan for the betterment of its jurisdictional area as a place of residence and business. It may consider any subject matter tending to the betterment of its jurisdictional area and make recommendations as it may deem advisable to the appropriate governing body, agency or department. In execution of its duties, the commission shall function as an advisory, consultative and coordinating agency.

Any county participating in a lake area planning commission is hereby granted authority to establish zoning regulations, a building code, construction codes, an energy code and a housing code for all

areas within the jurisdiction of the commission, and further provided that the county is hereby granted authority to adopt, amend, add to or carry out within the jurisdiction of the commission, all additional elements of a comprehensive planning program including, but not limited to, plans for major streets and highways and other elements of water, rail, air and land transportation plans, public utilities and facilities plans, capital improvement programs, uniform regulations for the subdivision of land and for the improvements located thereon, building line regulations, floodplain management regulations and conservation plans.

The commission shall elect its chairman and other officers from its appointed members.

All meetings of the commission shall be open to the public. It shall adopt rules for the transaction of business and keep a complete public record of its functions and activities.

Funds for the operation of a lake area planning commission may be appropriated by any county, city or town participating in the planning commission. The commission may appoint employees or contract for services as it may deem necessary and incur necessary expenses within the limits of the appropriations, subject to the approval of the appropriate governing bodies.

The lake area planning commission may, subject to approval of the appropriate governing bodies, establish a schedule of fees to be paid for review and inspection functions; provided, that the fees shall be reasonable and related to the costs of rendering review and inspection functions and shall not be applied to the sale or transfer of real property.

Added by Laws 1982, c. 183, § 6. Amended by Laws 2016, c. 147, § 1, eff. July 1, 2016.

§19-869.6. Administration of zoning regulations - Board of adjustment.

At the discretion of the board or boards of county commissioners, a lake area planning commission may be designated as the zoning commission, for the purpose of establishing and administering zoning regulations within its jurisdiction.

In the event that a board or boards of county commissioners elects to use the grant of zoning power herein provided, a board of adjustment, with the powers and duties established by Sections 866.23 and 866.24 of this title, shall be created. The board of adjustment shall be composed of five (5) members, all of whom shall reside within the jurisdiction of the lake area planning commission. The members shall be appointed in concert by all governing bodies participating in the planning commission.

The board of adjustment shall elect a chairman and other officers as it may deem appropriate from among its members and shall adopt rules and procedures for the conduct of its business.

Zoning regulations established pursuant to this act (a) shall be made in accordance with, and subsequent to, the preparation and adoption of a comprehensive plan for the desired jurisdictional area; (b) shall be adopted for the entire jurisdictional area of the appropriate governing body; (c) shall be uniform for each class or kind of building throughout each zoning district, provided, each zoning district may contain different regulations; (d) shall be adopted, amended or changed in accordance with the notice and public hearing requirements which apply to municipalities under Sections 43-104, 43-105 and 43-106 of Title 11; and (e) may be enforced by appropriate actions, including the use of injunction for violations of the regulations.

The zoning power conferred herein shall not apply to the erection or use of the usual farm buildings for agricultural purposes, or to the planting of agricultural crops.

The lake area planning commission, when (a) properly formed, (b) designated as a zoning commission, and (c) operating as a joint commission with a metropolitan area planning commission, shall be authorized, at the discretion of the board or boards of county commissioners, to exercise zoning powers and duties as provided in Sections 866.16, 866.17, 866.18, 866.19, 866.20, 866.21, 866.22, 866.23, 866.24, 866.25 and 866.30 of this title.
Added by Laws 1982, c. 183, § 7.

§19-869.7. Violations - Penalties.

A violation of this act or any order or regulation adopted under authority of this act shall be deemed a misdemeanor and shall be punishable by fine or by imprisonment or both, as provided by Section 10 of Title 21.
Added by Laws 1982, c. 183, § 8.

§19-871. Proposal for organization - Powers.

Whenever fifty persons, resident of a given area, or a majority of the holders of title to lands in such area, in any county susceptible of being furnished sewer systems for domestic use by the same system or by a combined system of sewer lines, desire to provide for a common sewerage system, they may propose the organization of a sewer improvement district, under the provisions of this act, and when so organized each district shall have the powers conferred herein or that may hereafter be conferred by law upon such sewer improvement districts.
Added by Laws 1947, p. 217, § 1, emerg. eff. May 16, 1947.

§19-872. Petition.

A petition shall be filed with the board of county commissioners signed by a majority of the holders of title to lands in the proposed district desiring to be embraced in such district, which petition shall set forth the name of the proposed district, the boundaries of the proposed district, and shall pray that the same be organized into a sewer improvement district under the provisions of this act. The petition must be accompanied by a map of the proposed district, such map showing the boundaries of said district, and the approximate proposed location of sewer line or lines, and the sewage treatment plant, if any. The map shall be drawn to a scale of not less than two (2) inches to the mile. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the board of county commissioners in double the amount of the probable cost of organizing such district, conditioned that the bondsmen will pay all costs in case said organization shall not be effected. Such petition shall be filed with the county clerk. Notice shall be published one time at least ten (10) days before the time at which such petition will be considered in some newspaper printed and published in the county, stating the time when the petition will be considered by the board of county commissioners, and that all persons interested may appear and be heard. Such notice, when published, shall contain therein a brief substance of the contents of the petition. The board of county commissioners shall have exclusive jurisdiction to hear and determine all contests and objections to the creation of such district and all matters pertaining to the same, and at the time set for said hearing the same, the board may amend the plan for such improvement district by excluding from within its boundaries any lands which it may deem will not be benefited by the formation of such district, or by including other lands as a part of such district, upon the application of the owner filed at or prior to said hearing. At such hearing said board shall also determine whether or not the formation of such improvement district as originally presented or in a modified form will be conducive or beneficial to the public health and if said board determines that it will, then said board shall make an order establishing such sewer improvement district subject to the result of an election to be held therein and said board shall give notice of an election to be held in such proposed improvement district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe the boundaries as established and shall designate a name for such proposed district and said notice shall be published for at least two (2) weeks prior to said election in some newspaper of general circulation in the county. Such notice shall require the electors to cast ballots which contain the words: "Sewer Improvement District _____ Yes", or "Sewer Improvement District _____ No", or words equivalent thereto. All persons, resident of

such proposed district, who are qualified electors in their respective precincts, shall be qualified to vote on the proposition. Added by Laws 1947, p. 217, § 2, emerg. eff. May 16, 1947. Amended by Laws 1949, p. 180, § 1, emerg. eff. May 12, 1949.

§19-872.1. Annexation of territory.

Upon the filing of a petition with the board of county commissioners for a change of boundary lines of any sewer improvement district signed by a majority of the holders of title to lands of the area proposed to be annexed to an adjacent sewer improvement district, the board of county commissioners shall cause notice to be published one time in some newspaper printed and published in the county and of general circulation in the area sought to be annexed at least ten (10) days before the time at which such petition will be considered. Such notice shall state the time and place when and where the petition will be considered by the board of county commissioners, a brief substance of the petition, and that all persons interested may appear and be heard. The board of county commissioners shall have exclusive jurisdiction to hear and determine all contests and objections pertaining to such annexation, and at the time set for hearing the board may amend the plan of annexation by excluding from within its boundaries lands which it may deem will not be benefited by annexation to such sewer improvement district. At such hearing the board shall also determine whether or not the annexation of such area to such sewer improvement district will be to the best interests of the holders of title of the area affected, or conducive or beneficial to the public health of said area as now exists or to be developed and if said board determines that it will, then it shall make an order annexing such area to said improvement district, and such territory for all purposes shall thereafter be a part of such sewer improvement district. The annexed territory shall assume its full proportion of all legal indebtedness outstanding against the original sewer improvement district, including bonded indebtedness.
Added by Laws 1949, p. 181, § 2, emerg. eff. May 12, 1949. Amended by Laws 1953, p. 86, § 1.

§19-873. Conduct of election - Canvass of votes - Order organizing district.

Such election shall be conducted in accordance with the general election laws of the state and the regular election officials shall be in charge at the usual polling place of each regular precinct or part of a precinct, within the boundaries of said proposed district, and shall make their return direct to the board of county commissioners. The board of county commissioners shall meet on the second Monday next following such election and proceed to canvass the vote cast thereat, and if upon such canvass it appears that at

least a majority of all the votes cast are "Sewer Improvement District _____ Yes", the board shall, by an order entered on their minutes, declare such territory duly organized as a sewer improvement district under the name and title theretofore designated. The board of county commissioners shall cause a copy of such order, duly certified, to be immediately filed for record in the office of the county clerk and from and after the date of such filing the organization of such district shall be complete. The county clerk shall keep a record of all such districts so formed, and they shall be numbered consecutively in the order of their formation.
Added by Laws 1947, p. 218, § 3, emerg. eff. May 16, 1947.

§19-874. Board of directors - Appointment and removal - Powers - Custodian of funds - Reports - Compensation.

The board of county commissioners shall, after the organization of the sewer improvement district, appoint a board of directors for such improvement district to be composed of three (3) members, one of whom shall be designated director, one as clerk and one as member, who shall hold office for a term of two (2) years from date of appointment and until their respective successors shall be appointed and qualified. No person shall be eligible for appointment to the board of directors who is not a land owner within the district so formed. Vacancies on said board shall be filled in the same manner as an original appointment. The board of county commissioners shall have jurisdiction and authority to remove any member from the board of directors for malfeasance in office or conduct flagrantly inimical to the best interest of the district, and removal by a member of the board from the district or inability of such member to serve shall constitute a vacancy on said board. Such board is authorized and empowered to manage and conduct the affairs of the sewer improvement district, make and execute all necessary contracts, employ such agent and employees as may be necessary, adopt and establish rules and regulations for sewer service both within and without the district, and generally, to perform all acts necessary to fully carry out the purposes of this act, including the right and power to contract with municipalities owning and operating an established sewer system, or with other sewer improvement districts for the proper handling of sewage. The clerk of the board shall be the custodian of the funds of the district, and shall give such bond as may be required by the board. The board of directors shall make a report to the board of county commissioners on January 1 and July 1 of each year, and the members thereof shall receive such compensation as shall be fixed by the board of county commissioners.
Added by Laws 1947, p. 219, § 4, emerg. eff. May 16, 1947. Amended by Laws 1949, p. 181, § 3, emerg. eff. May 12, 1949.

§19-875. Meetings of board - Records - Right of entry - Acquisition of property - Contracts.

The board of directors shall hold their regular meetings in their office on the first Tuesday of each month beginning at 10:00 A.M., and in addition thereto, such special meetings as may be required for the proper transaction of business, provided all special meetings shall be ordered by the director of the board and such order be entered of record. Such order must also specify the business to be transacted at such meeting. Two members shall constitute a quorum for the transaction of business, and upon all questions requiring a vote there shall be a concurrence of at least two members of such board. All records of said board must be open to the inspection of any elector during business hours. The board, its agents and employees, shall have the right to enter upon any land within the district, to make surveys and locate any sewer line and the necessary branches or extensions. The board shall also have the right to acquire by purchase or condemnation all lands and other property necessary for the construction, maintenance, repair and improvement, of any sewer lines or branches thereof within such district, and may acquire either by purchase or condemnation such lands as may be necessary for a sewage treatment or plant site and use in connection therewith and right of ways necessary therefor and the necessary right of way to any site of sewage treatment plant outside of such district. Said board shall also have the right to enter into any obligation or contract for the construction, operation and maintenance of the necessary lines for the collection of sewage within said district, and for the construction, operation and maintenance of a sewage disposal or treatment plant and other contracts necessary or incident to carrying out the purposes of this act.

Added by Laws 1947, p. 219, § 5, emerg. eff. May 16, 1947.

§19-876. Title to property - Sale of sewerage system - Election - Dissolution.

(a) The legal title to all property acquired under this act shall immediately and by operation of law vest in such sewer improvement district in its corporate name and shall be held by such district in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board of directors of such district is hereby authorized to hold, use, acquire, manage, occupy and possess such property as herein provided.

(b) The board of directors shall have authority to contract for the sale of the sewerage system of the district with a city or town, including the lines of conveyance, plant and other real or personal property used in connection therewith, on such terms as it believes to be for the best interests of the district, but no such contract

shall be operative or valid until approved by a majority of the electors of the district voting at a special election called for such purpose by the board of directors. Such special election shall be called and conducted and notice thereof given as in the case of a special election on the issuance of bonds of the district. The board of directors shall canvass the result of such special election and make record thereof in its minutes, and if the proposed contract shall have been approved at such election, the board of directors shall execute necessary conveyances to carry out the terms of the contract; and the purchaser shall thereupon have the right to fix and collect reasonable tolls and charges for the use of the system so purchased. Provided, that the purchase price for such sewerage system shall not be less than the principal amount of the outstanding main sewer line and sewage disposal plant bonds outstanding plus the interest on said bonds to the first call date thereof. The proceeds of such sale shall be applied to the payment of the principal and interest of outstanding bonds of the district, and any excess shall be paid to the owners of the lots and pieces of ground in the district, in proportion to the assessed value thereof.

(c) After the execution of the necessary conveyances to carry out the terms of the contract for sale the board of directors shall pay all outstanding valid claims for the operation and maintenance of the district.

The board of directors shall then make a report in writing to the board of county commissioners, advising said county commissioners of the sale of the district, including the terms of sale, disposition of the proceeds of the sale, that all valid claims for operation and maintenance have been paid, and petitioning for the dissolution of said district.

The board of county commissioners shall cause notice of said petition for dissolution to be published one (1) time in some newspaper printed and published in the county and of general circulation in the district at least ten (10) days before the time at which such petition will be considered. Such notice shall state the time and place, when and where the petition will be considered by the board of county commissioners, a brief substance of the petition, and that all persons interested may appear and be heard. The board of county commissioners shall have exclusive jurisdiction to hear and determine all contests and objections pertaining to such dissolution. At such hearing the board of county commissioners shall determine whether there is any reason or necessity for the continued existence of such district. If said board determines that there is no reason or necessity for the continued existence of said district it shall issue its order dissolving said sewer improvement district, vacating all the offices thereof and discharging the officers from further liability.

Added by Laws 1947, p. 219, § 6, emerg. eff. May 16, 1947. Amended by Laws 1955, p. 182, § 1; Laws 1959, p. 106, § 1.

§19-877. Conveyances - Actions and suits.

The board of directors is hereby authorized and empowered to take conveyances and other assurance for all property acquired by it under this act in the name of such sewer improvement district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof. Any such board may sue, appear and defend in its corporate name, in person or by attorneys, in all courts, actions, suits or proceedings in the name of such sewer improvement district, and may employ attorneys for such purposes.
Added by Laws 1947, p. 220, § 7, emerg. eff. May 16, 1947.

§19-878. Secretary - Clerk.

It shall be the duty of the secretary to attend all of the regular and special meetings of the board of directors and to make a proper record of all of the proceedings, to record at length in a separate book all of the orders, rules and regulations issued or made by the board of directors, and to perform all such other duties as may be designated by the board of directors, or as may be usual and customary for the office of clerk. The board of directors may, in addition to, or in lieu of the compensation fixed for the clerk, allow additional compensation, or fix his compensation, when, in their judgment, the duties of the clerk so require. It shall be the duty of the clerk to collect, receive and safely keep all monies belonging to the district and to pay them out only upon proper orders made by the board of directors.
Added by Laws 1947, p. 220, § 8, emerg. eff. May 16, 1947.

§19-879. Bylaws, rules and regulations - Public, district and private sewer lines.

The board of directors of such district is hereby authorized and empowered to make all bylaws, rules and regulations, penal or otherwise, that shall be necessary for the full protection, maintenance, management and control of a sewerage system of said district, including the lines of conveyance, plant and other property used in connection therewith and said board of directors shall have the power to divide such sewer district system into three (3) classes to be known as public, district and private sewer lines. That the public sewer system shall consist only of the main lines of conveyance to the sewage treatment or disposal plant or outside system, and the main lines for general collection, including such

other property as may be necessary in connection therewith for the proper maintenance and use of such sewage system throughout such improvement district, and such public sewer lines shall be established along the principal courses for collection at such places to such extent and of such dimensions and under such regulations, as may be provided for in the bylaws or regulations or orders of said board of directors of said district, and such principal lines of collection may be extensions or branches of lines already constructed or entirely new throughout, as may be deemed expedient. Such public main lines and sewage disposal or treatment plant, including the other property necessary to operate such system, shall be paid for by the district as a whole. District sewer lines shall be established within the limits of all subdistricts which subdistricts shall be prescribed by the bylaws, regulations or orders of said improvement district and connected with the public sewer lines or other subdistrict lines. Such subdistricts may be again subdivided or may be enlarged or changed by a bylaw regulations or orders of the improvement district at any time previous to the construction of the district sewer line therein and more than one sewer line may be laid in a subdistrict if deemed necessary by the board of directors. The board of directors shall cause district sewers to be constructed by petition or by resolution as now provided by law for the construction of district sewers in cities and towns. Private sewer lines connecting with the public and district sewer lines may be constructed under such restrictions and regulations as the board of directors may prescribe by general bylaws, or regulations or orders; provided, that the expense of constructing such lines shall be borne by the individual or individuals desiring to construct them and providing further that such improvement district shall be at no expense in the construction, repair, or operation of the same.
Added by Laws 1947, p. 220, § 9, emerg. eff. May 16, 1947. Amended by Laws 1949, p. 182, § 4, emerg. eff. May 12, 1949.

§19-880. Subdistrict sewers - Petition - Profiles, plans and specifications - Contracts.

Whenever such district sewer or sewers shall have been authorized, the said board of directors shall then proceed to employ a registered professional engineer licensed in the State of Oklahoma, and cause to be prepared profiles, plans and specifications for the work, together with a complete estimate of the cost. Upon the completion of such plans and specifications and their adoption by the said board of directors, they shall advertise for sealed bids for the performance of such work for at least ten (10) days, if published in a daily newspaper, or at least two (2) successive weeks if published in a weekly newspaper. In either case, such newspaper must be one of general circulation within the

district and such notice may contain any reasonable conditions to be imposed by said board of directors with reference to the letting of such contracts and shall require the giving of a good and sufficient bond for the faithful execution of work and the performance of the contract and for the protection of the district and all property owners against any loss or damage by the negligent execution of such work. Such notice shall also advise all parties interested that they may appear and protest against such proposed improvement or any part thereof. At the time and place specified in the notice the board of directors shall award the contract to the lowest and best bidder for the work, which contract shall in no case exceed the aggregate estimate of cost submitted with the plans and specifications and shall be subject to the right of the board of directors to reject any and all bids and to readvertise for other bids, when none of the same is, in their judgment, satisfactory. Added by Laws 1947, p. 221, § 10, emerg. eff. May 16, 1947. Amended by Laws 1949, p. 182, § 5, emerg. eff. May 12, 1949.

§19-881. Computation and apportionment of cost - Assessment - Special assessment bonds.

As soon as any subdistrict sewer line or lines shall have been completed the engineer having charge of the work shall compute the whole cost thereof which shall also include the cost of advertising, appraising, engineering and such other expense necessary or essential or incident to the completion of such work and shall apportion the same against all of the lots or pieces of ground in such district in proportion to the area of the whole subdistrict, exclusive of the public highways, and such officer shall report the same to the board of directors and the said board of directors shall thereupon assess a special tax against each lot or piece of ground within said subdistrict, which assessment so made shall be published in some newspaper of the county of general circulation within said district for two consecutive weeks, during which time said assessments without interest may be paid to the clerk. If at the expiration of such time the amount named in such assessment together with the cost of publication, shall not be paid, then said board of directors shall cause special assessment bonds to be issued against such lots or pieces of ground in said subdistrict, which special assessment bond shall recite the date and fact of the making of such assessment, the amount of the assessment, the description of the property against which the same is made, and that the same will be charged or levied against said property in five equal annual installments with interest thereon at the rate of not to exceed six percent (6%) per annum, each of said installments to become due and payable on the 1st day of September in each year which shall become delinquent if not paid before October 1st in said year and said bonds shall be signed by the director of the board of directors and

countersigned by the clerk and delivered to the contractor; provided, that the other expenses incurred by said district in addition to the contract price of the work shall be paid to the district by the contractor in cash and the aggregate amount of such bonds delivered to the contractor shall not exceed his contract price, and the amount of the expenses paid in cash to the district by the contractor; provided, further, that in no case shall said district be empowered to pay any such special bonds from any of the funds of said district, nor shall it be liable for the amount of such bonds, until the amount of said assessment shall be collected from the property described in said bonds. Said bonds shall bear four coupons evidencing respectively the first, second, third and fourth installments due thereon; together with interest on the same and interest on the unmatured installment or installments. The bond shall evidence the fifth payment and interest thereon.
Added by Laws 1947, p. 221, § 11, emerg. eff. May 16, 1947.

§19-882. Collection of installments - Delinquency - Lien of assessments - Foreclosure - Sale.

The clerk of said district shall no earlier than the first day in July and no later than the tenth day in July in each year certify the installments of assessments coming due on the first day of September in said year, together with interest on the same, and on all unmatured installments, to the county treasurer of said county, to be collected as other taxes; which money, when collected by the county treasurer shall, with interest thereon at the rate of six percent (6%) per annum, until paid, be paid to the clerk of said sewer improvement district. Provided, that no such certification shall be made to the county treasurer unless the clerk of said district shall have sent a notice of the nature and amount of the assessments by restricted delivery mail on or before June 1 of said year to the last-known address of the owner of the assessed property. Provided, that in case any special assessment bond or coupon provided for in Section 881 of this title becomes delinquent, then such bond or coupon shall draw interest as a penalty after delinquency at the rate of twelve percent (12%) per annum, and when collected six percent (6%) of such interest or penalty shall be paid to the then holder of such bond or coupon and six percent (6%) thereof shall be paid to the sewer improvement district which issued said bond, which amount shall go to the general fund of said sewer improvement district. Such special assessments and each installment thereof and the interest and penalty thereon are hereby declared to be a lien against the lots and tracts of land so assessed from the date of the publication of the ordinance levying the same, coequal with the lien of ad valorem taxes, all other taxes and special assessments, and prior and superior to all other titles and liens against such lots or tracts of land, and such lien shall continue as

to unpaid installments, interest and penalty until such installments, interest and penalty thereof shall be fully paid, but unmatured installments shall not be deemed to be within the terms of any general covenant of warranty.

If any installment of assessment shall remain unpaid for six (6) months after the same is due, the holder of any bond or coupon, issued under the provisions of this act, may institute an action in the district court to foreclose the lien of such assessment, stating in the petition generally the ownership of such bond, or coupon, describing the property assessed, the nature of the improvement, the amount of the unpaid assessment and interest, and penalty, and praying for the foreclosure of such lien. All bonds and coupons issued in said district and held by plaintiff may be included in one action. Upon the filing of such action, all unmatured installments of assessments shall become immediately due and payable and the lien of such assessments foreclosed in such action. Summons shall be issued on such petition as in other civil actions and the cause tried by the district court. Judgment shall be entered for the amount of such unpaid assessments, and installments, together with penalty thereon at the rate of twelve percent (12%) per annum from the due date of each installment, and reasonable attorney's fees. The judgment shall bear interest at the rate of six percent (6%) per annum.

In the event said judgment, together with interest and costs, including attorney's fee, is not paid within thirty (30) days from its date, an order of sale shall issue by the clerk of said court, directed to the sheriff of the county, to sell said real estate in manner and form as in case of said real estate, without appraisement. Such judgment shall carry the costs of the action, including a reasonable attorney's fee to plaintiff, together with the costs of such sale; and upon the payment of such judgment, to the sheriff or court clerk, the amount thereof exclusive of costs and attorney's fees shall be paid to the county treasurer. Such judgment shall provide for the sale of said real estate, subject to existing general ad valorem taxes and special assessments. All owners and incumbrancers shall be made parties defendant in such action. The entire unpaid assessment, as to each tract, shall be foreclosed. All such actions to foreclose said assessment shall be commenced within three (3) years from the maturity date of the last installment thereof.

Added by Laws 1947, p. 222, § 12, emerg. eff. May 16, 1947. Amended by Laws 1978, c. 196, § 5, eff. July 1, 1978.

§19-883. Suit to set aside assessment or bond - Limitation - New assessment.

No suit shall be sustained to set aside any assessment made or special assessment bond for which any assessment is security, unless

brought within thirty (30) days from the time such assessment is made; provided, that in the event any special assessment shall be set aside or be invalid, in whole or in part, the board of directors may, at any time, in the manner herein provided for levying an original assessment, proceed to cause a new assessment to be made, which shall have the like force and effect as an original assessment.
Added by Laws 1947, p. 223, § 13, emerg. eff. May 16, 1947.

§19-884. General plan of proposed operation - Bonds.

As soon as practicable after the organization of such improvement district, the board of directors shall, by resolution entered on its record, formulate a general plan of proposed operation for the district, in which shall be stated what constructed works or other property is proposed to be purchased and the cost of purchasing the same, and what amount of construction is proposed to be done and the cost of doing the same. For the purpose of ascertaining the cost of any such construction work, the board shall cause such preliminary surveys, examinations, plans and specifications to be made as shall furnish a proper basis for the estimation of the cost of such work. Such estimate of cost shall include the cost of advertising, appraising, engineering, election, and such other expense as is necessary or essential to the completion of the improvements. All such surveys, examinations, maps, plans and estimates shall be made under the direction of a registered professional engineer licensed under the laws of the State of Oklahoma and certified by him and filed with the secretary of the district. Upon the filing of such plans and specifications the board of directors shall proceed to determine the amount of money necessary to be raised and shall immediately thereupon call a special election, at which shall be submitted to the electors of such district the question of whether or not the bonds of said district shall be issued in the amount so determined; provided, such bonds shall not be issued for more than the actual estimated cost of such improvements and construction work as certified by such engineer. Notice of such election must be given by posting notice in three public places in each election precinct in said district, as established by said board, for at least ten (10) days, and also by publication of such notice in some newspaper published in the county once a week for at least two (2) consecutive weeks. Such notice must specify the time of holding the election, the amount of bonds proposed to be issued, and state generally the purpose of the same and the election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the statutory provision governing the holding of elections in cities for the issuance of general obligation bonds; provided, no informalities in conducting such election shall invalidate the same

if the elections shall have been otherwise fairly conducted. At such an election the ballots shall contain the words, "Bonds _____ Yes", or "Bonds _____ No", or words equivalent thereto. If a majority of the ballots cast are "Bonds _____ Yes", the board of directors shall pass a resolution providing for the issuance of said bonds. Such bonds shall be payable in lawful money of the United States and shall run for a period of from ten (10) to twenty (20) years as determined by the board of directors. The principal and interest shall be payable at the office of the clerk of the board of directors or at any bank or fiscal agency designated by the board of directors. Such bonds shall be each of the denomination of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), shall be negotiable in form, executed in the name of the district and signed by the director and the clerk and the seal of the district shall be affixed thereto. Facsimile signatures and seals may be used as provided in the Registered Public Obligations Act of Oklahoma.

In the event the election hereinabove provided for is in favor of the issue of said bonds then the board of directors of said district shall cause final estimates, plans, profiles and specifications to be made for the work included in the preliminary plans and specifications by a registered professional engineer licensed under the laws of the State of Oklahoma in which shall be included the cost of advertising, appraising, engineering and such other expenses as is necessary or essential to the completion of said improvement and shall by resolution adopt the same.

The bonds shall express on their face that they were issued by the authority of Sections 871 et seq. of this title, stating its title and date of approval. The clerk or appointed agent shall keep a record of the bonds. The bonds shall bear interest at a rate of not exceeding six percent (6%) per annum.

Should the election herein provided for result in a failure to authorize the issuance of such bonds, the sewer improvement district shall be automatically dissolved, after the expiration of sixty (60) days from the date of such election; provided, that should the board of directors call a second bond election, within said sixty (60) days period, then the life of said sewer improvement district shall be extended subject to the results of said second election. Should the second election result in a failure to authorize the issuance of said bonds then said district shall be deemed to be automatically dissolved. The county election board shall file a report of all bond elections hereunder with the clerk of said board of directors and with the county clerk of said county.

Added by Laws 1947, p. 223, § 14, emerg. eff. May 16, 1947. Amended by Laws 1949, p. 183, § 6, emerg. eff. May 12, 1949; Laws 1983, c. 170, § 32, eff. July 1, 1983.

§19-885. Repealed by Laws 1949, p. 185, § 9, emerg. eff. May 12, 1949.

§19-886. Payment of bonds.

Such bonds and the interest thereon shall be paid by revenue derived from an annual assessment upon the real property of the district, and all the real property of the district shall be and remain liable to be assessed for such payments as herein provided.
Added by Laws 1947, p. 224, § 16, emerg. eff. May 16, 1947.

§19-887. Annual assessment by county assessor.

The county assessor must on or before the first Monday in May in each year assess all the real property in the district to the persons who own, claim, or have the possession or control thereof, at its full cash value. He must prepare an assessment book, in which must be listed all such property within the district in which must be specified in separate columns under appropriate heads the following:

1. The name of the person to whom the property is assessed. If the name of the owner is not known to the assessor the property must be assessed to "unknown owners".
2. Land or township, range, section or fractional section and when such land is not a congressional division or subdivision, by metes and bounds, or other description sufficient to identify, giving an estimate of the number of acres.
3. Lots in any subdivision by giving the number and block according to the system of numbering in the recorded plat of such subdivision.
4. The cash value of real estate other than lots in any subdivision.
5. The cash value of lots in any subdivisions.
6. The cash value of all improvements on the real estate.
7. The total value of the property after equalization.
8. Such other things as the board of directors may require.

Provided, however, that the assessment of any property in the name of the wrong person shall in no way invalidate the assessment thereon.
Added by Laws 1947, p. 224, § 17, emerg. eff. May 16, 1947.

§19-888. Equalization of assessments - Notice of meeting.

On or before the 15th day of May in each year the assessor must complete his assessment book and deliver the same to the clerk of the board, who must immediately give notice thereof and of the time the board of directors, acting as a board of equalization, will meet to equalize assessments, by publication of such notice in a newspaper published in the county for two successive weeks. The time fixed for the meeting shall not be less than ten (10) nor more

than (20) days from the date of the first publication of the notice and in the meantime the assessor's books shall remain in the office of the secretary for the inspection of all persons interested.
Added by Laws 1947, p. 225, § 18, emerg. eff. May 16, 1947.

§19-889. Hearing and determination of objections - Changes.

Upon the day specified in the notice required by the preceding section, the board of directors, which is hereby constituted the board of equalization for that purpose, shall meet and continue in session from day to day as long as may be necessary, not to exceed ten (10) days exclusive of Sundays, to hear and determine such objections to the valuation and assessments as may come before them and the said board may change the assessor's valuation in such manner as may be just and equitable. The clerk of the board shall be present during the sessions and note the changes made in the value of property and the name of the persons whose property is assessed and within ten (10) days after the close of the session he shall have the total values as finally equalized by the board extended into columns and added.
Added by Laws 1947, p. 225, § 19, emerg. eff. May 16, 1947.

§19-890. Levy and collection of assessments for payment of bonds and costs of operation - Lien - Limitations.

The board shall then levy an annual assessment sufficient to pay the interest of the outstanding bonds, as it falls due, and also to constitute a sinking fund for the payment of the principal of the bonds in the amount set forth in the resolution providing for the issuance of the bonds, plus a reserve for delinquent assessments in the amount of ten percent (10%), and said board shall continue to levy such assessments until all bonds issued by said district and the interest thereon have been paid in full. The board shall also levy an annual assessment sufficient to care for the cost of operation, repair and maintenance of the district and its equipment, and for payment of the salaries of the officers and employees of the district, provided that no such annual assessment for operation, repair, maintenance and salaries shall exceed ten (10) mills on the dollar of the gross assessed value of all real property in the district; provided, if Article X, Section 8 of the Oklahoma Constitution requires one hundred percent (100%) of fair cash value to be taxable for purposes of ad valorem taxation, the maximum number of mills authorized by this section shall be two (2) mills. For the purpose of determining the amount of the assessments levied and collected annually for cost of operation, repair, maintenance and salaries, the board of directors shall prepare annually a budget of such expenses and shall approve and adopt such budget by a resolution duly passed and entered on its record. The clerk of the board must compute and enter in separate columns of the assessment

book the respective sums of dollars and cents in each fund to be paid on the property therein enumerated and no earlier than the first day in July and no later than the tenth day in July in each year the clerk shall certify to the county treasurer the amount of taxes in each fund levied upon each tract of land by said board and said county treasurer shall enter the amount of each fund in separate columns of the tax list of his county and said taxes shall be collected by the county treasurer at the same time and in the same manner as all other taxes are collected in this state. Provided, that no such certification shall be made to the county treasurer unless the clerk of the board shall have sent a notice of the nature and amount of the assessments by restricted delivery mail on or before June 1 of said year to the last-known address of the owner of the assessed property. All such taxes collected or received by the county treasurer shall be paid by him to the clerk of such district. All taxes assessed as aforesaid shall be a lien against the special tracts of real property on which they have been assessed until paid, and said lien shall be coequal with the lien of ad valorem taxes and all other taxes, including special assessments, and prior and superior to all other liens. The statute of limitations shall not apply.
Added by Laws 1947, p. 225, § 20, emerg. eff. May 16, 1947. Amended by Laws 1949, p. 184, § 6A, emerg. eff. May 12, 1949; Laws 1953, p. 86, § 2; Laws 1978, c. 196, § 6, eff. July 1, 1978; Laws 1988, c. 162, § 156, eff. Nov. 1, 1988.

§19-891. Costs and expenses - Paid out of construction fund.

The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for shall be wholly paid in cash or in the bonds of said district issued as hereinbefore provided at their par value with accrued interest. The bonds may be issued in series or installments, and shall be turned over and delivered to the contractor in payment of the amount due in accordance with the terms of his contract, including advertising, engineering, and other expenses. Said bonds shall be executed and delivered from time to time on completion and approval of the work or any part thereof, to an amount equal to the cost and expense of purchasing and acquiring property and constructing the works and improvements so completed and accepted. Such bonds or any portion thereof may be sold for cash at not less than par and accrued interest, within the discretion of the board of directors.
Added by Laws 1947, p. 225, § 21, emerg. eff. May 16, 1947. Amended by Laws 1949, p. 185, § 7, emerg. eff. May 12, 1949.

§19-892. Tolls and charges.

For the purpose of defraying the expenses of the organization of the district and the care, operation, management, repair and

improvement of the property purchased and works constructed, including salaries of officers and employees, the board may fix rates of tolls and charges for the use of such system as they may deem expedient and may change such charges from time to time and the monies so received shall go into the general funds of the district. Such tolls or charges shall be payable either monthly or quarterly as determined by the board of directors and shall become delinquent thirty (30) days after they are payable and after delinquent shall be a lien against the separate lots or tracts of land connected with the sewerage system. The board of directors shall certify any delinquent tolls or charges to the county treasurer on or before the 1st day of September of each year which shall be collected as other delinquent taxes are collected.
Added by Laws 1947, p. 226, § 22, emerg. eff. May 16, 1947.

§19-893. Notice for bids.

After adopting the plans for the construction of the district sewer lines, sewerage disposal, or treatment plant, or parts thereof, and other work in connection therewith, and after determining the property necessary to be acquired, and after the bonds as hereinbefore provided for, have been authorized, the board of directors shall give notice by publication thereof in some newspaper published in said county, calling for bids for the construction of said work, or any portion thereof, and to pay the expense of purchasing and acquiring the necessary property, if any. Said notice shall be published in three (3) issues of a daily newspaper or two (2) issues in a weekly newspaper, the last publication to be at least ten (10) days prior to the date fixed for receiving bids. The notice shall set forth that plans and specifications can be seen at the office of the clerk and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for receiving and opening said proposals in public. Said notice shall set forth any reasonable terms and conditions that the board shall deem proper to impose with reference to the letting of the contract and the provisions thereof. Said notice shall further set forth the nature of the performance and statutory bonds required to be furnished. As soon as convenient thereafter the board shall let such contract, either in part or in whole to the lowest responsible bidder, and it may reject any and all bids and readvertise for proposals. The person or persons to whom the contract shall be awarded, shall enter into a bond with good and sufficient sureties, in an amount equal to one hundred per cent (100%) of the contract price for the faithful performance of the contract, and also a good and sufficient bond to the State of Oklahoma for the payment of all labor and material used in the construction of such improvement. All such construction work shall

be done under the direction and to the satisfaction of the engineer employed by said board and be approved by the board.
Added by Laws 1947, p. 226, § 23, emerg. eff. May 16, 1947. Amended by Laws 1949, p. 185, § 8, emerg. eff. May 12, 1949.

§19-894. Presentation and allowance of claims - Warrants.

No claims shall be paid by the clerk of said district until the same shall have been presented and allowed by the board of directors and only upon warrants signed by the president and countersigned by the clerk, and if the district treasurer has not sufficient money on hand to pay such warrants when presented, he shall endorse thereon "not paid for want of funds" and endorse thereon the date presented, over his signature, and from the time of such presentation until paid such warrant shall draw interest at the rate of six percent (6%) per annum. All claims against the district shall be verified the same as is required in the case on claims filed against the counties in this state, and the clerk of the district is hereby authorized and empowered to administer oaths to the parties verifying such claims the same as a county clerk or a notary public might do. The district clerk shall keep a register in which he shall enter each warrant presented for payment, showing the date and amount of such warrant, to whom payable, the date of the presentation for payment, the date of payment, and the amount paid in redemption thereof, and all warrants shall be paid in the order of their presentation for payment to the district clerk. All warrants shall be drawn and payable to the claimant or bearer.
Added by Laws 1947, p. 226, § 24, emerg. eff. May 16, 1947.

§19-895. Repealed by Laws 1963, c. 325, § 1705, eff. July 1, 1963.

§19-896. Approval of bonds by Supreme Court.

That the board is authorized in its discretion to file an application with the Supreme Court of Oklahoma for the approval of any bonds or series of bonds to be issued hereunder, and exclusive original jurisdiction is hereby conferred upon the Supreme Court to hear and determine each such application. It shall be the duty of the Court to give such applications precedence over the other business of the court and to consider and pass upon the applications and any protests which may be filed thereto as speedily as possible. Notice of the hearing on each application shall be given by a notice published in a newspaper of general circulation in the county that on a day named the board will ask the court to hear its application and approve the bonds. Such notice shall inform all persons interested that they may file protests against the issuance of the bonds and be present at the hearing and contest the legality thereof. Such notice shall be published one (1) time not less than ten (10) days prior to the date named for the hearing and the

hearing may be adjourned from time to time in the discretion of the court. If the court shall be satisfied that the bonds have been properly authorized in accordance with this act and that when issued they will constitute valid obligations in accordance with their terms, the court shall render its written opinion approving the bonds and shall fix the time within which a petition for rehearing may be filed. The decision of the court shall be a judicial determination of the validity of the bonds, shall be conclusive as to the board, its officers and agents, and thereafter the bonds so approved and the revenues pledged to their payment shall be incontestable in any court in the State of Oklahoma.
Added by Laws 1949, p. 186, § 11, emerg. eff. May 12, 1949.

§19-897. County clerks to record instruments without fee.

All instruments and deeds filed for record in the office of the county clerk by or under the direction of the board of directors of any sewer improvement district located in such county shall be filed and recorded without any filing or recording fee being charged therefor.
Added by Laws 1953, p. 87, § 3.

§19-898.1. Consolidation with adjacent city or town.

A county sewer improvement district lying adjacent to a city or town may consolidate and become one municipal corporation with such city or town, with all the powers, obligations and duties of the adjacent city or town whose name shall be assumed and adopted in the proceedings herein provided.
Added by Laws 1955, p. 181, § 1, emerg. eff. June 6, 1955.

§19-898.2. Request for consolidation - Election - Terms - Ordinance.

The board of directors of any county sewer improvement district, or the resident citizens liable to pay a majority of the taxes assessed, as shown by the last preceding tax roll of the county, on real property situated within the boundaries of such county sewer improvement district, may ask of the city council or other governing board of any adjacent city, or the board of trustees of any adjacent town, for a consolidation, setting forth the terms of such consolidation which shall include assumption by the district property of the legal bonded indebtedness of the city or town and the assumption by the city or town of the legal public sewer bonded debt of the district. It shall be lawful for the said city council or other governing board of the city or board of trustees of the town so addressed (after first requesting the board of directors of the county sewer improvement district and it does submit the question of such consolidation and the terms and conditions thereof including assumption of each other's legal bonded debt, to a vote of

the qualified voters of the county sewer improvement district affected and a majority thereof having voted in favor of such consolidation) by ordinance to consolidate such adjacent county sewer improvement district upon the terms and conditions so submitted.
Added by Laws 1955, p. 181, § 2, emerg. eff. June 6, 1955.

§19-898.3. Property of city or town upon consolidation - Former district offices vacated.

Whenever an entire county sewer improvement district shall be consolidated with an adjacent city or town, the property, both real and personal and effects of every nature and description of such county sewer improvement district shall be the property of and belong to such city or town; and the offices of the county sewer improvement district shall become vacated and the duties now vested by law to be performed by the officers of the county sewer improvement district shall be vested in the governing board of said adjacent city or town.
Added by Laws 1955, p. 181, § 3, emerg. eff. June 6, 1955.

§19-898.4. Assumption of legal bonded indebtedness.

The property within the county sewer improvement district consolidated under the provisions of this act shall assume its full proportion of all legal bonded indebtedness of the city or town to which it is consolidated, and the city or town to which it is consolidated shall assume all legal bonded indebtedness of the county sewer improvement district so consolidated.
Added by Laws 1955, p. 182, § 4, emerg. eff. June 6, 1955.

§19-898.5. Compliance with former district bond resolutions.

In the event of such consolidation, the city or town shall comply with provisions of bond resolutions pertaining to outstanding county sewer improvement district bonds and shall remit the sum due for debt requirements as set out therein.
Added by Laws 1955, p. 182, § 5, emerg. eff. June 6, 1955.

§19-898.6. Bonds affected.

The bonds of the county sewer improvement district referred to in this act pertain only to bonds issued under authority of Title 19, Oklahoma Statutes 1951, Section 884, which consist of bonds issued for public main lines and sewage disposal or treatment plant, including the other property necessary to operate such system, which are paid for by the district as a whole.
Added by Laws 1955, p. 182, § 6, emerg. eff. June 6, 1955.

§19-898.7. Mineral rights not affected.

The consolidation of a county sewer improvement district with an adjoining city or town under the provisions of this act, shall not affect or qualify the rights of any owner or owners of mineral interests or mineral estates, or interests therein, in and to the land covered in any such county sewer improvement district to develop, operate and further develop their property for oil and gas purposes, and any consolidation effected hereunder shall not diminish the rights of any such owner or owners.
Added by Laws 1955, p. 182, § 7, emerg. eff. June 6, 1955.

§19-901.1. Organization authorized.

Whenever twenty-five percent (25%) of the holders of title to lands outside of the corporate limits of any incorporated city or town shall petition the board of county commissioners of the county in which such area owned by them is located for the formation of a fire protection district, and compliance had with the provisions of this act, the said board of county commissioners shall enter its order organizing such district, and when so organized such district shall have the powers conferred herein or such as hereafter may be conferred by law upon such fire protection districts.
Added by Laws 1949, p. 153, § 1.

§19-901.2. Petition - Map - Notice, hearing and order - Name - Calling election.

The petition shall set forth and particularly describe the proposed boundaries of such district and shall be accompanied by a map of such proposed district, drawn to a scale of not less than one (1) inch to the mile. The petitioners shall accompany such petition with a good and sufficient bond, the amount and sureties of which shall be approved by the board of county commissioners, the sum of which is sufficient to cover the costs of the publications and of the election for the organization of the district will be paid in the event that such organization shall not be authorized or effected.

Such petition shall be filed with the county clerk of such county who shall present it to the board of county commissioners at their next regular or special meeting. Upon the presentation of such petition, the board of county commissioners shall set the same for hearing at a time not less than twenty (20) days nor more than forty (40) days from the date of presentation and shall direct the county clerk to give notice of such hearing by publication in a newspaper of general circulation in the county in which such proposed district is located. Such notice shall be published for two (2) consecutive weeks next preceding the date of such hearing. Such notice shall describe the boundaries of the proposed district, shall state the time and place of the hearing, and shall state that

any person may appear and protest the organization of the district or the proposed boundaries thereof.

The board of county commissioners shall hold the hearing described in said notice, and it shall have jurisdiction to hear and determine all protests to the creation of such district and all matters pertaining to the same. It may amend the plan of such district by excluding from within its boundaries any lands which it may deem will not be benefited by the formation of such district, or by including other lands as a part thereof upon application of the owners of such land; provided, however, it shall not exclude from such district any lands which are completely surrounded by lands which are included in the proposed district.

At the conclusion of such hearing, the board of county commissioners shall make an order determining the boundaries of the proposed district, particularly describing them, and shall determine whether the formation of such district will be conducive to the public safety of the area incorporated therein. If said board determines that such district will be conducive to the public safety of the area incorporated therein, then said board shall give such proposed district a name and shall call an election of the qualified electors in the territory comprising such proposed district on the question of whether said district shall be organized.
Added by Laws 1949, p. 153, § 2. Amended by Laws 1992, c. 397, § 1, eff. July 1, 1992.

§19-901.3. Notice of election - Qualifications of voters.

The county clerk shall cause notice of the election to be given by publication once a week for two (2) successive weeks in a newspaper of general circulation in the territory comprising the proposed district. Such notice shall state the time and place of holding the election and set forth the description of the boundaries of the proposed district and its general purpose and intention. Such notice shall require the electors to cast ballots which contain the words: "Fire Protection District - Yes", and "Fire Protection District - No", or words equivalent thereto. All persons resident of such proposed district, who are qualified electors in their respective precincts, shall be qualified to vote on such proposition.
Added by Laws 1949, p. 154, § 3. Amended by Laws 1992, c. 397, § 2, eff. July 1, 1992.

§19-901.4. Conduct of election - Returns and canvass of votes - Order.

Such elections shall be conducted in accordance with the general election laws of the state and the regular election officials shall be in charge at the usual polling place of each regular precinct, or part of a precinct, which shall include lands within the boundaries

of such proposed district. The returns of such election shall be made direct to the board of county commissioners who shall meet on the second Monday next following such election and proceed to canvass the vote cast thereat.

If, upon such canvass, it appears that at least three-fifths (3/5) of all the votes cast are "Fire Protection District - Yes", the board shall, by order declare such territory duly organized as a fire protection district under the name theretofore designated. Such order shall be filed for record in the office of the county clerk by the board of county commissioners and from that date such district shall be complete.

Added by Laws 1949, p. 154, § 4. Amended by Laws 1992, c. 397, § 3, eff. July 1, 1992.

§19-901.5. Board of directors - Elections - Vacancies.

A. Directors of a fire protection district shall be the surface owners of real property in and residents of the district and shall not be paid firefighters for the fire protection district.

B. At the time of making its order organizing the district, the board of county commissioners shall appoint three directors who shall hold their office until the next General Election, at which time their successors shall be elected. At the election, the qualified person receiving the highest number of votes for member of board of directors of the district shall hold office for the term of six (6) years. The qualified person receiving the next highest number of votes shall be elected for four (4) years, and the qualified person having the next highest number of votes shall be elected for two (2) years. Each two (2) years thereafter, there shall be elected for a term of six (6) years one member of said the board of directors.

C. 1. A board of directors may increase its membership to better insure both geographic and population representation to five (5), seven (7) or nine (9) members by resolution of the board. The size of the board may also be increased by a petition signed by fifty-one percent (51%) of the eligible members of the district. If a board of directors adopts such a resolution, the position of the original board which will be up for election at the next General Election shall be for a five-year term.

2. An additional two members shall be elected at a special election called for that purpose by the board of directors. The two qualified persons who receive the highest number of votes for the additional two positions shall be elected to serve until the next General Election.

3. All board members elected thereafter to a five-member board shall serve a term of five (5) years with elections held yearly. After the initial election of new board members, the terms shall be staggered so that no more than two member's terms expire per year.

D. The board of directors of the district shall submit, within fifteen (15) days before the filing period of any district election, a resolution to the secretary of the county election board conducting the election. The resolution shall contain the following:

1. The date of the election;

2. The offices to be filled or the questions to be voted upon at the election;

3. Qualifications for the offices;

4. The location of the polling place or places; and

5. Any other information necessary for conducting the election.

E. 1. The regular election in the district shall be held at the same time as the General Election in this state or on the second Tuesday in November in those years that a General Election is not held.

2. In those years that a General Election is not held the entire cost of the election shall be paid by the district. When the election is held at the same time as the General Election, the district shall pay only for the cost directly attributable to district election.

3. All polling places of precincts, all or any part of which include areas within the boundaries of the district, shall be supplied ballots for the purpose of permitting electors of the district to vote for members of the board of directors of the district.

4. Filing for the office of member of the board of directors shall be with the county election board on a nonpartisan basis from 8 a.m. on the first Monday after Independence Day until 5 p.m. on the next succeeding Wednesday each year. The payment of a filing fee shall not be required.

F. 1. Vacancies on the board shall be filled by the board of directors. In the event a vacancy occurs and the remaining members of the board are unable to make a decision on such vacancy within sixty (60) calendar days, the board of county commissioners shall immediately appoint a member to fill the vacancy. In the event the vacancies on the board are so numerous as to not provide a quorum, the board of county commissioners shall appoint as many members as are necessary to make a quorum.

2. All vacancies filled pursuant to the provisions of this subsection shall be filled until the next regular election, at which time a member shall be elected to serve the remainder of the unexpired term.

G. 1. The office of a member of the board of directors may be declared vacant by the board of directors if such member:

a. is absent from more than one-half (1/2) of all meetings of the board of directors, regular and

special, held within any period of four (4) consecutive months,

b. ceases to be eligible for office pursuant to this section,

c. has a conviction in a court of any felony or crime involving moral turpitude,

d. uses alcohol, any stimulant, any drug or other substance which impairs intellect, judgment or physical ability to such an extent as to incapacitate the member to such a degree that the member is prevented from performing duties pursuant to Chapter 21 of this title, and

e. has a mental or physical weakness or inability which incapacitates the member to such a degree that the member is prevented from performing duties required pursuant to Chapter 21 of this title.

2. Vacancies determined pursuant to this subsection shall be filled pursuant to subsection F of this section after notice to the board member of such action and opportunity for a hearing.

3. Vacancies shall be determined at an official meeting of the board and shall be a specific agenda item.

4. Any appeal from a decision declaring an office vacant pursuant to this subsection shall be made to the district court within thirty (30) days of such determination.

Added by Laws 1949, p. 154, § 5. Amended by Laws 1982, c. 98, § 1, operative July 1, 1982; Laws 1983, c. 95, § 1, emerg. eff. May 9, 1983; Laws 1984, c. 265, § 1, eff. Nov. 1, 1984; Laws 1987, c. 150, § 2, emerg. eff. June 24, 1987; Laws 1992, c. 397, § 4, eff. July 1, 1992; Laws 1993, c. 316, § 4, eff. Sept. 1, 1993; Laws 1997, c. 221, § 1, eff. Nov. 1, 1997; Laws 1998, c. 357, § 3, eff. Jan. 1, 1999; Laws 2000, c. 132, § 1, emerg. eff. April 24, 2000; Laws 2015, c. 380, § 5, eff. Jan. 1, 2016; Laws 2019, c. 110, § 1, eff. Nov. 1, 2019; Laws 2019, c. 206, § 1, eff. Nov. 1, 2019.

§19-901.5A. Election procedures in lieu of election procedures set out in Section 901.5.

A. The board of directors of a fire protection district is hereby authorized to adopt, by resolution, the election procedures set out in this section in lieu of the election procedures set out in Section 901.5 of Title 19 of the Oklahoma Statutes.

B. The board of directors shall divide the fire protection district into as many voting districts as there are members of the board. Such voting districts shall, as nearly as feasible and practical, follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial

census and shall follow precinct boundary lines as nearly as practical. Voting districts shall be compact, contiguous and as equal in population as practical with not more than a ten percent (10%) variance between the most populous and least populous districts, according to the results of the most recent Federal Decennial Census. The board shall redraw voting districts no later than June 30 of any year in which the results of a Federal Decennial Census are released which shows a population variance of more than ten percent (10%) between the most populous and least populous districts and at any time a board increases its membership pursuant to subsection C of Section 901.5 of Title 19 of the Oklahoma Statutes. The voting districts may not be redrawn at any other time.

C. The registered voters of each voting district shall elect one member of the board of directors of the fire protection district. A member shall be required to be a registered voter of the voting district which elects such member.

D. 1. Vacancies on the board shall be filled by the board of directors. In the event a vacancy occurs and the remaining members of the board are unable to make a decision on such vacancy within sixty (60) calendar days, the board of county commissioners shall immediately appoint a member to fill the vacancy. In the event the vacancies on the board are so numerous as to not provide a quorum, the board of county commissioners shall appoint as many members as are necessary to make a quorum.

2. Appointments to fill a vacancy pursuant to this section may not result in more than two board members being residents of the same voting district.

3. All vacancies filled pursuant to the provisions of this subsection shall be filled until the next regular election, at which time a member shall be elected to serve the remainder of the unexpired term.

E. 1. The office of a member of the board of directors may be declared vacant by the board of directors if such member:

a. is absent from more than one-half (1/2) of all meetings of the board of directors, regular and special, held within any period of four (4) consecutive months,

b. ceases to be eligible for office pursuant to this section,

c. has a conviction in a court of any felony or crime involving moral turpitude,

d. uses alcohol, any stimulant, any drug or other substance which impairs intellect, judgment or physical ability to such an extent as to incapacitate the member to such a degree that the member is

prevented from performing duties pursuant to Chapter 21 of this title,

e. has a mental or physical weakness or inability which incapacitates the member to such a degree that the member is prevented from performing duties required pursuant to Chapter 21 of this title, or

f. has served the term for which elected and no person has filed for election for the office of such member.

2. Vacancies determined pursuant to this subsection shall be filled pursuant to subsection D of this section after notice to the board member of such action and opportunity for a hearing.

3. Vacancies shall be determined at an official meeting of the board and shall be a specific agenda item.

4. Any appeal from a decision declaring an office vacant pursuant to this subsection shall be made to the district court within thirty (30) days of such determination.

F. Election procedures for the board of directors of a fire protection district may not be changed between the procedures set out in Section 901.5 of Title 19 of the Oklahoma Statutes and the procedures set out in this section more often than one time in any ten-year period.

G. If a board adopts the election procedures set out in this section, all provisions of Section 901.5 of Title 19 of the Oklahoma Statutes which are not in conflict with this section shall be applicable.

Added by Laws 2000, c. 132, § 2, emerg. eff. April 24, 2000.

§19-901.6. Chairman, clerk and treasurer.

The board of directors of the district shall select one (1) of its members for chairman and shall appoint a clerk and a treasurer. The board of directors shall fix the term and duties of the chairman, clerk and treasurer. The chairman and members of the board shall serve without compensation. The treasurer shall give an official bond, in an amount fixed and with sureties approved by the board of directors, conditioned upon the faithful accounting for all money pertaining to the district and coming into his hands.

Added by Laws 1949, p. 154, § 6.

§19-901.7. Powers and duties of directors.

A. The board of directors shall have the power and duty to:

1. Manage and conduct the business affairs of such district;

2. Make and execute all necessary contracts;

3. Purchase or lease-purchase and maintain all necessary and convenient engines, hoses, hose carts or other appliances and supplies for the full equipment of a fire company or department;

4. Appoint fire company officers and employees, sufficient to maintain and operate the equipment owned by such district;

5. Take by grant, purchase, condemnation, gift, devise or lease, and to dispose of, real or personal property of every kind necessary for the operation of the district;

6. Construct or otherwise acquire suitable firehouses and other buildings or structures suitable for the housing of equipment and supplies of the district, or for carrying on its own business and affairs;

7. Employ such officers and employees as may be required, fix their compensation and prescribe their duties;

8. Establish rules and regulations for the district and for the prevention of fires and conflagrations within the district and for the protection of property at and during any fire;

9. Prepare an annual budget and follow existing laws pertaining to the budget process such as public notices, public hearings, protest periods and filing requirements in the same manner as they apply to other forms of government in Oklahoma;

10. Determine vacancies of the board of directors, fill vacancies and conduct board elections in the event of a vacancy on the board of directors;

11. Develop bylaws for the due and orderly administration of the affairs of the board of directors and for its responsibilities specified pursuant to this chapter, and may compel the attendance of absent members in the manner and under penalties as the board may prescribe; and

12. Do any and all other things necessary and proper in the management and operation of the district for the purpose of protecting property within its boundaries from fire.

B. A fire protection district, created pursuant to this chapter, shall be deemed a political subdivision of this state. The board may submit an application to include the firefighters of the district in the Oklahoma Firefighters Pension and Retirement System. The application for affiliation shall be submitted in accordance with subsection A of Section 49-105.2 of Title 11 of the Oklahoma Statutes.

C. The Board of Directors may acquire a certification or license to operate an emergency medical services agency from the State Department of Health or contract for services with a certified or licensed emergency medical service agency. The district's emergency medical service agency may respond outside of the district boundaries; provided, that the political subdivisions having jurisdiction over the area provide to the Department proper documentation of their support.

Added by Laws 1949, p. 155, § 7. Amended by Laws 1982, c. 89, § 1; Laws 1982, c. 320, § 7, operative July 1, 1982; Laws 1983, c. 95, § 2, emerg. eff. May 9, 1983; Laws 1987, c. 202, § 21, eff. June 1, 1987; Laws 1992, c. 397, § 5, eff. July 1, 1992; Laws 1997, c. 221, § 2, eff. Nov. 1, 1997; Laws 2021, c. 179, § 1, eff. Nov. 1, 2021.

§19-901.7a. Fire chief for certain districts – Qualifications - Duties.

All Fire Protection Districts having more than two full-time paid firefighters shall have one full-time fire chief who shall supervise and administer the fire protection district in accordance with the policies and procedures prescribed by the board of directors. The fire protection district shall be under the direction and control of the fire chief. The fire chief, whether permanent or interim, of any paid or combination fire protection district shall have had at least three (3) years actual experience as a paid firefighter before assuming the position of fire chief. During the initial transition from a volunteer fire protection district to one having more than two full-time firefighters, the paid fire chief shall have had at least three (3) years of experience as a paid firefighter or at least five (5) years of experience as a volunteer fire chief officer with that department before assuming the position of paid fire chief. The board may add additional requirements to the position as necessary.

1. The fire chief:
    a. shall be at the head of the department, subject to the laws of the State of Oklahoma, rules of the board of directors and the rules and regulations herein adopted,
    b. shall be held responsible for the general condition and efficient operation of the department, the training of members and the performance of all other duties imposed upon him or her by law or the board of directors,
    c. may inspect or cause to be inspected by members of the department, the fire hydrants, cisterns and other sources of water supply at least twice a year,
    d. shall maintain a library or file of publications on fire prevention and fire protection and shall make use of the library or file to the best advantage of all members,
    e. shall make every effort to attend all fires and direct the officers and members of the fire department in the performance of their duties,
    f. shall see that the citizens are kept informed on fire hazards within the boundaries of the department and on the activities of the department,
    g. shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities. The fire chief shall secure and preserve all possible

evidence for future use in the case of a suspicious incendiarism, and

h. shall file the appropriate activity report forms with the Office of the State Fire Marshal in Oklahoma City on an annual basis. The activity report forms shall be designed by the State Fire Marshal and shall include, but not be limited to, the amount of property and vehicle fire loss, types of fires, inspections and investigations. The report shall include notification of all fire-related civilian deaths and injuries in the respective jurisdiction and of firefighter deaths in the line of duty and of firefighter injuries in the line of duty requiring the services of a hospital or physician or both.

2. Assistant fire chief. In the absence of the fire chief, the assistant fire chief on duty shall command the department and be held responsible therefore in all respects with the full powers and responsibilities of the fire chief.

3. Company officers. The company officers shall be selected upon their ability to meet the following requirements:

a. knowledge of firefighting,

b. leadership ability, and

c. knowledge of firefighting equipment.

Added by Laws 2019, c. 206, § 2, eff. Nov. 1, 2019.

§19-901.8. Meetings - Regulation and prevention of fire hazards.

The board of directors shall establish a time and place for regular meetings, and in addition thereto, shall hold such special meetings as may be required for the proper transaction of business. Two members shall constitute a quorum for the transaction of business and upon all questions requiring a vote there shall be a concurrence of at least two members of such board. All records of said board must be open to the inspection of any elector during business hours.

The board shall have the power by general regulation, published in the manner provided for the publication of ordinances in incorporated towns, to regulate the construction of and order the suspension, discontinuance, removal, repair or cleaning of fire places, chimneys, stoves, stove pipes, flues, ovens, boilers or any other apparatus used in any building, factory, or business which might be dangerous in causing or promoting fires, and prescribe limits within which no business dangerous in causing or promoting fires may be carried on. In similar manner it may order the clearing of litter or removal of dry brush and rubbish or other inflammable material endangering the public safety by creating a fire hazard within the district, and provide for action on the part of the State Fire Marshal or the sheriff, or by civil action, for

the prevention of hazards as provided by law. The board shall have the power by general regulation, published in the manner provided for the publication of ordinances in incorporated towns, to regulate outdoor burning with rules submitted for approval by the eligible voters at the same time as a board election or other regularly scheduled election with the cost borne by the district, and provide for action on the part of the State Fire Marshal or the sheriff, or by civil action, for the enforcement of such regulations.
Added by Laws 1949, p. 155, § 8. Amended by Laws 2019, c. 110, § 2, eff. Nov. 1, 2019.

§19-901.9. Suits and actions.

The board of directors is hereby authorized and empowered to institute and maintain, or appear and defend, any and all actions and proceedings, suits at law or in equity, necessary or proper to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights or privileges conferred hereby, or acquired in pursuance hereof. Actions and proceedings shall be prosecuted and defended in the corporate name of the district, and the board is empowered to employ attorneys to represent the district in any such actions or proceedings, or to advise the board in respect of its duties under this act.
Added by Laws 1949, p. 155, § 9.

§19-901.10. Repealed by Laws 1951, p. 47, § 3.

§19-901.11. Fire protection district appraisal record.

To permit an apportionment of the cost of the benefits accruing by reason of the maintenance of fire protection, it shall be the duty of the clerk of the board to prepare and keep a record which shall be known as the fire protection district appraisal record. Such record shall contain the names of the owners of the lands and improvements on lands in the district as they appear on the tax rolls of the county or upon the deed records, the description of all property subject to ad valorem taxation, and the assessed value of such property as shown by the records of the county assessor. No error in the names of owners or in the description thereof shall invalidate the levy of assessments if sufficient description is given to identify such property.
Added by Laws 1949, p. 156, § 11. Amended by Laws 1951, p. 46, § 1; Laws 1981, c. 55, § 1.

§19-901.12. Repealed by Laws 1951, p. 47, § 3.

§19-901.13. Repealed by Laws 1951, p. 47, § 3.

§19-901.14. Formulation of plan.

As soon as practicable after organization of such district, the board of directors shall, by resolution entered on its record, formulate a general plan of proposed operation for the district in which shall be stated the cost of operation and maintenance of the district, what property, real or personal, is proposed to be purchased and the cost of purchasing the same, and what amount of construction is proposed to be done and the cost of doing the same. Added by Laws 1949, p. 156, § 14.

§19-901.15. Bond election.

When the board of directors shall have estimated the cost of such purchases and construction work, it shall call an election at which shall be submitted to the electors of the district the question of whether or not the bonds of the district shall be issued in the amount so determined; provided, such bonds shall not be issued for more than the actual estimated cost of such purchase and construction.

The resolution of the board calling such election shall divide the district into voting precincts of convenient size and a map thereof shall be filed with the district clerk. Such precincts so formed may be changed by the board any time thereafter, except that no change shall be made within thirty (30) days next preceding any election. The said resolution shall appoint for each precinct, from the electors of the district, one (1) clerk and two (2) judges, who shall constitute a board of election for such precinct. If the members appointed do not attend at the opening of the polls on the morning of the election, the board may appoint other electors of the district to supply the place or places of those absent. Said resolution shall designate the date, hour and place in the precincts where the election will be held.

Notice of such election shall be given by publication in some newspaper of general circulation in the county in which such district is located once a week for three (3) consecutive weeks next preceding the date of such election, and by posting such notice in three (3) public places in each election precinct, as established by said board of directors, for at least twenty (20) days prior to the date of such election.

Such notice shall specify:

1. The date of the election.
2. The location of the polling places.
3. The time that the polls will open and close.
4. The amount of bonds proposed to be issued.

One (1) of the judges of each precinct shall be chairman of the election board of the precinct and may: first, administer all oaths required in the progress of the election; second, appoint another judge or clerk, if during the progress of the election any judge or clerk ceases to act.

At such election, the ballots shall contain the words: "Bonds - Yes", and "Bonds - No", or words equivalent thereto.

The said election shall be held as nearly as may be in conformity with the provisions governing the election for the formation of the district; provided, no informalities in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted.

The board of directors shall meet as soon as practicable after the election and canvass the returns. If a majority of the ballots cast are "Bonds - Yes", the board shall cause negotiable bonds in said amount to be issued.

Added by Laws 1949, p. 157, § 15.

§19-901.16. Requisites of bonds, notes or other evidences of indebtedness.

Such bonds shall be payable in lawful money of the United States and shall run for a period of not more than forty (40) years, the amount, maturity dates, redemption provisions and interest rates to be determined by the board of directors. The principal and interest shall be payable at the office of the treasurer of the county in which said district shall be organized, or at any bank or paying agency designated by the board of directors. Such bonds shall each be of a denomination of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00), shall be negotiable in form, executed in the name of the district, and signed by the president of the board of directors and the clerk of the district. In addition and without limiting the generality of the foregoing provisions, the district shall be authorized to issue notes or other evidences of indebtedness for the corporate purposes enumerated in Sections 901.1 through 901.26 of this title in the same manner and subject to the same procedures as bonds issued by the district. Notwithstanding the provisions of Section 901.17 of this title, bonds, notes or other evidences of indebtedness may be sold by the board of directors to the federal government or any agency thereof at negotiated or private sale. Bonds shall be numbered consecutively as issued and shall be dated as of the date of issuance, and shall be payable in their numerical order with interest to date of payment.

The bonds shall express upon their face that they are issued pursuant to a duly adopted resolution of the board of directors for the district and under the provisions of Sections 901.1 through 901.26 of this title. The clerk or agent shall keep a record of the bonds sold, their number, date of sale, the prices received and the name of the purchaser. These bonds shall bear interest at the rate of not exceeding sixteen percent (16%) per annum.

Added by Laws 1949, p. 157, § 16. Amended by Laws 1979, c. 168, § 1, emerg. eff. May 15, 1979; Laws 1982, c. 98, § 2, operative July 1, 1982; Laws 1983, c. 170, § 33, eff. July 1, 1983.

§19-901.17. Sale of bonds.

The board shall sell such bonds from time to time in such quantities as may be necessary and most advantageous to raise the money for the construction of the proposed work, the acquisition of property and rights and otherwise to fully carry out the objects and purposes of this act. Before making any sale of bonds the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds and the day and hour and place of such sale and shall cause such resolution to be entered in the minutes and notice of the sale to be given by publication thereof at least ten (10) days in some newspaper of said county if published in a daily newspaper or two (2) weeks if published in a weekly newspaper, or said notice may be published in two (2) issues of a daily newspaper provided they are published a week apart. Said bonds may be sold either at public auction for cash to the highest bidder or upon sealed bids as determined by the board of directors. At the time appointed, the board shall award the purchase of the bonds to the highest responsible bidder, but shall reserve and always have the right to reject any and all bids, but said board shall in no event sell any of said bonds for less than par with accrued interest.

Added by Laws 1949, p. 158, § 17.

§19-901.18. Payment of bonds and other evidences of indebtedness and interest.

Such bonds and other evidences of indebtedness and the interest thereon shall be paid by revenue derived from an annual assessment upon the ad valorem taxed property of the district, and all the ad valorem taxed property of the district, including the ad valorem taxed property of public service corporations, shall be and remain liable to be assessed for such payments as herein provided.

Added by Laws 1949, p. 158, § 18. Amended by Laws 1979, c. 168, § 2, emerg. eff. May 15, 1979; Laws 1982, c. 98, § 3, operative July 1, 1982; Laws 1984, c. 265, § 2, eff. Nov. 1, 1984.

§19-901.19. Levy of assessments.

A. Each year the board shall levy an assessment sufficient to raise the annual interest on the outstanding bonds or other evidences of indebtedness, and, in addition thereto, an amount equal to the amount of the bonds to be retired in said year or the installment of principal to be amortized during said year.

B. 1. Except as otherwise provided by this subsection, the board shall also levy an annual assessment sufficient to care for

the cost of operation of the district and the maintenance of the fire department and its equipment, and for payment of salaries of the officers and employees of the district, provided, that no such annual assessment for operation, maintenance, and salaries shall exceed seven (7) mills on the dollar of assessed value of the property in the district.

2. The board may levy an assessment over seven (7) mills but not to exceed ten (10) mills upon approval for such at an election held at such time and in such manner as provided by Section 901.5 of this title for election of board members.

3. If a county approves an exemption of household goods of the heads of families and livestock employed in support of the family pursuant to the provisions of subsection (b) of Section 6 of Article X of the Oklahoma Constitution, the millage rate of any levy authorized by this section for the property located in a fire protection district which is in such county shall be adjusted by the millage adjustment factor set forth in subsection (b) of Section 8A of Article X of the Oklahoma Constitution.

C. All assessments levied under the authority of Sections 901.1 through 901.50 of this title, shall be a lien against the tract of land on which they have been levied, until paid, and said lien shall be coequal with the lien of ad valorem and other taxes, including special assessments, and prior and superior to all other liens. Added by Laws 1949, p. 158, § 19. Amended by Laws 1951, p. 47, § 2; Laws 1979, c. 168, § 3, emerg. eff. May 15, 1979; Laws 1988, c. 162, § 157, eff. Nov. 1, 1988; Laws 1989, c. 222, § 1, operative July 1, 1989; Laws 1997, c. 221, § 3, eff. Nov. 1, 1997; Laws 1998, c. 358, § 1, emerg. eff. June 8, 1998.

§19-901.20. Collection of assessments.

Upon direction of the board, the clerk must compute and enter in respective columns of the assessment book the respective sums in dollars and cents in each fund to be paid on each piece of property therein enumerated and the clerk shall, no later than twenty (20) days after the valuations of the county have been certified by the State Board of Equalization, certify to the county treasurer in which such district is located the amount of assessment in each fund levied upon each tract by said board and the said county treasurer shall enter the amount of each in separate columns of the tax list of his county and the said assessments shall be collected by the county treasurer at the same time and in the same manner as all other taxes are collected in this state. If any such assessment becomes delinquent, then it shall draw interest as a penalty after delinquency at the rate of eighteen percent (18%) per annum. All such assessments and penalties collected or received by the county treasurer shall be paid by him to the treasurer of the district.

If any assessment shall remain unpaid for six (6) months after the same is due, the board of directors of the district may institute an action in the district court to foreclose the lien of such assessment and penalty and for a reasonable attorney's fees. All or any portion of the delinquent properties may be joined in one action. The summons shall be issued upon such petition as in other civil action and the cause tried by the district court. Judgment shall be entered for the amount of such unpaid assessment and penalty, and reasonable attorney fees, which judgment shall bear interest at the rate of six percent (6%) per annum. In the event that said judgment together with interest and costs and attorney fees is not paid within thirty (30) days from its date an order of sale shall issue by the clerk of said court directing the sheriff of said county to sell said real estate in manner and form as in case of the foreclosure of mortgages on real estate, without appraisement. Such sale shall be subject to existing taxes and special assessments. In the event that the board of directors of the district does not institute action to foreclose such delinquent assessment within one (1) year from the date the same is due, the holder of any bond or coupon issued under the provisions of this act may institute an action for and on the behalf of the district to foreclose the lien of such assessment and penalty. All such actions to foreclose shall be commenced within three (3) years from the maturity of the said assessment.
Added by Laws 1949, p. 158, § 20. Amended by Laws 1978, c. 196, § 7, eff. July 1, 1978; Laws 1979, c. 168, § 4, emerg. eff. May 15, 1979; Laws 1989, c. 222, § 2, operative July 1, 1989.

§19-901.21. Claims against district.

No claims shall be paid by the treasurer of said district until the same shall have been presented and allowed by the board of directors and only warrants signed by the president and countersigned by the clerk, and if the district treasurer has not sufficient money on hand to pay such warrants when presented, he shall endorse thereon "not paid for want of funds" and endorse thereon the date presented, over his signature, and from the time of such presentation until paid such warrant shall draw interest at the rate of eleven percent (11%) per annum. All claims against the district shall be verified the same as is required in the case of claims filed against the counties in this state, and the clerk of the district is hereby authorized and empowered to administer oaths to the parties verifying such claims the same as a county clerk or a notary public might do. The district treasurer shall keep a register in which he shall enter each warrant presented for payment, showing the date and amount of such warrant, to whom payable, the date of the presentation for payment, the date of payment, and the amount paid in redemption thereof, and all warrants shall be paid in

the order of their presentation for payment to the district treasurer. All warrants shall be drawn and payable to the claimant or his assignee only.
Added by Laws 1949, p. 159, § 21. Amended by Laws 1992, c. 397, § 6, eff. July 1, 1992.

§19-901.22. Including additional territory.

Any territory located within the same county of an existing district may be included in the limits of such district by decision of the board of directors, certified to the board of county commissioners, with the written consent of twenty-five percent (25%) of the holders of title to the territory sought to be included, or in the same manner as provided for the organization of fire protection districts. Such territory shall not be included or added to the territory of the district without the consent of the board of directors and the board of county commissioners. In the event such territory is included by decision of the board of directors, with the consent of the board of county commissioners and the written consent of twenty-five percent (25%) of the holders of title to the territory sought to be included, the notice, hearing and order requirements of Section 901.2 of this title and the notice and election requirements of Sections 901.3 and 901.4 of this title shall be followed in the same manner as for the organization of fire protection districts. In case any such territory is added to the district the property therein shall immediately become subject to the lien for the payment of bonds theretofore authorized by the district in the same manner as property within the district at the time of authorization of such bonds.

Any territory adjacent to the existing district but within another county may be included in the limits of such district by decision of the board of directors, certified to the board of county commissioners of both counties, with the written consent of twenty-five percent (25%) of the holders of title to the territory sought to be included, or in the same manner as provided for the organization of fire protection districts. Such territory shall not be included or added to the territory of the district without the consent of the board of directors and the board of county commissioners of each county. In the event such territory is included by decision of the board of directors, with the consent of the board of county commissioners of each county and the written consent of twenty-five percent (25%) of the holders of title to the territory sought to be included, the notice, hearing and order requirements of Section 901.2 of this title and the notice and election requirements of Sections 901.3 and 901.4 of this title shall be followed in the same manner as for the organization of fire protection districts. In case any such territory is added to the district the property therein shall immediately become subject to

the lien for the payment of bonds theretofore authorized by the district in the same manner as property within the district at the time of authorization of such bonds.

Any landowner whose property is within the response area of the district as assigned by the county commissioners but is not within the fire protection district itself may elect to opt into the district by paying the assessment to the district. The landowner then becomes a member of the district with full voting rights. Added by Laws 1949, p. 159, § 22. Amended by Laws 1982, c. 71, § 1; Laws 1992, c. 397, § 7, eff. July 1, 1992; Laws 2019, c. 206, § 3, eff. Nov. 1, 2019.

§19-901.23. Withdrawal of territory from district.

Any portion of the district which will not be benefited by remaining therein may be withdrawn from the district by the filing of a petition containing the names of more than fifty-one percent (51%) of the homeowners with three (3) acres or less, homeowners within a planned unit development, or property owners who are not developers of a planned unit development or other real estate development within the portion sought to be withdrawn, requesting the withdrawal of such portion from the district on the grounds that it will not be benefited by remaining therein. Such petition shall be filed with the board of county commissioners and notice thereof shall be given to the board of directors of the district. The time for hearing said petition shall not be less than thirty (30) days after the receipt of the petition. Any person interested may appear at the hearing and object to the withdrawal or may object to the continuance of the remaining territory as a district. The board of county commissioners shall consider and pass upon all objections and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining within the district and will not serve as a fire hazard to the remaining portion of the district, and that the territory remaining in the district will be benefited by continuing as a district then it shall grant the petition. In determining the benefits to the territory to be withdrawn and determining what constitutes a fire hazard, the board shall consider the location of the nearest fire protection facility. If the nearest facility is considered by the board to be an unsafe distance which would create a fire hazard to the territory to be withdrawn or the remaining territory, the board shall deny the petition. The board shall also consider the benefit to the territory sought to be withdrawn of any newly constructed fire protection facilities or newly purchased fire protection equipment for the district and if such facilities and equipment are determined to be of substantial benefit to the territory to be withdrawn, then the board may deny the petition. If in the judgment of the board of county commissioners existence of the territory sought to be withdrawn will

make further existence of the district impracticable, the board shall proceed to order a dissolution of the district. In the case of withdrawal of any property from the district as herein provided, such property shall remain subject to the payment of its proportionate part of any bonds theretofore authorized by the district and shall remain subject to annual assessment for the payment of the principal and interest thereof in the same manner and to the same extent as if such property had not been withdrawn. Such annual assessments, however, shall be computed upon the appraisal shown on the district appraisal record at the time of the withdrawal of such property.
Added by Laws 1949, p. 159, § 23. Amended by Laws 1993, c. 6, § 1, eff. Sept. 1, 1993; Laws 2018, c. 74, § 1, eff. Nov. 1, 2018.

§19-901.23a. Annexation of all or a portion of a fire protection district - Requirements.

In the case of a municipality annexing a portion of or all of a fire protection district as established by this section the following shall apply:

1. The delivery of fire protection services shall meet or exceed the current levels and standards of fire protection services being provided by the fire protection district, pursuant to the provisions of Section 324.8 of Title 74 of the Oklahoma Statutes, in order for a municipality, private entity, organization, corporation or company to provide fire protection services to a fire protection district;

2. A vote of fifty-one percent (51%) of those paying the current assessment is required to withdraw from the fire protection district. The municipality is responsible for the cost of the election;

3. The fire protection district and the board of the county commissioners shall be notified by certified mail ninety (90) days prior to the municipality taking final action on the annexation;

4. Existing debt service shall either be assumed by the annexing municipality based on the share of the percent of revenue the area annexed generated or the assessment shall be continued until the debt is paid in full. The municipality must include this provision in the final annexation resolution;

5. The municipality may elect continuing with the effected fire protection district provided that the fire protection district continues to receive the assessment without restrictions. Additional support may be provided by the municipality in the sole discretion of the municipality;

6. If, in the judgment of the board of county commissioners, the exodus of the territory sought to be withdrawn from the district and is contained within the proposed annexation of the municipality, will make further existence of the district impracticable, the board

shall proceed to order dissolution of the district. In the case of withdrawal of any property from the district as herein provided, such property shall remain subject to the payment of its proportionate part of any bonds theretofore authorized by the district and shall remain subject to annual assessment for the payment of the principal and interest thereof in the same manner and to the same extent as if such property had not been withdrawn. Such annual assessments, however, shall be computed upon the appraisal shown on the district appraisal record at the time of the withdrawal of such property;

7. The municipality may, through negotiations with the board of county commissioners and the fire protection district, acquire the assets and liabilities of the district if it ensures the best fire protection for the citizens of the district and protects the best use of the investment which has been made by the citizens of the district; and

8. If the municipality may elect to contract for fire protection with the fire protection district. The contract shall address enforcement of fire code, building permits, level of service, billing, relationship with existing municipal fire department (i.e. mutual aid agreement, subordinate role, direct supervision, etc.), additional funding and other issues agreed to by the two parties.

Added by Laws 2019, c. 206, § 4, eff. Nov. 1, 2019.

§19-901.24. Dissolution of district.

In the event of the dissolution of a district, the board of directors of the district shall be trustees for the disposition of the property and the proceeds of the disposition of such property and all funds remaining on hand shall be deposited with the county treasurer who shall thereupon succeed to the powers and duties of the district treasurer and who shall annually collect from all of the property which shall have been in the district at the time of the authorization of any bond, an annual assessment sufficient to pay the interest and amount necessary to retire such outstanding bonds as the same may become due. Such annual assessment shall be based upon the district appraisal record at the time of dissolution. When all of the property of the district has been disposed of and the funds of the district deposited with the county treasurer, the powers and functions of the district board, as trustees for dissolution, shall cease and the board of county commissioners of the county in which such district is located shall succeed to all of the powers and duties of the district insofar as it shall be necessary for them to wind up and conclude the affairs of the district.

Added by Laws 1949, p. 160, § 24.

§19-901.25. Contracts for fire protection service.

A. Any city or town located in the same county as any fire protection district may contract, for one (1) year or more, for fire protection service by the district throughout or within part of the area of the city or town. During the term of the contract, without curtailing the rights, powers and duties of the city, the area covered by the contract may in accordance with express terms of the contract be construed as part of the district territory for all fire protection purposes under this act.

B. Owners or occupants of property in the vicinity of the district not included within the territory of any city or town or other fire protection district, and such district may contract, for one (1) year or more, for fire protection service by the district for the property described in the contract, which such contract shall provide for a fixed annual payment of an agreed amount by the owner or occupant of the property to the district to be paid annually in advance at the date of the making of such contract, and on the even date thereof for each subsequent year covered by the contract.

C. The contract shall be in writing and shall be set forth in full in the minutes of the respective governing bodies of the contracting parties and a duplicate original shall be filed with the records of the district in the office of the county clerk.

D. Upon the filing of the contract, the district shall be an independent contractor.

Added by Laws 1949, p. 160, § 25. Amended by Laws 1987, c. 150, § 3, emerg. eff. June 24, 1987; Laws 1997, c. 221, § 4, eff. Nov. 1, 1997.

§19-901.25a. Inclusion of contiguous districts.

When the respective territories of any city or town and any district are contiguous they may be included in the limits of the district in the same manner as provided for the organization of fire protection districts. Such territory shall not be included or added to the territory of the district without the consent of the board of directors, certified to the board of county commissioners. In case any such territory is added to the district the property therein shall immediately become subject to the lien for the payment of bonds theretofore authorized by the district in the same manner as property within the district at the time of authorization of such bonds.

Added by Laws 1987, c. 202, § 24, eff. June 1, 1987.

§19-901.26. Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989.

§19-901.27. Audits - Order - Petition - Cost.

A. The board of directors of each fire protection district with revenues of Two Hundred Fifty Thousand Dollars ($250,000.00) or more to its general fund during a fiscal year shall cause an audit to be made of, including but not limited to, the funds, accounts and fiscal affairs of such district. The audit shall be ordered within thirty (30) days of the close of each fiscal year of the district which shall commence July 1 and end on June 30. The board of directors may choose to have a fiscal year which shall commence on January 1 and end on December 31.

B. Provided, any fire protection district may have its books audited and examined by the State Auditor and Inspector, upon petition signed by a number of registered voters, each registered at an address within the geographical boundaries of the fire protection district, equal to twenty-five percent (25%) of the number of persons voting for the office or question receiving the highest number of votes in the last annual election of the district according to certification from the county election board of the county wherein supervision of the district is located. The petition must be submitted to the office of the State Auditor and Inspector prior to the audit and examination. The cost of the audit or examination, which shall be borne by the district, shall be ascertained prior to the petitioning for the audit and shall be stated in the petition prior to the collection of any signatures. Added by Laws 1986, c. 70, § 1, eff. Nov. 1, 1986. Amended by Laws 1987, c. 202, § 22, eff. June 1, 1987; Laws 1990, c. 76, § 1, operative July 1, 1990; Laws 1992, c. 397, § 8, eff. July 1, 1992; Laws 2008, c. 88, § 1, eff. Nov. 1, 2008; Laws 2019, c. 206, § 5, eff. Nov. 1, 2019.

§19-901.28. Certification of audit - Standards - Filing - Certification of creation - Filing of creating document.

A. The audits required by Section 901.27 of this title shall be prepared by a certified public accountant or a licensed public accountant. The required audit shall adhere to standards set by the State Auditor and Inspector. One copy of the annual audit shall be filed with the State Auditor and Inspector, and one copy shall be filed with the appropriate county clerk not more than one hundred twenty (120) days following the close of each fiscal year of the district.

B. In the event that a copy of the audit as required by this section is not filed with the State Auditor and Inspector within the time herein provided or for any other reason deemed expedient by him, the State Auditor and Inspector is authorized to either commence an audit or employ a certified public accountant or licensed public accountant to make the audit herein required at the cost and expense of the fire protection district.

C. Within one hundred eighty (180) days after the effective date of this act or within one hundred eighty (180) days after creation, whichever is first, each fire protection district organized pursuant to the provisions of Section 901.1 et seq. of this title shall certify to the State Auditor and Inspector the date it was created.

D. Prior to the levying of any special assessment by a fire protection district, there shall be filed with the Secretary of State an executed original or certified copy of a written instrument or election return declaring creation of such district and a notice of said filing with the Secretary of State shall be delivered to the State Auditor and Inspector.

Added by Laws 1986, c. 70, § 2, eff. Nov. 1, 1986. Amended by Laws 1987, c. 202, § 23, eff. June 1, 1987; Laws 1992, c. 397, § 9, eff. July 1, 1992.

§19-901.29. Expenses of audit.

The necessary expense of audits required by Section 1 of this act shall be paid from funds of the fire protection district.

Added by Laws 1986, c. 70, § 3, eff. Nov. 1, 1986.

§19-901.30. Strikes, work stoppages or slowdowns prohibited - Grant of labor rights - Violations - Arbitration.

A. The protection of the public health, safety and welfare demands that the permanent members of any Rural Fire Protection District not be accorded the right to strike or engage in any work stoppage or slowdown. This necessary prohibition does not, however, require the denial to such employees of other well-recognized rights of labor such as the right to organize, to be represented by a collective bargaining representative of their choice and the right to bargain collectively concerning wages, hours and other terms and conditions of employment; and such employees shall also have the right to refrain from any and all such activities.

B. It is declared to be the public policy of this state to accord to the full-time firefighters in a Rural Fire Protection District all of the rights of labor, other than the right to strike or to engage in any work stoppage or slowdown. Nothing in this act shall constitute a grant of the right to strike to any full-time firefighter in a Rural Fire Protection District and such strikes are hereby prohibited. Unless otherwise provided by law, any person holding such a position who, by concerted action with others and without the lawful approval of the person’s superior, willfully absents the person from his or her position or abstains in whole or in part from the full, faithful and proper performance of such person’s duties for the purpose of inducing, influencing or coercing a change in the conditions or compensation, or the rights, privileges or obligations of employment shall be deemed to be on

strike but the person, upon request, shall be entitled to a determination as to whether he or she did violate the provisions of this act. The request shall be filed in writing. The official or body with whom the request is filed shall have the power to remove or discipline such employee within ten (10) days after regular compensation of such employee has ceased or other discipline has been imposed. In the event of such request, the official or body shall within ten (10) days after the receipt of such request commence a proceeding for the determination of whether the provisions of this act have been violated by the full-time firefighter in a Rural Fire Protection District, in accordance with the law and regulations appropriate to a proceeding to remove a full-time firefighter in a Rural Fire Protection District. The proceedings shall be undertaken without unnecessary delay. The decision of the proceeding shall be made within ten (10) days following the conclusion of the hearing. If the employee involved is held to have violated this act and his or her employment terminated or other discipline imposed, the employee shall have the right of review in the district court having jurisdiction of the parties, within thirty (30) days from such decision, for determination whether such decision is supported by competent, material and substantial evidence on the whole record. To provide for the exercise of these rights, a method of arbitration of disputes is hereby established.

C. It is declared to be the public policy of the State of Oklahoma that no person shall be discharged from or denied employment as a member of any Rural Fire Protection District of this state by reason of membership or nonmembership in, or the payment or nonpayment of any dues, fees or other charges to, an organization of such members for collective bargaining purposes as herein contemplated.

D. The establishment of this method of arbitration shall not, however, in any way whatever, be deemed to be a recognition by the state of compulsory arbitration as a superior method of settling labor disputes between employees who possess the right to strike and their employers, but rather shall be deemed to be a recognition solely of the necessity to provide some alternative procedure for settling disputes where employees must, as a matter of public policy, be denied the usual right to strike.

Added by Laws 2003, c. 136, § 1, eff. Nov. 1, 2003. Amended by Laws 2004, c. 104, § 1, eff. Nov. 1, 2004.

§19-901.30-1. Definitions.

As used in this act:

1. "Bargaining agent" means any lawful association, fraternal organization, labor organization, federation or council having as one of its purposes the improvement of wages, hours and other

conditions of employment among employees of Rural Fire Protection Districts;

2. "Board" means the Public Employees Relations Board;

3. “Collective bargaining” means the performance of the mutual obligation of the Rural Fire Protection District employer or the employer’s designated representatives and the representative of the employees to meet at reasonable times, including meetings appropriately related to the budget making process; to confer in good faith with respect to wages, hours and other conditions of employment, or the negotiation of an agreement, or any question arising hereunder; and to execute a written contract incorporating any agreement reached if requested by either party. Such obligation shall not, however, compel either party to agree to a proposal or require the making of a concession;

4. “Corporate authorities” means the Board of Directors of any Rural Fire Protection District whose duty or duties it is to establish the wages, salaries, rates of pay, hours, working conditions and other terms and conditions of employment of firefighters;

5. “Firefighters” means the permanent paid members of any Rural Fire Protection District within the State of Oklahoma but shall not include the chief of the rural fire department and an administrative assistant;

6. “Strike” means the concerted failure to report for duty, the willful absence from one’s position, unauthorized holidays, sickness unsubstantiated by a physician’s statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, for the purpose of including, influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of employment. Nothing contained in this act shall be construed to limit, impair or affect the right of any public employee to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment, so long as the same does not interfere with the full, faithful and proper performance of the duties of employment; and

7. “Unfair labor practices” for the purpose of this act shall be deemed to include, but not be limited to, the following acts and conduct:

a. action by corporate authorities:

(1) interfering with, restraining, intimidating or coercing employees in the exercise of the rights guaranteed them by this act,

(2) dominating or interfering with the formation, existence or administration of any employee organization or bargaining agent,

(3) interfering in any manner whatsoever with the process of selection by firefighters of their respective bargaining agents or attempting to influence, coerce or intimidate individuals in such selection,
(4) discharging or otherwise disciplining or discriminating against a firefighter because he or she has signed or filed any affidavit, petition or complaint or has given any information or testimony under this act or because of an election to be represented by the bargaining agent,
(5) refusing to bargain collectively or discuss grievances in good faith with the designated bargaining agent with respect to any issue coming within the purview of this act, or
(6) instituting or attempting to institute a lockout.

b. action by bargaining agent:
(1) interfering with, restraining, intimidating or coercing employees in the exercise of the rights guaranteed them by this act,
(2) interfering with or attempting to coerce the corporate authorities in the selection of their representatives for the purposes of collective bargaining or the adjustment of grievances, or
(3) refusing to bargain collectively or discuss grievances in good faith with the proper corporate authorities with respect to any issue coming within the purview of this act.

Added by Laws 2003, c. 136, § 2, eff. Nov. 1, 2003.

§19-901.30-2.1. Subpoena of witnesses and documents - Notice and service - Rules - Hearings.

A. To accomplish the objectives and to perform the duties prescribed by this act, the Public Employees Relations Board may subpoena witnesses, issue subpoenas to require the production of books, papers, records, and documents which may be needed as evidence of any matter under inquiry, and administer oaths and affirmations. In cases of neglect or refusal to obey a subpoena issued to any person, the district court of the county in which the investigations or the public hearings are taking place, upon application by the Board, may issue an order requiring such person to appear before the Board and produce evidence about the matter under investigation. Failure to obey such order may be punished by the court as contempt.

B. Any subpoena, notice of hearing, or other process or notice of the Board issued under the provisions of this act may be served

personally, by registered mail, or by leaving a copy at the principal office of the person required to be served. A return made and verified by the individual making such service and setting forth the manner of such service shall be proof of service, and a returned post office receipt, when registered or certified mail is used, shall be proof of service.

C. The Board shall adopt, promulgate, amend, or rescind such rules as it deems necessary to carry out the provisions of this act. Public hearings shall be held by the Board on any proposed rule of general applicability designed to implement, interpret, or prescribe policy, procedure or practice requirements under the provisions of this act and on any proposed change to such existing rule. Reasonable notice shall be given prior to such hearings, which shall include the time, place, and nature of such hearing and the terms or substance of the proposed rule or the changes to such rule.
Added by Laws 2004, c. 104, § 2, eff. Nov. 1, 2004.

§19-901.30-2.2. Unfair labor practices - Complaint - Order to cease and desist - Restraining order.

A. The Public Employees Relations Board is empowered, as hereinafter provided, to prevent any person, including a bargaining agent and corporate authorities, from engaging in any unfair labor practice as defined herein.

B. Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board shall have the power to issue and cause to be served upon such person a complaint stating the charges in that respect and containing a notice of hearing before the Board, at a place therein fixed, not less than five (5) days after the serving of the complaint. The respondent shall have the right to file an answer and to appear and give testimony at the time and place fixed in the complaint. At the discretion of the Board, any other person may be allowed to intervene in such proceeding.

C. If, upon the preponderance of the testimony taken, the Board shall be of the opinion that the person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If, upon the preponderance of the testimony taken, the Board shall not be of the opinion that the respondent has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the complaint.

D. The Board, or any interested party, shall have the power to petition the district court, wherein the unfair labor practice in

question occurred, for the enforcement of such order and for appropriate temporary relief from restraining order.
Added by Laws 2004, c. 104, § 3, eff. Nov. 1, 2004.

§19-901.30-2. Collective bargaining - Bargaining agent - Hearing - Election.

A. Full-time firefighters in a Rural Fire Protection District shall have the separate right to bargain collectively with their Rural Fire Protection District and to be represented by a bargaining agent in such collective bargaining with respect to wages, salaries, hours, rates of pay, grievances, working conditions and all other terms and conditions of employment.

B. Whenever, conformable to regulations that may be prescribed by the Public Employees Relations Board, a petition is filed by:

1. A labor organization alleging that thirty percent (30%) of the full-time firefighters in a Rural Fire Protection District:

a. wish to be represented for collective bargaining by an exclusive employee representative, or

b. assert that the designated exclusive employee representative is no longer the representative of the majority of employees in the unit; or

2. The employer alleging that one or more labor organizations has presented to it a claim to be recognized as the exclusive employee representative in an appropriate unit; the Board shall investigate the facts alleged therein and if it has reasonable cause to believe that a question of representation exists, it shall provide for an appropriate hearing upon due notice. If the Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof. The Board may also certify a labor organization as an exclusive employee representative of a Rural Fire Protection District if it determines that a free and untrammeled election cannot be conducted because of the employer's unfair labor practices.

C. Only those labor organizations which have been designated by more than ten percent (10%) of the full-time firefighters in the unit found to be appropriate shall be placed on the ballot. Nothing in this section shall be construed to prohibit the waiving of or hearing by stipulation for the purpose of a consent election, in conformity with the rules and regulations of the Board.

D. In order to assure to full-time firefighters in a Rural Fire Protection District the fullest freedom in exercising the rights guaranteed by this act, the Board shall decide in each case before it in which the issue is raised the unit appropriate for the purposes of collective bargaining, and shall consider such factors as community of interest, wages, hours and other working conditions

of the firefighters involved, the history of collective bargaining, and the desires of the firefighters.

E. An election shall not be directed in any bargaining unit or in any subdivision thereof within which, in the preceding twelve-month period, a valid election has been held. The Board shall determine who is eligible to vote in the election and shall establish rules governing the election. In any election where none of the choices on the ballot receives a majority, but a majority of all votes cast are for representation by some labor organization, a run-off election shall be conducted. A labor organization which receives the majority of the votes cast in an election shall be certified by the Board as the exclusive firefighter representative of a Rural Fire Protection District.

Added by Laws 2003, c. 136, § 3, eff. Nov. 1, 2003.

§19-901.30-3. Agreement on contract - Submission to arbitration - Selection of arbitrators.

A. It shall be the obligation of the Rural Fire Protection District, acting through its corporate authorities, to meet at reasonable times and confer in good faith with the representatives of the full-time firefighters within ten (10) days after receipt of written notice from said bargaining agent requesting a meeting for collective bargaining purposes. The obligation shall include the duty to cause any collective bargaining agreement resulting from negotiations to be reduced to a written agreement, the term of which shall not exceed one (1) year; provided, any such agreement shall continue from year to year and be automatically extended for one-year terms unless written notice of request for bargaining is given by either the Rural Fire Protection District authorities or the bargaining agent of the full-time firefighters at least thirty (30) days before the anniversary date of such negotiated agreement. Within ten (10) days of receipt of such notice by the other party, a conference shall be scheduled for the purposes of collective bargaining, and until a new agreement is reached, the currently existing written agreement shall not expire and shall continue in full force and effect.

B. In the event that the bargaining agent and the corporate authorities are unable, within thirty (30) days from and including the date of the first meeting, to reach an agreement on a contract, any and all unresolved issues shall be submitted to arbitration, upon request of either party.

C. Within five (5) days from the date of the request for arbitration referred to in subsection B of this section, the bargaining agent and the corporate authorities shall each select and name one arbitrator and shall immediately thereafter notify each other in writing of the name and address of the person so selected. The two arbitrators so selected and named shall, within five (5)

days from and after the expiration of the five-day period hereinabove mentioned, agree upon and select a third arbitrator. If, on the expiration of the period allowed therefor, the arbitrators are unable to agree upon the selection of a third arbitrator, the bargaining agent and the corporate authorities shall request the Federal Mediation and Conciliation Service to provide a list of five arbitrators. Within five (5) days after receipt of the list of arbitrators from the Federal Mediation and Conciliation Service, the two arbitrators already selected shall alternately strike the name of one arbitrator from the list of five until one name remains, with the employer making the first strike from the list. The third arbitrator, whether selected as a result of an agreement between the two arbitrators previously selected or selected from the list provided by the Federal Mediation and Conciliation Service, shall act as chairperson of the arbitration board.
Added by Laws 2003, c. 136, § 4, eff. Nov. 1, 2003.

§19-901.30-4. Arbitration hearing - Submission of arbitration statement - Evidence - Selection decision.

The arbitration board, acting through its chairperson, shall call a hearing to be held within ten (10) days after the date of the appointment of the chairperson and shall, acting through its chairperson, give at least seven (7) days of notice in writing to each of the other two arbitrators, the bargaining agent and the corporate authorities of the time and place of such hearing. At least seven (7) days before the date of the hearing the bargaining agent and the corporate authorities shall submit to each other and to the arbitration board members a written arbitration statement listing all contract terms which the parties have resolved and all contract issues which are unresolved. Each arbitration statement shall also include a final offer on each unresolved issue. The terms and offers contained in the arbitration statements shall be known collectively as each parties' last best offer. The hearing shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Any documentary evidence and other data deemed relevant by the arbitrators may be received into evidence. The arbitrators shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records, and other evidence relative or pertinent to the issues presented to them for determination. A hearing shall be concluded within twenty (20) days from the time of commencement. Within seven (7) days after the conclusion of the hearing, a majority of the arbitration board members shall select one of the two last best offers as the contract of the parties. The criteria to be used by the board in determining which offer to select shall be limited to those in Section 6 of this

act. The arbitration board may not modify, add to or delete from the last best offer of either party. Written notice of the selection decision shall be mailed or delivered to the employer and the union.
Added by Laws 2003, c. 136, § 5, eff. Nov. 1, 2003.

§19-901.30-5. Decision factors - Responsibility for fees and expenses.

A. The arbitrators shall conduct the hearings and render their decision upon the basis of a prompt, peaceful and just settlement of all submitted disputes between the full-time firefighters in a Rural Fire Protection District and the corporate authorities. The factors, among others, to be given weight by the arbitrators in arriving at a decision shall include:

1. Comparison of wage rates, insurance, retirement, other fringe benefits or hourly conditions of employment of the rural fire district in question with prevailing wage rates or hourly conditions of employment of skilled employees of the building trades and industry in the local operating area involved;

2. Comparison of wage rates, insurance, retirement, other fringe benefits or hourly conditions of employment of the rural fire district in question with wage rates or hourly conditions of employment maintained for the same or similar work of employees exhibiting like or similar skills under the same or similar working conditions in the local operating area involved;

3. Comparison of wage rates, insurance, retirement, other fringe benefits or hourly conditions of employment of the rural fire district in question with wage rates or hourly conditions of employment of fire departments in other political subdivisions of comparable size and economic status both within and without the State of Oklahoma;

4. Interest and welfare of the public and revenues available to the Rural Fire Protection District; or

5. Comparison of peculiarities of employment in regard to other trades or professions, including specifically:

a. hazards of employment,
b. physical qualifications,
c. educational qualifications,
d. mental qualifications, and
e. job training and skills.

B. Fees and necessary expenses of the arbitrator selected by the bargaining agent and the arbitrator selected by the corporate authorities shall be borne by the bargaining agent and the corporate authorities respectively. The reasonable fees and necessary expenses of the third arbitrator shall be borne equally by the bargaining agent and corporate authorities.
Added by Laws 2003, c. 136, § 6, eff. Nov. 1, 2003.

§19-901.30-6. Special election to select offer.

A. If the corporate authority's last best offer is not selected by the arbitration board, that party may submit the offers which the parties submitted to the arbitration board to the voters of the Fire Protection District for their selection by requesting a special election for that purpose. The request for an election must be filed with the Clerk of the Board of Directors for the Fire Protection District within ten (10) days of the date of the written decision of the arbitration board. Written notice of the filing of the request shall be given to the bargaining agent. If a request for an election is not filed in a timely manner, the board's selection decision shall be final, and the last best offer it selected shall constitute the agreements of the parties.

B. Upon receiving a request for an election pursuant to the provision of this section, the District Clerk shall notify the governing body of the Fire Protection District of the request. Within ten (10) days of such notification the governing body shall call for a special election. The election shall be governed by the state laws on Fire Protection District elections and the election shall be held as nearly as may be in conformity with the state law provisions governing bond elections for the Fire Protection District; provided, no informalities in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted. Only residents of the Fire Protection District who are qualified electors in their respective precincts shall be eligible to vote in said election. The ballot shall inform the voters that they must choose either the last best offer of the bargaining agent or the last best offer of the corporate authority. The last best offer receiving a majority of the votes shall become the agreement of the parties.

C. Concerning issues relating to money, such ballot shall clearly state the total dollar amount of the offer from the union and the total dollar amount of the offer from the employer. Such ballot shall also disclose the percentage of increase or decrease both offers have over or under the last contract of the two parties.

D. Agreements which are reached as a result of selection by the arbitration board or by election shall be effective on the first day of the fiscal year involved regardless of the date of the final selection.

Added by Laws 2003, c. 136, § 7, eff. Nov. 1, 2003. Amended by Laws 2004, c. 104, § 4, eff. Nov. 1, 2004.

§19-901.30-7. Negotiated collective bargaining agreement - Required provisions - Disputes.

Any agreement actually negotiated between the bargaining agent and the corporate authorities either before or within thirty (30)

days after arbitration shall constitute the collective bargaining contract governing full-time firefighters in the Rural Fire Protection District for the period stated therein; provided that such period shall not exceed one (1) year. Any collective bargaining agreement negotiated under the terms and provisions of this act shall specifically provide that the full-time firefighters in the Rural Fire Protection District who are subject to its terms shall have no right to engage in any work stoppage, slowdown or strike, the consideration for such provision being the right to a resolution of disputed questions. All rules, regulations, fiscal procedures, working conditions, district practices and manner of conducting the operation and administration of Rural Fire Protection Districts currently in effect on the effective date of any negotiated agreement shall be deemed a part of the agreement except as modified or changed by the specific terms of such agreement. Every such agreement shall contain a clause establishing arbitration procedures for the immediate and speedy resolution and determination of any dispute which may arise involving the interpretation or application of any of the provisions of such agreement or the actions of any of the parties under that agreement. In the absence of such negotiated procedure, the dispute may be submitted to arbitration in accordance with the provisions of this act, except that the arbitration board shall be convened within ten (10) days after demand therefor by the bargaining agent upon the corporate authority or authorities. In such case the arbitration board's determination shall be final.
Added by Laws 2003, c. 136, § 8, eff. Nov. 1, 2003.

§19-901.30-8. Appropriation of monies required by collective bargaining - Notice - Time limitation.

When wages, rates of pay or any other matters requiring appropriation of monies by any Rural Fire Protection District are included as matters of collective bargaining conducted under the provisions of this act, it is the obligation of the bargaining agent to serve written notice of request for collective bargaining on the corporate authorities at least one hundred twenty (120) days before the last day on which monies can be appropriated by the Rural Fire Protection District to cover the contract period which is the subject of the collective bargaining procedure.
Added by Laws 2003, c. 136, § 9, eff. Nov. 1, 2003.

§19-901.30-9. Violations - Penalties.

It shall be unlawful for any collective bargaining representative or member of a Rural Fire Protection District to strike or engage in any work stoppage; and it shall further be unlawful for any official, executive, administrator, manager, or member of a governing body exercising the authority to fix and

determine the salaries, hours of work, and employment conditions of a Rural Fire Protection District in this state to fail to bargain in good faith in accordance with the provisions of this act. Any person convicted of violating the provisions of this act shall be guilty of a misdemeanor punishable by a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00) for such offense, and each day during which such violation occurs or continues shall constitute a separate offense. Any such conviction shall be grounds for immediate dismissal from Rural Fire Protection District employment, for any full-time firefighter so employed.
Added by Laws 2003, c. 136, § 10, eff. Nov. 1, 2003.

§19-901.31. Short title.

This act shall be known and may be cited as the "Fire Protection District Budget Act".
Added by Laws 1987, c. 202, § 1, eff. June 1, 1987.

§19-901.32. Purpose of act.

The purpose of this act is to provide a budget procedure for fire protection districts which shall:

1. Establish uniform and sound fiscal procedures for the preparation, adoption, execution and control of budgets;

2. Enable districts to make financial plans for both current and capital expenditures and to ensure that their directors administer their respective functions in accordance with adopted budgets;

3. Make available to the public and investors sufficient information regarding the financial conditions, requirements and expectations of the district; and

4. Assist districts in improving and implementing generally accepted accounting principles as applied to governmental accounting, auditing and financial reporting and standards of governmental finance management.
Added by Laws 1987, c. 202, § 2, eff. June 1, 1987.

§19-901.33. Application of act.

This act shall apply to all fire protection districts created pursuant to the provisions of Section 901 et seq. of Title 19 of the Oklahoma Statutes.
Added by Laws 1987, c. 202, § 3, eff. June 1, 1987.

§19-901.34. Definitions.

As used in this act:

1. "Account" means an entity for recording specific revenues or expenditures or for grouping related or similar classes of revenues and expenditures and recording them within a fund or department;

2. "Appropriation" means an authorization and allocation of money to be expanded for a purpose;

3. "Board" means the board of directors of a fire protection district;

4. "Budget" means a plan of financial operations for a fiscal year, including an estimate of proposed expenditures for given purposes and the proposed means for financing them;

5. "Budget summary" means a tabular listing of revenues by source and expenditure, by fund and by department within each fund for a budget year;

6. "Budget year" means the fiscal year for which a budget is prepared or being prepared;

7. "Current year" means the year in which the budget is prepared and adopted, or the fiscal year immediately preceding the budget year;

8. "Deficit" means the excess of the liabilities, reserves, contributions and encumbrances of a fund over its assets as reflected by its book of account;

9. "Department" means a functional unit within a fund which carries on a specific activity;

10. "District" means a fire protection district;

11. "Estimated revenue" means the amount of revenues estimated to be received during the budget year in each fund for which a budget is prepared. Revenue includes any appropriated fund balance in the budget of revenues for a fund for the budget year;

12. "Fiscal year" means the annual period for reporting fiscal operations which begins and ends on dates as the Legislature provides;

13. "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts to record cash and other financial resources, together with all liabilities, which are segregated for the purpose of carrying on specific activities or attaining certain objectives, or as otherwise defined in current generally accepted accounting principles;

14. "Fund balance" means the excess of the assets of a fund over its liabilities, reserves, contributions and encumbrances, as reflected by its books of accounts;

15. "Immediate prior fiscal year" means the fiscal year preceding the current year;

16. "Operating reserve" means that portion of the fund balance which has not been appropriated in a budget year. The "operating reserve" will be equivalent to the "unappropriated fund balance" in any fund for which a budget is prepared.

Added by Laws 1987, c. 202, § 4, eff. June 1, 1987. Amended by Laws 1989, c. 222, § 3, operative July 1, 1989.

§19-901.35. Advice and services of State Auditor and Inspector.

The State Auditor and Inspector or his designee shall advise the districts on procedural and technical matters relating to accounting and budget procedures and shall prescribe all the forms of whatever nature, including but not limited to, budget forms, supporting schedules and other accounting books and records. It shall be the duty of the district with notice of such advice to follow the instructions or advice of the State Auditor and Inspector until relieved of such duty by a court of competent jurisdiction or until the Supreme Court shall hold otherwise.
Added by Laws 1987, c. 202, § 5, eff. June 1, 1987.

§19-901.36. Annual financial statement.

It shall be the duty of the board of the district on or before the third Monday of July in each year to produce or cause to be produced and forwarded to the State Auditor and Inspector a financial statement of the district for the preceding year ending June 30th.
Added by Laws 1987, c. 202, § 6, eff. June 1, 1987.

§19-901.37. Budgets - Format - Budget summary - Estimate of revenues - Determination of needs.

A. At least thirty (30) days prior to the beginning of each fiscal year, a budget for each fund of the district for which a budget is required shall be completed by the board. Each budget shall provide a complete financial plan for the budget year. The budget format shall be as prescribed by the State Auditor and Inspector. The format shall contain at least the following in tabular form for each fund, itemized by department and account within each fund:

1. Actual revenues and expenditures for the immediate prior fiscal year;

2. Estimated actual revenues and expenditures for the current fiscal year; and

3. Estimated revenues and expenditures for the budget year.

B. The budget for each fund shall contain a budget summary. It shall also be accompanied by a budget message from the board which shall explain the budget and describe its important features.

C. The estimate of revenues in each fund for any budget year shall include probable income by source which the district is legally empowered to collect or receive at the time the budgets are adopted. The estimate shall be based upon a review and analysis of past and anticipated revenues of the district. Any portion of the budget of revenues to be derived from special assessments shall not exceed the estimated amount of the assessment which is available for appropriation, as finally determined by the board, or which can or must be raised as required by law. The budget of expenditures for each fund shall not exceed the estimated revenues for each fund. No

more than ten percent (10%) of the total budget for any fund may be budgeted for miscellaneous purposes.

D. The board shall determine the needs of the district for sinking fund purposes, and include these requirements in the debt service fund budget for the budget year.

Added by Laws 1987, c. 202, § 7, eff. June 1, 1987. Amended by Laws 1989, c. 222, § 4, operative July 1, 1989.

§19-901.38. Repealed by Laws 1989, c. 222, § 12, operative July 1, 1989.

§19-901.39. Repealed by Laws 1989, c. 222, § 12, operative July 1, 1989.

§19-901.40. Cash surpluses.

If and when an actual cash surplus accrues in any fund for any prior fiscal year, such surplus shall forthwith be transferred to the same fund for the fiscal year next succeeding the year for which the assessments were originally imposed, and shall be used to pay any warrants and interest thereon which may be outstanding and unpaid for such year. After all warrants and interest on such warrants for such year have been paid or reserved for the surplus, if any, shall forthwith be transferred to the next succeeding year for the same purpose. This procedure shall be followed for each succeeding fiscal year or reserved for, and then any cash surplus remaining shall accrue and be transferred to the current fiscal year, to be used to pay any legal warrant and interest charges of such year. The term "actual cash surplus" as used herein, is hereby defined to mean an excess of actual cash actually on hand over and above all legal obligations. Assessments in process of collection shall not be considered in determining the actual cash surplus for any fund for any fiscal year or years.

Added by Laws 1987, c. 202, § 10, eff. June 1, 1987. Amended by Laws 1989, c. 222, § 5, operative July 1, 1989.

§19-901.41. Accounts and accounting - Budgets - Needs assessment.

Any monies received or expended by the district must be accounted for by fund and account. Each district shall prepare a budget for the general fund and for other funds as the board may require pursuant to this act. The board shall determine the district's needs for sinking fund purposes, and include these requirements in the debt service fund budget for the budget year.

Added by Laws 1987, c. 202, § 11, eff. June 1, 1987. Amended by Laws 1989, c. 222, § 6, operative July 1, 1989.

§19-901.42. Hearing on proposed budget.

The board shall hold a public hearing on the proposed budget no later than fifteen (15) days prior to the beginning of the budget year. Notice of the date, time and place of the hearing, together with the proposed budget summaries, shall be published in a newspaper of general circulation in the district not less than five (5) days before the date of the hearing. Affidavit and proof of publication shall be attached to the budget when filed with the county clerk and State Auditor and Inspector. The district shall make available a sufficient number of copies of the proposed budgets as the board shall determine and have them available for review or for distribution or sale at the office of the district. At the public hearing on the budgets, any person may present to the board comments, recommendations or information on any part of the proposed budget.
Added by Laws 1987, c. 202, § 12, eff. June 1, 1987. Amended by Laws 1989, c. 222, § 7, operative July 1, 1989.

§19-901.43. Adoption of budget.

A. After the hearing required by Section 901.42 of this title, and at least seven (7) days prior to the beginning of the budget year, the board shall adopt the budget. The board may add or increase items or delete or decrease items in the budget. In all cases the proposed expenditures shall not exceed the estimated revenues for any fund.

B. The adopted budget shall be filed with the county clerk of each county in which the district is located on or before the first day of the budget year. At the same time that the budget is filed with the county clerk, one copy of the budget as adopted shall be transmitted to the State Auditor and Inspector and one copy shall be kept on file in the office of the district.

C. The adopted budget shall be in effect on and after the first day of the fiscal year to which it applies. The budget as adopted and filed with the State Auditor and Inspector shall constitute an appropriation for each fund, and the appropriation thus made shall not be used for any other purpose except as provided by law.
Added by Laws 1987, c. 202, § 13, eff. June 1, 1987. Amended by Laws 1989, c. 222, § 8, operative July 1, 1989.

§19-901.44. Protests.

Within thirty (30) days after the filing of any district budget with the State Auditor and Inspector, any party being assessed may commence action in district court to protest any alleged illegality of the budget or assessment. The thirty-day protest period begins upon the date the budget is received in the Office of the State Auditor and Inspector. After receipt of a protest, the State Auditor and Inspector shall transmit by certified mail one copy of each protest to the district, and one copy of each protest to the

county treasurer of each county in which the district is located. Any protest filed shall inure to the benefit of all parties assessed within the district. Upon notification of a protest being filed in district court, the district will have thirty (30) days to withdraw the budget in order to correct any alleged illegalities. If no protest is filed within the thirty-day period, the budget, any appropriations and assessments thereof shall be deemed legal and final until amended by the board as authorized by law. Parties being assessed shall have the right at all reasonable times to examine the budget on file with the board, the county clerk or the State Auditor and Inspector for the purpose of checking illegalities in the budget or for filing protests in accordance with this section.
Added by Laws 1987, c. 202, § 14, eff. June 1, 1987. Amended by Laws 1989, c. 222, § 9, operative July 1, 1989.

§19-901.45. Funds - Prohibited acts - Liability.

A. No expenditure may be authorized or made by any employee or member of the board which exceeds any fund balance for any fund of the budget as adopted or amended or which exceeds the appropriation for any fund of the budget as adopted or amended. Any balance remaining in a fund at the end of the budget year shall be carried forward to the credit of the fund for the next budget year.

B. It shall be unlawful for any employee or member of the board in any budget year:

1. To create or authorize creation of a deficit in any fund; or

2. To authorize, make or incur expenditures or encumbrances in excess of ninety percent (90%) of the appropriation for any fund of the budget as adopted or amended until revenues in an amount equal to at least ninety percent (90%) of the appropriation for the fund have been collected. Any fund balance which is included in the appropriation for the fund is considered revenue in the budget year for which it is appropriated. Expenditures may then be made and authorized so long as any expenditure does not exceed any fund balance.

C. Any obligation that is contracted or authorized by any member or employee of the board in violation of this act shall become the obligation of the member or employee himself and shall not be valid or enforceable against the district. Any member or employee who violates this act shall forfeit his position and shall be subject to such civil and criminal punishments as are provided by law. Any obligation, authorization for expenditure or expenditure made in violation of this act shall be illegal and void.
Added by Laws 1987, c. 202, § 15, eff. June 1, 1987.

§19-901.46. Funds and accounts.

A district shall maintain, according to its own accounting needs, some or all of the funds and account groups in its system of accounts that are consistent with legal and operating requirements and as prescribed by the State Auditor and Inspector. The required funds may include, but not be limited to:

1. A general fund, to account for all monies received and disbursed for general district purposes, including all assets, liabilities, reserves, fund balances, revenues and expenditures which are not accounted for in any other fund or special ledger account;

2. Special revenue funds, as required, to account for the proceeds of specific revenue sources that are restricted by law to expenditures for specified purposes;

3. Debt service fund, which shall include the district sinking fund, established to account for the retirement of general obligation bonds or other long-term debt and payment of interest thereon. Any monies pledged to service general obligation bonds or other long-term debt must be deposited in the debt service fund;

4. Capital improvement fund, to account for financial resources segregated for acquisition, construction or other improvement related to capital facilities other than those financed by general long-term debt;

5. A ledger or group of accounts in which to record the details relating to the general fixed assets of the county;

6. A ledger or group of accounts in which to record the details relating to the general funds or other long-term debt of the district; and

7. Such other funds or ledgers as may be established by the district.

Added by Laws 1987, c. 202, § 16, eff. June 1, 1987. Amended by Laws 1989, c. 222, § 10, operative July 1, 1989.

§19-901.47. Classification of estimated revenue and appropriation expenditures.

Estimated revenue and appropriation expenditures in the budget of each fund shall be classified in conformity with the accounting system prescribed by the State Auditor and Inspector. Revenues shall be classified separately by source. Expenditures shall be departmentalized by appropriate functions and activities within each fund and shall be classified within the following categories:

1. Salaries and wages, which may include expenses for salaries, wages, per diem allowances and other forms of compensation;

2. Employee benefits paid to any member or employee of the board for services rendered or for employment. Employee benefits may include employer contributions to a retirement system, insurance, vacation allowances, sick leave, terminal pay or similar benefits;

3. Operating expenses, which may include materials and supplies, articles and commodities which are consumed or materially altered when used, such as office supplies, operating supplies and repair and maintenance supplies, and all items of expense to any persons, firm or corporation rendering a service in connection with repair, sale or trade of such articles or commodities, such as services or charges for communications, transportation, advertising, printing or binding, insurance, public utility services, repairs and maintenance, rentals, miscellaneous items and all items of operating expense to any person, firm or corporation rendering such services;

4. Other services and charges, which may include all current expenses other than those listed in paragraphs 1, 2, 3, 5, or 6 of this section;

5. Capital outlays, which may include outlays which result in acquisition of or additions to fixed assets purchased by the district, including land, buildings, improvements other than buildings, and all construction, reconstruction, appurtenances or improvements to real property accomplished according to the conditions of a contract, machinery and equipment, furniture and autos and trucks; and

6. Debt service, which may include outlays in the form of debt principal payments, periodic interest payments, paying agent's fees, or related service charges for benefits received in part in prior fiscal periods as well as in current and future fiscal periods.
Added by Laws 1987, c. 202, § 17, eff. June 1, 1987.

§19-901.48. Transfer of appropriation between accounts.

A. The board may transfer any unexpended and unencumbered appropriation or any portion thereof from one account to another within the same department or from one department to another within the same fund; except that no appropriation for debt service or other appropriation required by law may be reduced below the minimums required.

B. Whenever the necessity for maintaining any special fund of a district has ceased to exist and a balance remains in the fund, the board may authorize the transfer of the balance to the general fund. Applicable law shall govern the use or transfer of balance in any debt service or special revenue fund.
Added by Laws 1987, c. 202, § 18, eff. June 1, 1987.

§19-901.49. Amendment of budget - Supplemental appropriations.

A. The board may amend the budget to make supplemental appropriations to any fund up to the amount of additional revenues which are available for current expenses as shown by a fund balance for the fund due to:

1. Revenues received from sources not anticipated in the budget for that year;

2. Revenues received from anticipated sources but in excess of the budget estimates therefor; or

3. Unexpended unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget. Any appropriation authorizing the creating of an indebtedness shall be governed by the applicable provisions of Article X of the Constitution of the State of Oklahoma.

B. If at any time during the budget year it appears probable that revenues available will be insufficient to meet the amount appropriated, or that due to unforeseen emergencies there is temporarily insufficient money in a particular fund to meet the requirements of appropriation for the fund, the board shall take action as it deems necessary. For that purpose, it may amend the budget to reduce one or more appropriations, but no appropriation for debt service may be reduced and no appropriation may be reduced by more than the amount of the unencumbered and unexpended balance thereof. No transfer shall be made from the debt service fund to any other fund except as may be permitted by the terms of the bond issue or applicable law.

C. A budget amendment as provided in this section authorizing supplemental appropriations or a decrease or change in appropriation or funds shall be adopted at a meeting of the board and filed with the district, the county clerk of each county in which the district is located and the State Auditor and Inspector.

Added by Laws 1987, c. 202, § 19, eff. June 1, 1987. Amended by Laws 1989, c. 222, § 11, operative July 1, 1989.

§19-901.50. Rules and regulations.

For the purpose of carrying into effect the provisions of this act, and for its proper administration, the State Auditor and Inspector is hereby empowered to promulgate and enforce such rules and regulations as may be necessary but not inconsistent herewith, and he shall prescribe all the forms of whatsoever nature referred to in this act including but not necessarily limited to budget forms, supporting schedule forms and all other accounting stationery required, desired or needed under the provisions of this act.

Added by Laws 1987, c. 202, § 20, eff. June 1, 1987.

§19-901.55. Short title.

This act shall be known and may be cited as the "Rural Fire Protection Program Fund Act".

Added by Laws 1988, c. 294, § 1, operative July 1, 1988.

§19-901.56. Effectiveness of section - Coordinator defined - Consideration and determination of need of financial assistance - Certification - Distribution of monies - Expenditures.

A. The provisions of this section shall become effective when funds are made available for such purpose. Upon the availability of such funds, the State Department of Agriculture shall notify the coordinator of such available funds.

B. For the purposes of this section "coordinator" means the rural fire coordinator in each rural fire protection coordination district as defined in Section 901.61 of this title.

C. Upon notification of the State Department of Agriculture pursuant to subsection A of this section on or before the last day of June of each year that funds are available for such purpose, the district coordinators shall consider and determine the relative needs of participants for monies in the Rural Fire Protection Program Fund. Participants shall include incorporated cities under ten thousand (10,000) population according to the latest Federal Decennial Census, towns, and legally formed rural fire departments. Based upon the information available to him, the coordinator shall certify to the Commissioner of Agriculture the names of the incorporated cities, towns, and legally formed rural fire departments which he determines are in need of financial assistance from the Rural Fire Protection Program and the amount required by each in accordance with the provisions of this section. In making this determination and certification, the coordinator shall consider the intent and purpose of the Rural Fire Protection Program Fund Act. No incorporated city, town or legally formed rural fire department shall receive monies distributed from the Rural Fire Protection Program Fund merely for the purpose of accumulation when such monies are not required to accomplish the purposes of this section.

D. In making such determination of needs, the coordinator shall first determine that each fire department to be certified has been duly formed under the appropriate state statutes.

E. On or before the last day of August of each year, the State Department of Agriculture shall distribute the monies in the Rural Fire Protection Program Fund in the manner provided by law.

F. Any amount so distributed from the Rural Fire Protection Program Fund to any eligible participant shall be expended only for the maintenance of its fire department, the purchase, construction, maintenance, repair and operation of its fire stations, fire apparatus and equipment, the purchase, rental, installation or maintenance of fire hydrants, the payment of insurance premiums upon fire stations, fire apparatus and equipment, and insurance premiums for injuries or death of fire fighters, as otherwise provided by law. Provided, however, that no monies shall be expended from the fund for any purpose relating to the water supply systems of any participant, nor for the improvement or construction of such systems nor for any other appurtenances relating to the distribution or use of such water supply system. Monies so distributed from the Rural

Fire Protection Program Fund to any eligible participant may also be expended, in an amount not to exceed ten percent (10%) of the allocated funds or the sum of One Thousand Dollars ($1,000.00) in the aggregate during any period of one (1) year, whichever is larger, for the expense of any fire fighters attending a certified fire school.

G. No amount so distributed from the Rural Fire Protection Program Fund to any eligible participant shall be expended or obligated for the purchase of land or the construction of buildings for fire stations unless all obligations previously incurred for such purposes and to be paid from monies distributed from the Rural Fire Protection Program Fund by such eligible participant have been fully paid and satisfied. No monies from the fund shall be expended or obligated for the construction of buildings for fire stations unless the participant proposing to expend or obligate monies distributed from the Rural Fire Protection Program Fund for that purpose holds fee simple title, not encumbered by any lien, or holds a lease for a period of not less than ten (10) years, with provisions for renewal of the lease annually, to the land on which it proposes to construct any such building. Provided, however, that this provision shall not prohibit construction or location of a fire station on land donated in whole or part to the participant for the purpose, and use of Rural Fire Protection Program Fund monies for such construction or location, where the donor has reserved right or reversion of such land under stated conditions, if such use be appropriate and reasonable.

H. Amounts so distributed from the Rural Fire Protection Program Fund to any eligible participant shall be expended under the direction of the chief of the fire department upon duly executed vouchers approved as required by law. In no event shall any such monies to be expended for any purpose which does not relate to the permitted purposes specifically stated in this section.
Added by Laws 1988, c. 294, § 2, operative July 1, 1988. Amended by Laws 1992, c. 44, § 1, emerg. eff. April 3, 1992.

§19-901.57. Administration of grants.

A. When funds are made available for such purpose, the State Department of Agriculture shall administer grants from any monies which may be available for the purpose of the improvement of fire protection in rural areas of the State of Oklahoma, to the end that the hazard of loss by fire and fire insurance rates may be reduced and the public safety thereby promoted. Any such monies shall be distributed in the manner provided by law.

B. The State Department of Agriculture is authorized to allocate such monies obtained pursuant to subsection A of this section to eligible entities on a matching basis and such matching requirements may be fulfilled either in cash or in-kind. In

addition, the State Department of Agriculture is authorized to establish preferential matching requirements for eligible entities which have Insurance Service Organization rates of ten (10) or which have other critical circumstances and needs which are determined by the State Department of Agriculture to justify preferential matching requirements.

C. 1. The State Department of Agriculture shall in writing notify the rural fire protection coordination districts of any available grant monies by August 1st of each year.

2. Each rural fire protection coordination district desiring to obtain such grant monies for improvement of fire protection within such district shall submit such request to the Department, in such form and in such manner as required by the Department, by September 1, of each year.

3. The Forestry Division shall submit the final list of grantees and their approved amounts prior to the October meeting of the Board of Agriculture for consideration.

4. By October 1 of each year, the Department shall make a determination on the allocation of such monies to the rural fire protection coordination districts.

5. Upon approval, the Forestry Division shall distribute the forms required by law to all grantees to certify the grant. The prescribed form must be signed by the grantee and returned to the Forestry Division before the grant becomes official.

6. Expenditures made prior to the date of the grant award shall not be considered for reimbursement.

7. Fire departments shall submit copies of paid invoices, canceled checks or other proof of purchase, attached to the prescribed form when requesting reimbursement. No more than three (3) partial payment requests are permitted.

8. Fire departments shall keep complete and accurate records of grant expenditures and make this information available to the Forestry Division or the coordinators on request.

9. Approved claims shall be submitted by the Forestry Division for payment. Checks shall be sent promptly to the fire department's contact person when received.

10. The coordinators shall closely track the progress of all grantees in the assigned district to assure their completion by June 30. As of April 1, an assessment shall be made to determine the amount of grant funds which remain unobligated in each district, and therefore available to make additional grants within that district. The coordinators shall use the original prioritized list of grant applications to make additional grants, and submit a list of additional grantees and amounts to the Forestry Division for processing through the April meeting of the Board of Agriculture for approval. These grants are still subject to the June 30 cutoff for

obligating grant funds. The same procedures will be used as for the first round of grants.

11. Follow-up compliance audits shall be performed by the coordinators and the Forestry Division of the State Department of Agriculture. Fire departments are required to cooperate fully during the audit.

D. In determining the amount of grant monies to be awarded to a rural fire protection coordination district pursuant to the provisions of this section, such district shall be eligible to receive an amount resulting from computing the number of fire departments with service area populations of less than ten thousand (10,000) persons in a rural fire protection coordination district divided by the total number of fire departments with service area populations of less than ten thousand (10,000) persons in this state multiplied by the total amount of the grant monies available to rural fire protection coordination districts in the state.

E. In addition to any other criteria established by the State Department of Agriculture for receipt of grant monies for rural fire protection coordination districts, the State Department of Agriculture, pursuant to the Administrative Procedures Act, Article I, Sections 250.3 through 308.2 and Article II, Sections 309 through 323 of Title 75 of the Oklahoma Statutes, shall establish criteria to rate and prioritize applications for funding such requests of the rural fire protection coordination districts. Such criteria shall include, but not be limited to, consideration for: number of residents, businesses and square miles to be protected; fire runs per calendar year; annual sales and property tax collection; use of volunteers; written fire plan or standard operating procedures plan; fundraising; training; compliance with legal requirements; and workers' compensation and vehicle liability insurance coverage. Added by Laws 1988, c. 294, § 3, operative July 1, 1988. Amended by Laws 1989, c. 54, § 1, emerg. eff. April 14, 1989; Laws 1989, c. 377, § 14, operative July 1, 1989; Laws 1992, c. 44, § 2, emerg. eff. April 3, 1992.

§19-901.58. Rural Fire Defense Equipment Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Department of Agriculture, to be designated the "Rural Fire Defense Equipment Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Agriculture from any monies received from appropriations, deposits made pursuant to the provisions of this act, proceeds resulting from the sale of equipment purchased out of monies in the fund, and such other monies specifically designated by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Agriculture, Food, and

Forestry for the purpose of purchasing new firefighting equipment for purchase by rural fire departments and such other purposes specifically designated by law. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 1988, c. 294, § 4, operative July 1, 1988. Amended by Laws 1989, c. 54, § 2, emerg. eff. April 14, 1989; Laws 2012, c. 304, § 72.

§19-901.59. Purchase of equipment - Acquisition of storage space.

A. The State Department of Agriculture is hereby authorized to use the Rural Fire Defense Equipment Revolving Fund to purchase new firefighting equipment for purchase by rural fire departments.

B. The State Department of Agriculture is hereby authorized to acquire space for storing firefighting equipment while not in possession of a fire department and to pay the necessary costs thereof from the Rural Fire Defense Equipment Revolving Fund as funds become available.
Added by Laws 1988, c. 294, § 5, operative July 1, 1988.

§19-901.60. Sale of equipment - Rules and regulations.

A. The State Department of Agriculture is authorized to sell firefighting equipment to rural fire departments cooperating with the State Department of Agriculture in fire control under the terms of written cooperative agreements.

B. All proceeds derived from the sale of firefighting equipment by the State Department of Agriculture pursuant to the provisions of this act shall be deposited with the State Treasurer to be credited to the Rural Fire Defense Equipment Revolving Fund.

C. The State Department of Agriculture shall promulgate such rules and regulations pursuant to the Administrative Procedures Act and is authorized to require from the rural fire departments such information, forms and reports as are necessary for properly and efficiently administering this section and Section 4 of this act.
Added by Laws 1988, c. 294, § 6, operative July 1, 1988.

§19-901.61. Administration of rural fire protection program - Acquisition of federal excess property - Rural fire protection coordination districts.

A. The State Department of Agriculture is hereby directed to administer a rural fire protection program and is hereby authorized to acquire federal excess property for the support and operation of fire departments and fire districts.

B. For the purpose of coordination of improved rural fire protection, rural fire protection coordination districts are hereby created to consist of the following counties:

District 1, composed of Washington, Nowata, Craig, Ottawa, Mayes, Delaware and Rogers Counties.

District 2, composed of Wagoner, Cherokee, Adair, Sequoyah, Muskogee, Okmulgee and McIntosh Counties.

District 3, composed of Pittsburg, Haskell, LeFlore, Pushmataha, Latimer, McCurtain and Choctaw Counties.

District 4, composed of Garvin, Pontotoc, Coal, Atoka, Johnston, Murray, Carter, Love, Marshall and Bryan Counties.

District 5, composed of Lincoln, Okfuskee, Hughes, Seminole, Pottawatomie, Payne and Pawnee Counties.

District 6, composed of Creek, Osage and Tulsa Counties.

District 7, composed of Alfalfa, Grant, Kay, Noble, Garfield, Major, Blaine and Kingfisher Counties.

District 8, composed of Canadian, Oklahoma, Cleveland and Logan Counties.

District 9, composed of Caddo, Comanche, Cotton, Grady, Jefferson, McClain, Stephens and Tillman Counties.

District 10, composed of Roger Mills, Custer, Washita, Beckham, Greer, Kiowa, Jackson and Harmon Counties.

District 11, composed of Cimarron, Texas, Beaver, Harper, Woods, Ellis, Woodward and Dewey Counties.

Added by Laws 1988, c. 294, § 7, operative July 1, 1988. Amended by Laws 2013, c. 29, § 1, eff. July 1, 2013.

§19-902.1. Short title.

This act shall be known and may be cited as the "Oklahoma Rural Road Improvement District Act".

Added by Laws 1986, c. 93, § 1, eff. Nov. 1, 1986.

§19-902.2. Creation and organization of district.

A. Whenever ten persons who are holders of title to lands in a county located outside of the corporate limits of any incorporated city or town, or fifty-one percent (51%) of the property owners in the proposed district, shall petition the board of county commissioners of the county in which such area owned by them is located for the formation of a rural road improvement district, and the petitioners comply with the provisions of the Oklahoma Rural Road Improvement District Act, the board of county commissioners may enter its order organizing such district, and when so organized such district shall have the powers conferred herein or such as hereafter may be conferred by law upon such rural road improvement districts.

B. 1. The board of county commissioners is authorized to determine whether the election for organization of a rural road improvement district shall be conducted pursuant to the procedures set out in Section 902.5 of this title or pursuant to the procedures set out in Section 902.20 of this title.

2. The board of county commissioners is authorized to determine whether the elections for directors of a duly organized rural road improvement district shall be conducted pursuant to the provisions of Section 902.6 of this title or pursuant to the procedures set out in Section 902.21 of this title.

C. 1. Despite any provisions in this section to the contrary, if no persons reside in the proposed rural road district, the board of county commissioners may only conduct the election for the proposed organization of a rural road improvement district pursuant to the procedures set out in Section 902.20 of this title.

2. Despite any provisions in this section to the contrary, if no persons reside in the proposed rural road district, the board of county commissioners may only conduct the election for directors of a duly organized rural road improvement district pursuant to the procedures set out in Section 902.21 of this title.

Added by Laws 1986, c. 93, § 2, eff. Nov. 1, 1986. Amended by Laws 1994, c. 291, § 1, emerg. eff. June 6, 1994; Laws 1997, c. 218, § 1, eff. Nov. 1, 1997.

§19-902.3. Petition - Deposit - Filing - Hearing - Orders - Election.

The petition shall set forth and particularly describe the proposed boundaries of such district and shall be accompanied by a map of such proposed district. The petitioners shall accompany such petition with a cash deposit, the amount of which shall be approved by the board of county commissioners. The cash shall be deposited with the county treasurer in a special fund which shall be used for the purposes of defraying the costs of the publications and of the election for the organization of the district. Any unused portion of the amount deposited shall be refunded to the petitioners upon request.

The petition shall be filed with the county clerk of such county who shall present it to the board of county commissioners at their next regular or special meeting. Upon the presentation of the petition, the board of county commissioners shall set the petition for hearing at a time not less than twenty (20) days nor more than forty (40) days from the date of presentation and shall direct the county clerk to give notice of the hearing by publication in a newspaper of general circulation in the county in which the proposed district is located. The notice shall be published one (1) day a week for two (2) consecutive weeks preceding the date of such hearing. The notice shall describe the boundaries of the proposed district, shall state the time and place of the hearing, and shall state that any person may appear and protest the organization of the district or the proposed boundaries of the district.

The board of county commissioners shall hold the hearing described in the notice, and it shall have jurisdiction to hear and

determine all protests to the creation of such district and all matters pertaining to the same. It may amend the plan of the district by excluding from within its boundaries any lands which it may deem will not be benefited by the formation of such district, or by including other lands as a part thereof upon application of the owners of such land. However, it shall not exclude from such district any lands which are completely surrounded by lands which are included in the proposed district.

At the conclusion of the hearing, the board of county commissioners shall make an order determining the boundaries of the proposed district, particularly describing them, and shall determine whether the formation of such district will be conducive to the improvement of safe travel in the incorporated area. If the board determines that the district will be conducive to safe travel in the area incorporated in the district and will be in the best interests of the people residing or owning real property in the district, then the board may give the proposed district a name and call an election of the registered voters in the territory comprising such proposed district, or if there are no registered voters in the territory comprising the proposed district, call an election of the owners of real property in the territory comprising the proposed district who are registered voters, on the question of whether the district shall be organized. In proclaiming the election, the board of county commissioners shall provide descriptions of the boundaries of the proposed district and maps of the proposed district in sufficient quantities to provide one for each polling place to be open during the election.

Added by Laws 1986, c. 93, § 3, eff. Nov. 1, 1986. Amended by Laws 1987, c. 18, § 1, eff. Nov. 1, 1987; Laws 1997, c. 218, § 2, eff. Nov. 1, 1997.

§19-902.4. Notice of election - Qualified voters.

The county clerk shall cause notice of the election to be given one (1) day a week for two (2) consecutive weeks by publication in a newspaper of general circulation in the territory comprising the proposed district. The notice shall state the time and place of holding the election and set forth the description of the boundaries of the proposed district and its general purpose and intention. All persons who are residents of the proposed district and who are registered voters in their respective precincts shall be qualified to vote on the proposition. If there are no persons who are residents of the proposed district, all persons owning real property within the proposed district who are registered voters shall be qualified to vote on the proposition.

Added by Laws 1986, c. 93, § 4, eff. Nov. 1, 1986. Amended by Laws 1994, c. 291, § 2, emerg. eff. June 6, 1994; Laws 1997, c. 218, § 3, eff. Nov. 1, 1997.

§19-902.5. Conduct of election - Certification of results - Orders.

Such elections shall be conducted in accordance with the general election laws of the state and the regular election officials shall be in charge at the usual polling place of each regular precinct, or part of a precinct, which shall include lands within the boundaries of such proposed district. The county election board shall certify results of the election to the board of county commissioners who shall meet on the second Monday next following such election and proceed to determine the percentages of the vote cast.

If, upon such determination, it appears that at least three-fifths (3/5) of all the votes cast are "Rural Road Improvement District - Yes", the board shall, by order declare such territory duly organized as a rural road improvement district under the name theretofore designated. Such order shall be filed for record in the office of the county clerk and from that date such district shall be complete.

Added by Laws 1986, c. 93, § 5, eff. Nov. 1, 1986.

§19-902.6. Directors - Meetings - Terms - Bylaws - Election resolution - Conduct of election - Vacancies.

Directors of a rural road improvement district shall be the owners of real property in and residents of said district. At the time of making its order organizing the district, the board of county commissioners shall set a first meeting of property owners of said district and direct the manner of giving notice by publication thereof. The owners of property within the district present at such meeting shall elect nine (9) directors who shall hold their office until the next general election, at which time their successors shall be elected. The property owners present at such first meeting shall adopt the bylaws of the district. At the first general election after organization of the district the three qualified persons receiving the highest number of votes for member of board of directors of the district shall hold their respective offices for the term of six (6) years. The three qualified persons receiving the next highest number of votes shall be elected for four (4) years, and the three qualified persons having the next highest number of votes shall be elected for two (2) years. Each two (2) years thereafter, there shall be elected for a term of six (6) years three members of said board of directors. The board of directors of the district shall submit, within fifteen (15) days before the filing period of any district election, a resolution to the secretary of the county election board conducting said election. The resolution shall contain the following:

1. The date of the election; and

2. The offices to be filled or the questions to be voted upon at the election; and

3. Qualifications for the offices; and

4. Any other information necessary for conducting said election.

The regular election in the district shall be held at the same time as the general election in this state. All polling places of precincts, all or any part of which include areas within the boundaries of the district, shall be supplied ballots for the purpose of permitting electors of the district to vote for members of the board of directors of the district. Filing for the office of member of the board of directors shall be with the county election board on a nonpartisan basis during the regular filing period for state and county offices and shall be done without the payment of a filing fee and without filing of a petition in support of the candidate's candidacy. Vacancies on the board shall be filled, for the unexpired term thereof, by the board of directors.

Added by Laws 1986, c. 93, § 6, eff. Nov. 1, 1986.

§19-902.7. Officers of board of directors - Term - Compensation.

The board of directors of the district shall elect from its members a president, a vice-president and a secretary. The county treasurer of the county in which the district is located shall serve as treasurer, but shall not be a member of the board. The term and duties of the president, vice-president and secretary shall be fixed in the bylaws. The officers and members of the board shall serve without compensation.

Added by Laws 1986, c. 93, § 7, eff. Nov. 1, 1986.

§19-902.8. Powers and duties of board of directors.

The board of directors shall have the following powers and duties:

1. To manage and conduct the business affairs of such district;

2. To make and execute all necessary contracts;

3. To purchase or lease-purchase and maintain necessary and convenient equipment for the construction and maintenance of roads within the district which acquisition shall be made pursuant to state competitive bidding laws;

4. To cooperate with the county in the use of county equipment for the construction and maintenance of roads within the district;

5. In cooperating with the county to utilize the services of county employees, sufficient to maintain and operate the equipment owned by such district in otherwise improving and maintaining the roads of the district;

6. To take by grant, purchase, gift, devise or lease, and to dispose of, real or personal property of every kind necessary for the operation of the district;

7. To construct or otherwise acquire suitable buildings or structures for the housing of equipment and supplies of the

district, or for carrying on its own business and affairs which acquisition shall be made pursuant to state competitive bidding laws;

8. To employ such officers and employees as may be required, fix their compensation and prescribe their duties;

9. To establish rules and regulations for the district and for the construction and maintenance of roads, culverts and drainage projects within the district; and

10. To do any and all other things necessary and proper in the management and operation of the district for the purpose of constructing and maintaining roads to serve the people of the district.

Added by Laws 1986, c. 93, § 8, eff. Nov. 1, 1986. Amended by Laws 2010, c. 225, § 2, eff. July 1, 2010.

§19-902.9. Regular meetings - Special meetings - Quorum - Voting - Records.

The board of directors shall establish a time and place for regular meetings, and in addition thereto, shall hold such special meetings as may be required for the proper transaction of business. Five members shall constitute a quorum for the transaction of business and upon all questions requiring a vote there shall be a concurrence of at least a majority of those present and voting, a quorum being present. All records of said board must be open to the inspection of any elector during business hours.

Added by Laws 1986, c. 93, § 9, eff. Nov. 1, 1986.

§19-902.10. Actions and proceedings to enforce act.

The board of directors is hereby authorized and empowered to institute and maintain, or appear and defend, any and all actions and proceedings, suits at law or in equity, necessary or proper to fully carry out the provisions of the Oklahoma Rural Road Improvement District Act, or to enforce, maintain, protect or preserve any and all rights or privileges conferred hereby, or acquired in pursuance hereof. Actions and proceedings shall be prosecuted and defended in the corporate name of the district, and the board is empowered to employ attorneys to represent the district in any such actions or proceedings, or to advise the board in respect of its duties under this act.

Added by Laws 1986, c. 93, § 10, eff. Nov. 1, 1986.

§19-902.11. Rural road improvement district property record.

To permit retirement of the bonded indebtedness of the rural road improvement district, it shall be the duty of the secretary of the board to prepare and keep a record which shall be known as the rural road improvement district property record. Such record shall contain the names of the owners of the lands in the district as they

appear on the tax rolls of the county or upon the deed records, the description of all property subject to ad valorem taxation, and the assessed value of such property as shown by the records of the county assessor. No error in the names of owners or in the description thereof shall invalidate the levy of taxes provided for in the Oklahoma Rural Road Improvement District Act if sufficient description is given to identify such property.
Added by Laws 1986, c. 93, § 11, eff. Nov. 1, 1986.

§19-902.12. Bond election - Resolution - Notice - Conduct of election - Canvass of returns.

A. When the board of directors shall have estimated the cost of purchases and construction work, it shall call an election at which shall be submitted to the registered voters of the district, or if there are no registered voters of the district, the owners of real property in the district who are registered voters, the question of whether the bonds of the district shall be issued in the amount so determined. However, the bonds shall not be issued for more than the actual estimated cost of such purchase and construction.

B. The resolution of the board calling such election shall divide the district into voting precincts of convenient size and a map thereof shall be filed with the district secretary. The precincts so formed may be changed by the board any time thereafter, except that no change shall be made within thirty (30) days next preceding any election. The resolution shall appoint for each precinct, from the owners of real property in and residents of the district who are registered voters, or if there are no residents of the district, the owners of real property in the district who are registered voters, one clerk and two judges, who shall constitute a board of election for the precinct. If the members appointed do not attend at the opening of the polls on the morning of the election, the board may appoint other owners of real property in and residents of the district who are registered voters, or if there are no residents of the district, owners of real property in the district who are registered voters, to supply the place or places of those absent. The resolution shall designate the date, hour and place in the precincts where the election will be held.

C. Notice of the election shall be given by publication in some newspaper of general circulation in the county in which the district is located once a week for three (3) consecutive weeks next preceding the date of the election, and by posting the notice in three public places in each election precinct, as established by the board of directors, for at least twenty (20) days prior to the date of the election.

The notice shall specify:

1. The date of the election;
2. The location of the polling places;

3. The time that the polls will open and close; and

4. The amount of bonds proposed to be issued.

D. One of the judges of each precinct shall be chairman of the election board of the precinct and may administer all oaths required in the progress of the election, and appoint another judge or clerk, if during the progress of the election any judge or clerk ceases to act.

E. At the election, the ballots shall contain the words: "Bonds - Yes", and "Bonds - No", or words equivalent thereto.

F. The election shall be held as nearly as may be in conformity with the provisions governing the election for the formation of the district. However, no county election board nor precinct election board shall be involved in conducting the election. No informalities in conducting the election shall invalidate the election if the election shall have been otherwise fairly conducted.

G. The board of directors shall meet as soon as practicable after the election and canvass the returns. If a majority of the ballots cast are "Bonds - Yes", the board shall cause negotiable bonds in the amount to be issued.

Added by Laws 1986, c. 93, § 12, eff. Nov. 1, 1986. Amended by Laws 1997, c. 218, § 4, eff. Nov. 1, 1997.

§19-902.12b. Financing of improvements on pay-as-you-go basis.

A. Nothing in this act shall prevent the board of directors from using the levy provided for in Section 902.15 of Title 19 of the Oklahoma Statutes for financing improvements on a pay-as-you-go basis provided the district has no outstanding bonds or other evidences of indebtedness. Pay-as-you-go improvements shall be subject to the assessment limits in Section 902.15 of Title 19 of the Oklahoma Statutes, shall be approved in the same manner as described in Section 902.12 of Title 19 of the Oklahoma Statutes and shall not be approved for more than the actual estimated cost of such purchase and construction. For the purposes of this section, “pay-as-you-go improvements” shall be defined as improvements that are constructed and paid for when necessary revenues are accumulated.

B. A district choosing to finance improvements on a pay-as-you-go basis shall not issue bonds or other evidences of indebtedness until a time following the financing and completion of pay-as-you-go improvements.

Added by Laws 2009, c. 209, § 1, eff. Nov. 1, 2009.

§19-902.13. Bonds.

Such bonds shall be payable in lawful money of the United States and shall run for a period of not more than forty (40) years, the amount, maturity dates, redemption provisions and interest rates to be determined by the board of directors. The principal and interest

shall be payable at the office of the treasurer of the county in which said district shall be organized, or at any bank or paying agency designated by the board of directors. Such bonds shall each be of a denomination of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00), shall be negotiable in form, executed in the name of the district, and signed by the president of the board of directors and the secretary of the district. In addition and without limiting the generality of the foregoing provisions, the district shall be authorized to issue notes or other evidences of indebtedness for the corporate purposes enumerated in Sections 2 through 18 of this act in the same manner and subject to the same procedures as bonds issued by the district. Notwithstanding the provisions of Section 14 of this act, bonds, notes or other evidences of indebtedness may be sold by the board of directors to the federal government or any agency thereof at negotiated or private sale. Bonds shall be numbered consecutively as issued and shall be dated as of the date of issuance, and shall be payable in their numerical order with interest to date of payment.

The bonds shall express upon their face that they are issued pursuant to a duly adopted resolution of the board of directors for the district and under the provisions of Sections 2 through 18 of this act. The secretary shall keep a record of the bonds sold, their number, date of sale, the prices received and the name of the purchaser. These bonds shall bear interest at the rate of not exceeding sixteen percent (16%) per annum.
Added by Laws 1986, c. 93, § 13, eff. Nov. 1, 1986.

§19-902.14. Sale of bonds.

The board shall sell such bonds from time to time in such quantities as may be necessary and most advantageous to raise the money for the construction of the proposed work, the acquisition of property and rights and otherwise to fully carry out the objects and purposes of the Oklahoma Rural Road Improvement District Act. Before making any sale of bonds the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds and the day and hour and place of such sale and shall cause such resolution to be entered in the minutes and notice of the sale to be given by publication thereof at least ten (10) days in some newspaper of said county if published in a daily newspaper or two (2) weeks if published in a weekly newspaper, or said notice may be published in two issues of a daily newspaper provided they are published a week apart. Said bonds may be sold either at public auction for cash to the highest bidder or upon sealed bids as determined by the board of directors. At the time appointed, the board shall award the purchase of the bonds to the highest responsible bidder, but shall reserve and always have the right to

reject any and all bids, but said board shall in no event sell any of said bonds for less than par with accrued interest.
Added by Laws 1986, c. 93, § 14, eff. Nov. 1, 1986.

§19-902.15. Bond election.

Bonds and other evidences of indebtedness and the interest thereon shall be paid by revenue derived from an annual levy of not to exceed five (5) mills on the dollar upon the ad valorem taxed property of the district, and all the ad valorem taxed property of the district, including the ad valorem taxed property of public service corporations, shall be and remain liable to be assessed for such payments as herein provided; provided, if Article X, Section 8 of the Oklahoma Constitution requires one hundred percent (100%) of fair cash value to be taxable for purposes of ad valorem taxation, the maximum number of mills authorized by this section shall be three-fourths (3/4) of one (1) mill.
Added by Laws 1986, c. 93, § 15, eff. Nov. 1, 1986. Amended by Laws 1988, c. 162, § 158, eff. Nov. 1, 1988.

§19-902.16. Additional assessments - Calling of election.

A. The board may also levy an additional annual assessment sufficient to care for the cost of operation of the district and the maintenance of its roads, equipment and for payment of the salaries of employees of the district, provided that no such annual assessment for operations, maintenance and salaries shall exceed three (3) mills on the dollar of the assessed valuation of the property in the district.

B. The board may call an election of the registered voters of the district, or if there are no registered voters of the district, the owners of real property in the district who are registered voters, in the manner provided for in Section 902.12 of this title, to determine whether or not the board shall levy an annual assessment not to exceed three (3) mills on the dollar of the assessed valuation of the property in the district for the purpose of providing additional funds for the operation of the district, the maintenance of its roads, equipment and salaries of the employees of the district. Such annual assessment shall be in addition to the annual assessment provided for in subsection A of this section. The number of mills shall be set forth in the resolution calling the election and, if approved, shall remain in effect until increased or decreased in a later election called in the manner provided for in Section 902.12 of this title, but the total additional annual levy shall not exceed three (3) mills.
Added by Laws 1986, c. 93, § 16, eff. Nov. 1, 1986. Amended by Laws 1988, c. 162, § 159, eff. Nov. 1, 1988; Laws 1992, c. 23, § 1, emerg. eff. March 30, 1992; Laws 1997, c. 218, § 5, eff. Nov. 1, 1997.

§19-902.17. Amount of levies.

The amount of such levies shall be fixed by resolution of the board which shall have power to establish all rules necessary to ensure collection of such levies.

Added by Laws 1986, c. 93, § 17, eff. Nov. 1, 1986.

§19-902.18. Powers and duties concerning supervision and control of county roads.

Nothing in this act shall be deemed to exclude a county from supervision and control of the county roads in a district or to relieve the county from any duty or obligation to improve and maintain such county roads. The authority and powers of such districts shall be in addition to those of the counties and shall be carried out in cooperation with such counties.

Added by Laws 1986, c. 93, § 18, eff. Nov. 1, 1986.

§19-902.19. Formation of district without bonded indebtedness or tax levies.

Whenever ten or more persons who are holders of title to lands located outside the corporate limits of any incorporated city or town file a petition and map with the board of county commissioners of the county in which such area is located showing that they are the owners of all land described and included within the boundaries of the proposed district, that they all desire the formation of a rural road limited improvement district and that there will not be any bonded indebtedness or levy of taxes for payment of road improvement or maintenance, the said board of county commissioners may forthwith enter its order organizing such district, specifying therein that such district has no power to incur debt or levy taxes; and when such order is entered such district shall have the powers conferred herein or such as may hereafter be conferred by law upon such district.

Added by Laws 1986, c. 93, § 19, eff. Nov. 1, 1986.

§19-902.20. Conduct of district organization elections.

Elections to determine whether a rural road improvement district will be organized may be conducted at a mass meeting or convention of the owners of real property in and residents of the district, or if there are no residents of the district, the owners of real property in the district, who are qualified to vote. The chair of the board of county commissioners or his or her designee shall preside at the meeting and the voting shall be by secret ballot. The presiding officer shall have the authority to appoint a secretary of the meeting and the commissioner and secretary shall certify results of the election to the board of county commissioners who shall meet on the second Monday next following the election and

proceed to determine the percentage of votes cast. If, upon such determination, at least three-fifths (3/5) of all the votes cast are "Rural Road Improvement District - Yes", the board shall, by order declare such territory duly organized as a rural road improvement district under the name designated. The order shall be filed for record in the office of the county clerk and from that date the district shall be complete.
Added by Laws 1994, c. 291, § 3, emerg. eff. June 6, 1994. Amended by Laws 1997, c. 218, § 6, eff. Nov. 1, 1997.

§19-902.21. Election of district directors - Qualifications - Notice.

Directors of a rural road improvement district shall be the owners of real property in and residents of the district or, if there are no residents of the district, the owners of real property in the district. At the time of making its order organizing the district, the board of county commissioners shall set a first meeting of property owners of the district and direct the manner of giving notice by publication thereof. The owners of property within the district present at such meeting shall elect nine (9) directors who shall hold their office until the second Saturday in January of each even-numbered year, at which time their successors shall be elected. The property owners present at the first meeting shall adopt the bylaws of the district.

Subsequent elections for directors of the district may be held at a mass meeting or convention of the owners of real property in and residents of the district, or if there are no residents of the district, the owners of real property in the district, who are qualified to vote. The voting shall be by secret ballot. At the first regular election after organization of the district called for the purpose of electing members of the board of directors, the three qualified persons receiving the highest number of votes for member of board of directors of the district shall hold their respective offices for a term of six (6) years. The three qualified persons receiving the next highest number of votes shall be elected for four (4) years, and the three qualified persons having the next highest number of votes shall be elected for two (2) years. Each two (2) years thereafter, there shall be elected for a term of six (6) years three members of the board of directors. Notice of the mass meeting or convention called for the purpose of electing directors of a rural road improvement district shall be given by publishing notice of the meeting stating the time, place and agenda in a newspaper of general circulation in the county in which such district is located once a week for three (3) consecutive weeks next preceding the date of the election, and by posting the notice in three public places in the district for at least twenty (20) days prior to the date of the

election. The notice shall list the offices to be filled and the questions to be voted on, if any.
Added by Laws 1994, c. 291, § 4, emerg. eff. June 6, 1994. Amended by Laws 1997, c. 218, § 7, eff. Nov. 1, 1997.

§19-902.22. Fraud or irregularities in election - Dispute procedure.

Any person seeking to dispute an election held pursuant to Section 4 or 5 of this act for alleged irregularities or fraud shall do so by filing a written petition with the board of county commissioners of such county within ten (10) days of the date of such election. The board of county commissioners shall set the matter for hearing not less than ten (10) days nor more than thirty (30) days from the filing of the petition. Any person seeking to dispute the determination of the board of county commissioners made at such hearing may appeal the decision of the board to the district court in the manner provided by law for an appeal of an agency order in Sections 318 through 323 of Title 75 of the Oklahoma Statutes. Nothing in this section shall be construed to prohibit any proceedings in district court, which are otherwise authorized by law, alleging irregularities or fraud in an election.
Added by Laws 1994, c. 291, § 5, emerg. eff. June 6, 1994.

§19-903.1. Repealed by Laws 1989, c. 130, § 1.

§19-903.2. Repealed by Laws 1989, c. 130, § 1.

§19-903.3. Repealed by Laws 1989, c. 130, § 1.

§19-903.4. Repealed by Laws 1989, c. 130, § 1.

§19-903.5. Repealed by Laws 1989, c. 130, § 1.

§19-903.6. Repealed by Laws 1989, c. 130, § 1.

§19-903.7. Repealed by Laws 1989, c. 130, § 1.

§19-903.8. Repealed by Laws 1989, c. 130, § 1.

§19-903.9. Repealed by Laws 1989, c. 130, § 1.

§19-903.10. Repealed by Laws 1989, c. 130, § 1.

§19-903.11. Repealed by Laws 1989, c. 130, § 1.

§19-903.12. Repealed by Laws 1989, c. 130, § 1.

§19-903.13. Repealed by Laws 1989, c. 130, § 1.

§19-903.14. Repealed by Laws 1989, c. 130, § 1.

§19-903.15. Repealed by Laws 1989, c. 130, § 1.

§19-903.16. Repealed by Laws 1989, c. 130, § 1.

§19-903.17. Repealed by Laws 1989, c. 130, § 1.

§19-903.18. Repealed by Laws 1989, c. 130, § 1.

§19-903.19. Repealed by Laws 1989, c. 130, § 1.

§19-903.20. Repealed by Laws 1989, c. 130, § 1.

§19-903.21. Repealed by Laws 1989, c. 130, § 1.

§19-903.22. Repealed by Laws 1989, c. 130, § 1.

§19-904.1. Creation of county jail trust authority - Election.

A. The board of county commissioners of any county, if the board determines that such would be conducive to the promotion and preservation of the public safety of the county, may call an election at which shall be submitted to the qualified voters of the county the question of whether to create a county jail trust authority.

B. Notice of the election shall be given by publication in some newspaper of general circulation in the county once a week for two (2) consecutive weeks next preceding the date of the election. The notice shall specify the date of the election. The election shall be conducted in accordance with the general election laws of this state. If a majority of the qualified voters of the county voting on the question at an election called for such purpose by the board of county commissioners approve, the county jail trust authority shall be created.

Added by Laws 1994, c. 237, § 1, eff. Sept. 1, 1994.

§19-904.2. Board of directors - Officers.

A. The directors of the Authority so created shall consist of five (5) members and include the chairperson of the board of county commissioners, the county sheriff, one member appointed by the presiding district court judge, one member appointed by the board of county commissioners, and one member appointed by the county sheriff. The appointed members shall be residents of the county and shall not be elected officials.

B. The county sheriff shall serve as chairperson of the board of directors. The board of directors of the Authority shall appoint a clerk and a treasurer. The board of directors shall fix the term and duties of the clerk and treasurer. The chairperson and members of the board shall serve without compensation. The treasurer shall give an official bond, in an amount fixed with sureties approved by the board of directors, conditioned upon faithful accounting for all money pertaining to the Authority and coming into the hands of the treasurer.
Added by Laws 1994, c. 237, § 2, eff. Sept. 1, 1994. Amended by Laws 2001, c. 176, § 2, eff. July 1, 2001.

§19-904.3. Powers and duties of board.

The board of directors shall have the following powers and duties:

1. To manage and conduct the business and affairs of such authority;

2. To make and execute all necessary contracts;

3. To acquire by lease, purchase, gift or otherwise and to operate and maintain all necessary and convenient county correction and detention facilities, including but not limited to facilities for incarceration of criminals, juvenile detention and correction facilities, mental health and alcohol and substance abuse correction and detention facilities, kitchen facilities, medical facilities and other equipment and supplies for the full equipment of such facilities;

4. To contract for employees, sufficient to maintain and operate the criminal justice facilities of the authority;

5. To take by grant, purchase, gift, devise or lease, and to dispose of, real or personal property of every kind necessary or convenient for the operation of the authority;

6. To construct or otherwise acquire buildings and structures suitable for the housing of equipment and supplies of the authority or necessary or convenient for carrying on its business and affairs;

7. To employ such officers and employees as may be required, fix their compensation and prescribe their duties;

8. To contract with federal, state and local governments and agencies for the use of the facilities of the authority;

9. To establish rules for the authority; and

10. To do any and all other things necessary and proper in the management and operation of the authority for the purpose of promoting the establishment and maintenance of an effective corrections and detention system which will enhance the preservation of the welfare and safety of the residents of the county.
Added by Laws 1994, c. 237, § 3, eff. Sept. 1, 1994.

§19-904.4. Meetings of board.

The board of directors shall establish a time and place for regular meetings, and in addition thereto, shall hold such special meetings as may be required for the proper transaction of business. A simple majority of the members of the board shall constitute a quorum for the transaction of business and upon all questions requiring a vote there shall be a concurrence of a simple majority of the members of the entire board. All records of said board shall be open to the inspection of any elector during business hours.
Added by Laws 1994, c. 237, § 4, eff. Sept. 1, 1994.

§19-904.5. Authority to sue and be sued.

The board of directors is hereby authorized and empowered to institute and maintain, or appear and defend, any and all actions and proceedings, suits at law or in equity, necessary or proper to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights or privileges conferred hereby, or acquired in pursuance hereof. Actions and proceedings shall be prosecuted and defended in the corporate name of the authority, and the board is empowered to employ attorneys to represent the authority in any such actions or proceedings, or to advise the board in respect of its duties under this act.
Added by Laws 1994, c. 237, § 5, eff. Sept. 1, 1994.

§19-904.6. Plan of operation - Election on funding.

A. As soon as practicable after organization of the authority, the board of directors shall, by resolution entered on its record, formulate a general plan of proposed operation for the authority in which shall be stated the estimated cost of operation and maintenance of the authority, what property, real or personal, is proposed to be acquired or constructed and the estimated cost of acquiring or constructing the same.

B. When the board of directors has estimated the cost of the operation and maintenance of the authority, and the cost of acquiring or constructing and real or personal property, it shall request the board of county commissioners to call an election pursuant to Section 1370 of Title 68 of the Oklahoma Statutes to fund any acquisition or construction, and the operation and maintenance of the authority.
Added by Laws 1994, c. 237, § 6, eff. Sept. 1, 1994.

§19-904.7. Payment of claims.

No claims shall be paid by the treasurer of the authority until the same shall have been presented and allowed by the board of directors. All warrants shall be signed by the chairman of the board of directors of the authority and countersigned by the clerk. If the treasurer of the authority has not sufficient money on hand to pay the warrants when presented, he shall endorse thereon "not

paid for want of funds" and endorse thereon the date presented, over his signature, and from the time of the presentation until paid such warrant shall draw interest at the rate not to exceed ten percent (10%) per annum. All claims against the authority shall be verified the same as is required in the case of claims filed against the counties in this state and the clerk of the authority is hereby authorized and empowered to administer oaths to the parties verifying such claims the same as a county clerk or notary public might do. The treasurer of the authority shall keep a register in which he shall enter each warrant presented for payment, showing the date and amount of the warrant, to whom payable, the date of the presentation for payment, the date of payment, and the amount paid in redemption thereof, and all warrants shall be paid in the order of their presentation for payment to the treasurer of the authority. All warrants shall be drawn and payable to the claimant or his assignee only.
Added by Laws 1994, c. 237, § 7, eff. Sept. 1, 1994.

§19-904.8. Dissolution of the authority.

In the event of the dissolution of the authority, the board of directors of the authority shall be trustees for the disposition of the property and the proceeds of the disposition of such property and all funds remaining on hand shall be deposited with the county treasurer who shall thereupon succeed to the powers and duties of the treasurers of the authority. When all of the property of the authority has been disposed of and the funds of the authority deposited with the county treasurer, the powers and functions of the board of directors of the authority, as trustees for dissolution, shall cease and the board of county commissioners shall succeed to all of the powers and duties of the authority insofar as it shall be necessary for them to wind up and conclude the affairs of the authority.
Added by Laws 1994, c. 237, § 8, eff. Sept. 1, 1994.

§19-904.9. Annual audits required.

The directors of every county jail trust authority created pursuant to the provisions of this act shall cause an audit to be made of, including but not limited to, the funds, accounts and fiscal affairs of the authority. The audit shall be ordered within thirty (30) days of the close of each fiscal year which shall commence July 1 and end June 30.
Added by Laws 1994, c. 237, § 9, eff. Sept. 1, 1994.

§19-904.10. Auditors' qualifications - Audit by State Auditor and Inspector - Certification of authorities' creation - Expense of audit.

A. The audits required by Section 9 of this act shall be certified with the unqualified opinion of a certified public accountant, a licensed public accountant or the State Auditor and Inspector. The required audit shall adhere to standards set by the State Auditor and Inspector. One copy of the annual audit shall be filed with the State Auditor and Inspector not more than one hundred twenty (120) days following the close of each fiscal year of the authority.

B. In the event that a copy of the audit as required by this section is not filed with the State Auditor and Inspector within the time herein provided or for any other reason deemed expedient by him, the State Auditor and Inspector is authorized to either commence an audit or employ a certified public accountant or licensed public accountant to make the audit herein required at the cost and expense of the county jail trust authority.

C. Within one hundred eighty (180) days after the effective date of this act or within one hundred eighty (180) days after creation, whichever is first, each county jail trust authority organized pursuant to the provisions of this act shall certify to the State Auditor and Inspector the date it was created.

D. Prior to the levying of any assessment by a county jail trust authority, there shall be filed with the Secretary of State an executed original or certified copy of a written instrument or election return declaring creation of the authority and a notice of said filing with the Secretary of State shall be delivered to the State Auditor and Inspector.

E. The necessary expense of audits required by Section 9 of this act shall be paid from the funds of the county jail trust authority.

Added by Laws 1994, c. 237, § 10, eff. Sept. 1, 1994.

§19-905. Short title.

This act shall be known and may be cited as the "Oklahoma Regional Jail District Act".

Added by Laws 2012, c. 20, § 1, eff. Nov. 1, 2012.

§19-905.1. Definitions.

As used in the Oklahoma Regional Jail District Act, the following terms shall have the following meanings:

1. "Operation" includes but is not limited to leasing services, contracting for services, planning, financing, construction and maintenance of a regional jail regardless of the source of funding; and

2. "Regional jail district project" includes but is not limited to planning, financing and construction of a regional jail.

Added by Laws 2012, c. 20, § 2, eff. Nov. 1, 2012.

§19-905.2. Regional jail districts - Powers - County duties - Termination.

A. Any county or combination of counties by resolution of their governing boards, may jointly create a regional jail district pursuant to the provisions of Section 176 of Title 60 of the Oklahoma Statutes for the purpose of planning, financing, construction, maintenance and operation of a jail located within the boundaries of such counties. A regional jail district created pursuant to the provisions of this subsection shall have the powers granted pursuant to the provisions of Section 176 of Title 60 of the Oklahoma Statutes in addition to the powers granted pursuant to the provisions of this act except that no district created pursuant to the provisions of this act shall have any power or authority to exercise or to attempt to exercise any powers of eminent domain. The county or combination of counties, or their agencies, creating the regional jail district shall be designated the beneficiary of the district. The boundaries of the regional jail district shall be coterminous with the boundaries of the county or counties creating the district.

B. The board of county commissioners of each county desiring to join the regional jail district shall approve a resolution to join the district and shall approve an agreement which specifies the duties of each county within the regional jail district. If any county wishes to join a regional jail district which has already been established pursuant to this section, the agreement shall be rewritten and approved by each member county.

C. The agreement which specifies the duties of each county within the regional jail district shall contain the following:

1. The name of the regional jail district;

2. The names of the counties within the regional jail district;

3. The formula for calculating the contribution of each county to the costs of the regional jail district;

4. The types of prisoners which the regional jail may house, limited to prisoners which may be transferred to counties under state law;

5. The methods and powers which may be used for planning, constructing, financing or maintaining a regional jail;

6. The duties of the director of the regional jail; and

7. The timing and procedures for approval of the annual budget of the regional jail district by the regional jail commission.

D. Any county, city or town may contract with a regional jail commission for the purposes of holding prisoners.

E. A regional jail district created pursuant to this section shall exist for the duration of the operation of the regional jail and no longer than one (1) year after cessation of operation of the regional jail.

Added by Laws 2012, c. 20, § 3, eff. Nov. 1, 2012.

§19-905.3. Regional jail districts - Powers.

In addition to the powers granted to the regional jail district by its member counties under the agreement, the regional jail district has all the powers necessary or appropriate to carry out its purposes including, but not limited to, the following:

1. To adopt bylaws and rules for the regulation of its affairs and the conduct of its business;

2. To maintain an office at such place or places in one or more of the member counties as the commission may designate;

3. To sue and be sued;

4. To make and execute leases, contracts, releases, compromises and other instruments necessary or convenient for the exercise of its powers or to carry out its purposes;

5. To acquire, construct, reconstruct, repair, alter, improve, and extend jail facilities;

6. To sell, assign, mortgage, grant a security interest in, exchange, donate and convey any or all of its properties whenever the commission finds such action to be in furtherance of the purposes of the district;

7. To collect rentals, fees and other charges in connection with its services or for the use of any facilities; or

8. To issue its bonds, notes or other obligations for any of its corporate purposes and to refund the same.

Added by Laws 2012, c. 20, § 4, eff. Nov. 1, 2012.

§19-905.4. Regional jail commission - Commissioners - Tenure - Compensation.

A. Any regional jail district created pursuant to Section 3 of this act shall be governed by a commission. The regional jail commission shall be composed of the sheriff and presiding county commissioner from each county within the district. Each regional jail commissioner of the regional jail district shall serve during his or her tenure as sheriff or as presiding county commissioner.

B. Commissioners of the regional jail district shall serve until successors have been duly appointed. Vacancies on the regional jail commission shall be filled by the succeeding sheriff or presiding county commissioner for the remainder of the term.

C. Commissioners of the regional jail district shall serve without compensation, except that they shall be reimbursed by the district for any reasonable and necessary expenses in the performance of duties as regional jail commissioner.

Added by Laws 2012, c. 20, § 5, eff. Nov. 1, 2012.

§19-905.5. Regional jail director - Compensation - Authority.

A. The director, appointed by the regional jail commission, shall administer the regional jail.

B. The director shall be paid a salary determined by the regional jail commission. The director shall have the authority to hire other officers and employees for positions that are authorized by the commission.
Added by Laws 2012, c. 20, § 6, eff. Nov. 1, 2012.

§19-905.6. Prisoners.
A. The regional jail established pursuant to the provisions of Section 3 of this act may be used to hold prisoners who have pled guilty or been found guilty of a crime or prisoners who are being held prior to or during trial.
B. Each county within the regional jail district may keep its own jail for holding any prisoners who have pled guilty or been found guilty of a crime or who are being held prior to or during trial.
Added by Laws 2012, c. 20, § 7, eff. Nov. 1, 2012.

§19-911. Repealed by Laws 1972, c. 209, § 3, emerg. eff. March 31, 1972.

§19-912. Repealed by Laws 1972, c. 209, § 3, emerg. eff. March 31, 1972.

§19-913. Repealed by Laws 1972, c. 209, § 3, emerg. eff. March 31, 1972.

§19-914. Repealed by Laws 1972, c. 209, § 3, emerg. eff. March 31, 1972.

§19-915. Repealed by Laws 1972, c. 209, § 3, emerg. eff. March 31, 1972.

§19-916. Repealed by Laws 1972, c. 209, § 3, emerg. eff. March 31, 1972.

§19-917. Repealed by Laws 1972, c. 209, § 3, emerg. eff. March 31, 1972.

§19-918. Repealed by Laws 1972, c. 209, § 3, emerg. eff. March 31, 1972.

§19-931. Authorization to establish and maintain.
Each county in the State of Oklahoma having a population of one hundred thousand (100,000) or more, as determined by the last Federal Decennial Census or any subsequent Federal Decennial Census, is hereby authorized and empowered to establish, provide, maintain, construct, set apart, and conduct parks, playgrounds, recreation

centers, swimming pools, social and community centers, and other public recreational facilities anywhere within the said county.
Added by Laws 1959, p. 93, § 1.

§19-932. Dedication of lands and buildings.

The board of county commissioners of any such county may dedicate and set apart for use as playgrounds, recreation centers, and other recreational purposes any lands or buildings, or both, within said county owned or leased by such county and not then devoted to another public use; and such county may, in such manner as may now or hereafter be authorized or provided by law for the acquisition of lands or buildings for public purposes by such county, acquire or lease lands or buildings, or both, within said county for playgrounds, recreation centers, and other recreational purposes, and when the board of county commissioners of such county shall dedicate, set apart, acquire, or lease land or buildings for such purposes it may, on its own initiative, provide for their conduct, equipment, and maintenance as now or hereafter authorized and provided by law.
Added by Laws 1959, p. 93, § 2.

§19-933. Period of dedication - Resolution.

The board of county commissioners of such counties may dedicate land or buildings as provided in Section 2 herein for a period of twenty-five (25) years, or for so long as the said lands and buildings shall be used or shall be convenient for use for said recreational purposes, or for a period of years not in excess of twenty-five (25) years, and for so long thereafter as the said lands and buildings may be used or may be convenient for use for said recreational purposes, provided that any dedication made pursuant to this section by the board of county commissioners shall be effective only after the said board of county commissioners shall have passed a resolution setting forth the terms of the dedication, and said resolution shall have been filed with the county clerk of said county; further provided that nothing in this section shall prevent such county from owning or operating recreational facilities without a formal dedication of such land or buildings as provided herein.
Added by Laws 1959, p. 93, § 3.

§19-934. Joint establishment of recreational system.

Such counties may jointly establish and conduct such a system of recreation, including recreation centers, parks, swimming pools, playgrounds, and any and all other recreational facilities and activities, with any city, chartered or otherwise, town, or school district within said county as may now or hereafter be authorized or provided by law.
Added by Laws 1959, p. 93, § 4.

§19-935. Provisions as cumulative.

The provisions of this act shall in no manner supersede or repeal any laws now in force or effect, or any charter provisions of any city relating to city parks or park boards, but shall be cumulative to all such laws or charter provisions thereof.
Added by Laws 1959, p. 94, § 5.

§19-941. Counties over 300,000 population - Installation and operation of parking lot.

In any county in the State of Oklahoma, the board of commissioners of each county of the state is hereby authorized in its discretion, by the adoption of a resolution to set forth in its minutes, to install and operate on any tract of land of the county not needed or used for other county purposes county parking lots on which motor and other vehicles may be parked, and may charge parking fees therefor, and may install parking meters or other parking control devices, all as provided for and fixed in said resolution.
Added by Laws 1959, p. 101, § 1. Amended by Laws 1965, c. 277, § 1, emerg. eff. June 24, 1965; Laws 2015, c. 321, § 1, eff. July 1, 2015.

§19-942. Penalty for failure to pay fee.

Any person parking a motor or other vehicle in such a parking lot without paying the parking fee, as provided for and fixed in said resolution, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than Five Dollars ($5.00).
Added by Laws 1959, p. 101, § 2.

§19-943. County parking fund.

The fines so collected shall be paid monthly by the collecting court to the county clerk, who shall deposit the same in a fund in the county treasury to be known as the "County Parking Fund", which fund may be expended by said board of commissioners as authorized by said resolution.
Added by Laws 1959, p. 102, § 3.

§19-944. Improperly placed, stopped, parked or standing vehicles - Civil fines - Courthouse security.

A. No person shall place, stop, park, or stand any vehicle, including trailers or implements of husbandry, contrary to any official sign reserving, restricting, or regulating the placing, stopping, standing, or parking of a vehicle within the boundaries of the following:

1. County-owned property; and
2. Public property within unincorporated areas of a county.

B. In counties with a population over five hundred thousand (500,000) according to the last decennial census, the county sheriff shall be responsible for the enforcement of subsection A of this section.

C. Any person violating the provisions of subsection A of this section shall be subject to a civil fine. A violation shall be indicated by the placing of a notice of such violation on the windshield of the vehicle improperly placed, stopped, parked, or standing.

The fine for such violation shall be Thirty Dollars ($30.00) for a standard parking violation and Sixty Dollars ($60.00) for parking in a designated handicapped parking space.

D. Of the monies generated from such fines the court clerk shall retain Five Dollars ($5.00) with the balance of the monies being deposited in the Sheriff's Service Fee Account to be expended exclusively for the purpose of providing courthouse security.
Added by Laws 2002, c. 381, § 1, eff. July 1, 2002.

§19-951. Fund and system authorized.

The board of county commissioners of any county in the State of Oklahoma having a population of more than three hundred thousand (300,000), according to the latest Federal Decennial Census, is hereby authorized to provide by resolution for a retirement fund and system for any or all of the employees of such county as delayed compensation in order to encourage continuity of dedicated service on the part of employees and thereby promote public efficiency, and to provide retirement allowances and other benefits for such employees, their surviving spouses and surviving children; such fund to be supported by joint contributions by such county and the employees to be benefited.
Added by Laws 1961, p. 216, § 1. Amended by Laws 1965, c. 19, § 1, emerg. eff. Feb. 25, 1965.

§19-952. Control and management.

Every county establishing a retirement fund and system under the terms of this act is authorized and directed to provide for the control and management of such system by resolution which in addition to other provisions shall provide for:

1. The qualifications of the persons eligible for retirement benefits;

2. The minimum age for retirement of employees;

3. The limitations of amounts to be paid to persons eligible for retirement benefits;

4. A board of trustees to administer the fund to be selected as provided for in Section 952.1 of this title;

5. The amount of contributions to be made by the county and the amount to be made by the employees; and

6. Such rules, regulations, policies, and procedures as the board of trustees shall determine necessary for the proper regulation of the retirement fund and system.

Such fund and system shall be known as the "Employees' Retirement System of _____ County, Oklahoma", and by such name all of its business shall be transacted, all funds handled and all of its cash and securities and other property held.

Added by Laws 1961, p. 217, § 2. Amended by Laws 1989, c. 124, § 1, eff. July 1, 1989; Laws 2013, c. 281, § 1, eff. Nov. 1, 2013.

§19-952.1. Board of trustees.

A. The board of trustees shall be composed of nine (9) members as follows:

1. One member shall be the county treasurer who shall be the treasurer of the board of trustees;

2. One member shall be the county clerk who shall be the clerk of the board of trustees;

3. One member shall be the chair of the board of county commissioners;

4. Four members to be elected by the employees of said county, provided in counties with a population in excess of five hundred thousand (500,000) according to the latest Federal Decennial Census, one of the four members shall be a retired member of the system. Retired members and beneficiaries of the system shall be allowed to vote in the election in which their representative is elected; and

5. Two members to be appointed by the chair of the board of county commissioners subject to the approval of a majority of the board of county commissioners. If said appointees are not elected officials, employees of the county or participants in the retirement system, they may be compensated at the rate of Fifty Dollars ($50.00) per retirement board meeting attended.

B. 1. The terms of office of the members appointed to the board of trustees by the employees of said county who are members of the board of trustees on the effective date of this act shall expire on July 1, 1990. The members appointed or elected to fill the positions that expire July 1, 1990, shall serve initial terms of office as follows:

a. the term of office of one of the members elected by the employees of said county shall expire July 1, 1991,

b. the term of office of one of the members elected by the employees of said county shall expire July 1, 1992,

c. the term of office of one of the members elected by the employees of said county shall expire July 1, 1993, and

d. the term of office of one of the members elected by the employees of said county shall expire July 1, 1994.

Thereafter, the terms of office of the members of the board of trustees appointed by the employees of said county shall be three (3) years.

2. The initial terms of office of the members appointed by the chair of the board of county commissioners subject to the approval of a majority of the board of county commissioners shall expire as follows:

a. the term of office of one of the members appointed by the chair of the board of county commissioners subject to the approval of a majority of the board of county commissioners shall expire July 1, 1991, and

b. the term of office of one of the members appointed by the chair of the board of county commissioners subject to the approval of a majority of the board of county commissioners shall expire July 1, 1993.

Thereafter, the terms of office of the members of the board of trustees appointed by the chair of the board of county commissioners subject to the approval of a majority of the board of county commissioners shall be four (4) years.

3. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment was made.

C. Those members appointed by the chair of the board of county commissioners subject to the approval of a majority of the board of county commissioners shall:

1. Have demonstrated professional experience in investment or funds management, public funds management, public or private pension fund management or retirement system management; or

2. Have demonstrated experience in the banking profession and have demonstrated professional experience in investment or fund management; or

3. Be licensed to practice law in this state and have demonstrated professional experience in commercial matters; or

4. Be licensed by the Oklahoma State Board of Public Accountancy to practice in this state as a public accountant or a certified public accountant.

The appointing authorities, in making appointments that conform to the requirements of this subsection, shall give due consideration to balancing the appointments among the criteria specified in paragraphs 1 through 4 of this subsection.

D. Except for the retired member of the system, an elected member shall cease to be a member of the board of trustees when such member is no longer employed by the county. Upon such termination of employment, an election shall be held within ninety (90) days of

such termination of board membership in order to replace such employee as a member of the board of trustees.

E. Notwithstanding any of the provisions of this section to the contrary, any person serving as an appointed member of the board of trustees on the effective date of this act shall be eligible for reappointment when the term of office of the member expires.

Added by Laws 1989, c. 124, § 2, eff. July 1, 1989. Amended by Laws 1989, c. 348, § 6, eff. Nov. 1, 1989; Laws 1992, c. 256, § 1, eff. July 1, 1992; Laws 2003, c. 109, § 1, eff. Nov. 1, 2003; Laws 2003, c. 359, § 1, eff. July 1, 2003.

§19-952.2. Payment of certain expenses and costs.

All costs and expenses for the selection and compensation of actuarial consultants, investment managers, financial consultants, institutional custodian services, commissions or other costs resulting from the purchase, sale or other transfer of assets, and all costs and expenses related to those services provided in accordance with Section 953.1 of this title shall be paid from the retirement fund except as otherwise provided in Section 956.2 of this title.

Added by Laws 1989, c. 124, § 3, eff. July 1, 1989. Amended by Laws 1995, c. 185, § 1, emerg. eff. May 15, 1995.

§19-953. Contributions by county - Use of funds - Return of employee funds.

A. Every county establishing a retirement fund and system and having a population in excess of six hundred seventy-five thousand (675,000) according to the latest Federal Decennial Census is hereby authorized to contribute to such fund and to pay to the treasurer of such fund for the use and benefit of the persons eligible for retirement benefits such amounts as the board of trustees may authorize by resolution not exceeding the limitation as provided in Section 954 of this title. Money on hand in this fund shall not be available for any other purpose and shall not be used for any purpose other than for retirement benefits to eligible persons except as provided in Section 952.2 of this title; provided that should any county employee who has contributed to such retirement fund cease, either by resignation, discharge or failure of re-election, to be a county employee at any time before such employee becomes eligible for retirement, such employee shall be entitled to receive from the retirement fund an amount, without interest, equal to the sum deducted from his or her salary and credited to the retirement fund, and the board of trustees is hereby authorized and required, on written demand of such employee, to return to such employee, without interest, all funds contributed by such employee; and, provided further, that should any county employee whose services as such employee shall have ceased prior to such employee

being eligible for retirement, and should such employee have withdrawn his or her contribution to the retirement fund as provided herein, such employee shall not thereafter become eligible for retirement unless he or she shall have paid into the pension fund all money previously withdrawn therefrom by such employee by September 1, 1984, for those employees that again became county employees prior to July 1, 1984, and within sixty (60) days after an employee again becomes a county employee for those employees that again become county employees on or after July 1, 1984.

B. Every county establishing a retirement fund and system and not having a population in excess of six hundred seventy-five thousand (675,000) according to the latest Federal Decennial Census is hereby authorized to contribute to such fund and to pay to the treasurer of such fund for the use and benefit of the persons eligible for retirement benefits such amounts as the board of trustees may authorize by resolution not exceeding the limitation as provided in Section 954 of this title. Money on hand in this fund shall not be available for any other purpose and shall not be used for any purpose other than for retirement benefits to eligible persons except as provided in Section 952.2 of this title; provided that should any county employee who has contributed to such retirement fund cease, either by resignation, discharge or failure of re-election, to be a county employee at any time before such employee becomes eligible for retirement, such employee shall be entitled to receive from the retirement fund an amount, without interest, equal to the sum deducted from his or her salary and credited to the retirement fund, and the board of trustees is hereby authorized and required, on written demand of such employee, to return to such employee, without interest, all funds contributed by such employee; and, provided further, that should any county employee whose services as such employee shall have ceased prior to such employee being eligible for retirement, and should such employee have withdrawn his or her contribution to the retirement fund as provided herein, such an employee, otherwise meeting the eligibility requirements for membership, who has withdrawn his or her accumulated contributions at any period of time, and who wishes to reinstate the creditable service covered by such contributions, shall pay the system the full amount of contributions previously withdrawn with interest thereon at the annual percentage rate of ten percent (10%) from the date withdrawn. The withdrawn contributions plus interest must be repaid by August 31, 1994 to reinstate such creditable service. Any increase in benefits resulting from reinstatement of creditable service under this subsection shall be prospective from the date of repayment. Nothing in this subsection shall apply to alter any amount of benefits paid or due prior to repayment of the withdrawn contributions.

Added by Laws 1961, p. 217, § 3, emerg. eff. July 14, 1961. Amended by Laws 1963, c. 182, § 1, emerg. eff. June 10, 1963; Laws 1967, c. 222, § 1, emerg. eff. May 2, 1967; Laws 1982, c. 227, § 3, emerg. eff. May 4, 1982; Laws 1984, c. 267, § 5, operative July 1, 1984; Laws 1989, c. 124, § 4, eff. July 1, 1989; Laws 1994, c. 297, § 1, eff. July 1, 1994; Laws 2000, c. 200, § 2, eff. Nov. 1, 2000; Laws 2011, c. 337, § 1, emerg. eff. May 25, 2011.

§19-953.1. Board of trustees - Counties having a population in excess of 675,000.

A. The board of trustees shall discharge their duties with respect to the retirement system solely in the interest of the participants and beneficiaries and:

1. For the exclusive purpose of:
   a. providing benefits to participants and their beneficiaries, and
   b. defraying reasonable expenses of administering the retirement system;

2. With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

3. By diversifying the investments of the retirement system so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

4. In accordance with the laws, documents and instruments governing the retirement system.

B. The monies of the retirement system shall be invested only in assets eligible for the investment of funds of legal reserve life insurance companies in this state as provided for in Sections 1602 through 1611, 1613 through 1620, and 1622 through 1624 of Title 36 of the Oklahoma Statutes. The term "admitted assets" shall mean the amount of the monies of the retirement system and the provisions relating to limitation of investments as a percentage of surplus and loans to policyholders shall be inapplicable with respect to investment of the monies of the retirement system. The monies of the retirement system may be invested in certificates of indebtedness or such other enforceable evidences of obligation as may be utilized in the rights-of-way acquisitions by the Department of Transportation. The monies of the retirement system may also be invested in bonds secured by first mortgages, pass-through securities and insured participation certificates representing interests in first mortgages or insured mortgage pass-through certificates on one-to four-family residences located within this state.

C. The board of trustees may procure insurance indemnifying the members of the board of trustees from personal loss or

accountability from liability resulting from a member's action or inaction as a member of the board of trustees.

D. The board of trustees may establish an investment committee. The investment committee shall be composed of not more than five (5) members of the board of trustees appointed by the chair of the board of trustees. The committee shall make recommendations to the full board of trustees on all matters related to the choice of custodians and managers of the assets of the retirement system, on the establishment of investment and fund management guidelines, and in planning future investment policy. The committee shall have no authority to act on behalf of the board of trustees in any circumstances whatsoever. No recommendation of the committee shall have effect as an action of the board of trustees nor take effect without the approval of the board of trustees as provided by law.

E. The board of trustees may retain qualified investment managers to provide for the investment of the monies of the retirement system. The investment managers shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the board of trustees. Subject to the overall investment guidelines set by the board of trustees, the investment managers shall have full discretion in the management of those monies of the retirement system allocated to the investment managers. The board of trustees shall manage those monies not specifically allocated to the investment managers. The monies of the retirement system allocated to the investment managers shall be actively managed by the investment managers, which may include selling investments and realizing losses if such action is considered advantageous to longer term return maximization. Because of the total return objective, no distinction shall be made for management and performance evaluation purposes between realized and unrealized capital gains and losses.

F. Funds and revenues for investment by the investment managers or the board of trustees may be placed with a custodian selected by the board of trustees. The custodian shall be a bank or trust company offering pension fund master trustee and master custodial services. The custodian shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the board of trustees. In compliance with the investment policy guidelines of the board of trustees, the custodian bank or trust company shall be contractually responsible for ensuring that all monies of the retirement system are invested in income-producing investment vehicles at all times. If a custodian bank or trust company has not received direction from the investment managers of the retirement system as to the investment of the monies of the retirement system in specific investment vehicles, the custodian bank or trust company shall be contractually responsible to the

board of trustees for investing the monies in appropriately collateralized short-term interest-bearing investment vehicles.

G. By November 1, 1989, and prior to August 1 of each year thereafter, the board of trustees shall develop a written investment plan for the retirement system.

H. After July 1 and before October 1 of each year, the board of trustees shall publish widely an annual report presented in simple and easily understood language. The report shall be submitted to the board of county commissioners, and to the individual members of the retirement system. The annual report shall cover the operation of the retirement system during the past fiscal year, including income, disbursements, and the financial condition of the retirement system at the end of the fiscal year. The annual report shall also include several relevant measures of investment value, including acquisition cost and current fair market value with appropriate summaries of total holdings and returns. The report shall contain combined and individual rate of returns of the investment managers by category of investment, over periods of time as well as a summary of the results of the most recent actuarial valuation to include total assets, total liabilities, unfunded liability or over-funded status, contributions and any other information deemed relevant by the board of trustees. The annual report shall be written in such a manner as to permit a readily understandable means for analyzing the financial condition and performance of the retirement system for the fiscal year.

I. The requirements of this section shall apply to retirement funds and systems in counties which have a population in excess of six hundred seventy-five thousand (675,000) according to the latest Federal Decennial Census.

Added by Laws 1989, c. 124, § 5, eff. July 1, 1989. Amended by Laws 1993, c. 104, § 1, emerg. eff. April 23, 1993; Laws 1994, c. 297, § 2, eff. July 1, 1994; Laws 2000, c. 200, § 3, eff. Nov. 1, 2000; Laws 2011, c. 337, § 2, emerg. eff. May 25, 2011.

§19-953.1A. Board of trustees - Counties having a population of 675,000 or less.

A. The board of trustees shall discharge their duties with respect to the retirement system solely in the interest of the participants and beneficiaries and:

1. For the exclusive purpose of:
   a. providing benefits to participants and their beneficiaries, and
   b. defraying reasonable expenses of administering the retirement system;
2. With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like

capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

3. By diversifying the investments of the retirement system so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

4. In accordance with the laws, documents and instruments governing the retirement system.

B. The board of trustees may procure insurance indemnifying the members of the board of trustees from personal loss or accountability from liability resulting from a member's action or inaction as a member of the board of trustees.

C. The board of trustees may establish an investment committee. The investment committee shall be composed of not more than five (5) members of the board of trustees appointed by the chair of the board of trustees. The committee shall make recommendations to the full board of trustees on all matters related to the choice of custodians and managers of the assets of the retirement system, on the establishment of investment and fund management guidelines, and in planning future investment policy. The committee shall have no authority to act on behalf of the board of trustees in any circumstances whatsoever. No recommendation of the committee shall have effect as an action of the board of trustees nor take effect without the approval of the board of trustees as provided by law.

D. The board of trustees shall retain qualified investment managers to provide for the investment of the monies of the retirement system. The investment managers shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the board of trustees. Subject to the overall investment guidelines set by the board of trustees, the investment managers shall have full discretion in the management of those monies of the retirement system allocated to the investment managers. The board of trustees shall manage those monies not specifically allocated to the investment managers. The monies of the retirement system allocated to the investment managers shall be actively managed by the investment managers, which may include selling investments and realizing losses if such action is considered advantageous to longer term return maximization. Because of the total return objective, no distinction shall be made for management and performance evaluation purposes between realized and unrealized capital gains and losses.

E. Funds and revenues for investment by the investment managers or the board of trustees shall be placed with a custodian selected by the board of trustees. The custodian shall be a bank or trust company offering pension fund master trustee and master custodial services. The custodian shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the board of trustees. In compliance with the investment policy

guidelines of the board of trustees, the custodian bank or trust company shall be contractually responsible for ensuring that all monies of the retirement system are invested in income-producing investment vehicles at all times. If a custodian bank or trust company has not received direction from the investment managers of the retirement system as to the investment of the monies of the retirement system in specific investment vehicles, the custodian bank or trust company shall be contractually responsible to the board of trustees for investing the monies in appropriately collateralized short-term interest-bearing investment vehicles.

F. Prior to August 1 of each year, the board of trustees shall develop a written investment plan for the retirement system.

G. The board of trustees shall compile a quarterly financial report of all the funds of the system on a fiscal year basis. The report shall include several relevant measures of investment value, including acquisition cost and current fair market value with appropriate summaries of total holdings and returns. The report shall contain combined and individual rate of returns of the investment managers by category of investment, over periods of time. The report shall be distributed to the board of county commissioners.

H. After July 1 and before December 1 of each year, the board of trustees shall publish widely an annual report presented in simple and easily understood language. The report shall be submitted to the board of county commissioners, and to the individual members of the retirement system. The annual report shall cover the operation of the retirement system during the past fiscal year, including income, disbursements, and the financial condition of the retirement system at the end of the fiscal year. The annual report shall also include several relevant measures of investment value, including acquisition cost and current fair market value with appropriate summaries of total holdings and returns. The report shall contain combined and individual rate of returns of the investment managers by category of investment, over periods of time as well as a summary of the results of the most recent actuarial valuation to include total assets, total liabilities, unfunded liability or over-funded status, contributions and any other information deemed relevant by the board of trustees. The annual report shall be written in such a manner as to permit a readily understandable means for analyzing the financial condition and performance of the retirement system for the fiscal year.

I. The requirements of this section shall apply to retirement funds and systems in counties which do not have a population in excess of six hundred seventy-five thousand (675,000) according to the latest Federal Decennial Census.

Added by Laws 1994, c. 297, § 3, eff. July 1, 1994. Amended by Laws 2000, c. 200, § 4, eff. Nov. 1, 2000; Laws 2011, c. 337, § 3, emerg. eff. May 25, 2011.

§19-953.2. Fiduciaries - Power and authority - Restrictions.

A. A fiduciary with respect to the retirement system shall not cause the retirement system to engage in a transaction if the fiduciary knows or should know that such transaction constitutes a direct or indirect:

1. Sale or exchange, or leasing of any property from the retirement system to a party in interest for less than adequate consideration or from a party in interest to the retirement system for more than adequate consideration;

2. Lending of money or other extension of credit from the retirement system to a party in interest without the receipt of adequate security and a reasonable rate of interest, or from a party in interest to the retirement system with provision of excessive security or an unreasonably high rate of interest;

3. Furnishing of goods, services or facilities from the retirement system to a party in interest for less than adequate consideration, or from a party in interest to the retirement system for more than adequate consideration; or

4. Transfer to, or use by or for the benefit of, a party in interest of any assets of the retirement system for less than adequate consideration.

B. A fiduciary with respect to the retirement system shall not:

1. Deal with the assets of the retirement system in the fiduciary's own interest or for the fiduciary's own account;

2. In the fiduciary's individual or any other capacity act in any transaction involving the retirement system on behalf of a party whose interests are adverse to the interests of the retirement system or the interests of its participants or beneficiaries; or

3. Receive any consideration for the fiduciary's own personal account from any party dealing with the retirement system in connection with a transaction involving the assets of the retirement system.

C. A fiduciary with respect to the retirement system may:

1. Invest all or part of the assets of the retirement system in deposits which bear a reasonable interest rate in a bank or similar financial institution supervised by the United States or a state, if such bank or other institution is a fiduciary of such plan; or

2. Provide any ancillary service by a bank or similar financial institution supervised by the United States or a state, if such bank or other institution is a fiduciary of such plan.

D. A person or a financial institution is a fiduciary with respect to the retirement system to the extent that the person or the financial institution:

1. Exercises any discretionary authority or discretionary control respecting management of the retirement system or exercises any authority or control respecting management or disposition of the assets of the retirement system;

2. Renders investment advice for a fee or other compensation direct or indirect, with respect to any monies or other property of the retirement system, or has any authority or responsibility to do so; or

3. Has any discretionary authority or discretionary responsibility in the administration of the retirement system.

Added by Laws 1989, c. 124, § 6, eff. July 1, 1989.

§19-954. Annual appropriation - Maximum contributions.

It shall be the mandatory duty of the board of county commissioners of any county establishing a retirement fund and system to appropriate annually, for the sole use of the retirement fund within its general fund and subject to the approval of the county excise board, a sum which shall be equal to or exceed the contributions made to the retirement fund by the employees. Such appropriation shall not exceed the sum of the current annual salaries of all employees to be covered in the following percentages:

July 1, 2007 – June 30, 2008	13 1/2%
July 1, 2008 – June 30, 2009	14 1/2%
July 1, 2009 – June 30, 2010	15 1/2%
July 1, 2010 – June 30, 2019	16 1/2%
July 1, 2019 - June 30, 2020 and each year thereafter	18 1/2%

Beginning July 1, 2019, the total employer and employee contributions shall not exceed eighteen and one-half percent (18.5%) of the monthly compensation of each member. The governing body of the participating employers listed in this section may vary the percentage contribution of the employer and employee, provided the total percentage contributed by the employer and employee equals the total percentage contribution required by this section. Payment of such shall be paid to the fund upon verified claims by the treasurer of the fund approved by the board of trustees and attested by its clerk. For any contribution made on or after July 1, 2021, to June 30, 2022, of less than eighteen and one-half percent (18.5%), an employer may retroactively make a one-time lump sum contribution of an amount equal to the difference between the actual total contribution that was made and the total contribution amount equal to eighteen and one-half percent (18.5%).

Added by Laws 1961, p. 218, § 4, emerg. eff. July 14, 1961. Amended by Laws 1967, c. 222, § 2, emerg. eff. May 2, 1967; Laws 1989, c. 336, § 2, eff. July 1, 1989; Laws 2007, c. 126, § 1, eff. July 1,

2007; Laws 2019, c. 380, § 1, eff. July 1, 2019; Laws 2022, c. 25, § 1, eff. July 1, 2022.

§19-955. Prorating in case of insufficiencies.

If the funds in any retirement system are insufficient to make full payment of the amount of retirement benefits or allowances to any eligible persons under the rules and regulations of the board of trustees then such fund shall be prorated among those entitled thereto as the board of trustees administering said fund shall determine to be just and equitable.
Added by Laws 1961, p. 218, § 5.

§19-956. Eligibility for benefits - Reduction of mandatory service requirement - Disability - Military service - Surviving spouse.

No member of a county retirement system shall be eligible for retirement benefits under Section 951 et seq. of this title until such member:

1. Has attained the age of sixty-two (62) years and shall have served for a period of at least fifteen (15) years with said county;

2. Has attained the age of fifty-five (55) years and shall have served for a period of at least thirty (30) years with said county; or

3. Has attained the age at which the sum of the employee's age and number of years of service with the county total eighty (80).

To be eligible for retirement benefits the employee's service with the county shall have ceased. Provided, the board of trustees and the board of county commissioners, by resolution, may allow retirees to return to work on a part-time basis after the first month of retirement and continue to be eligible for their retirement benefits. Provided, that any county employee who shall have completed fifteen (15) years of service as such county employee, and who, at the time of completing such fifteen (15) years of service shall not have reached the age of sixty-two (62) years, may then elect to retire, such retirement to become effective and all retirement benefits to begin when such county employee shall have attained the age of sixty-two (62) years, provided that such election shall be in writing upon such form as the board of trustees shall direct, and such election shall be signed by such employee and filed with the board of trustees, and any funds paid into the retirement system by such employee may not thereafter be withdrawn by such employee. Provided, that when approved by the board of trustees of the county retirement system and the board of county commissioners of any county which has provided for a retirement fund and system as authorized under the provisions of Section 951 of this title, the board of trustees may lower the mandatory fifteen-year requirement to not less than five (5) years by a resolution if the following has occurred:

1. Prior to such action, an actuarial report on the system shall be made by an independent professional actuary qualified as an "Enrolled actuary" as defined by the Employee Retirement Income Security Act (ERISA) of 1974, which report shall determine and declare whether the reduction of the mandatory service requirement would result in any additional unfunded or accrued liabilities and, if so, the amount required to make the retirement system actuarially sound expressed in dollars and in percent of the gross payroll.

2. Such report shall be filed with the board of trustees and with the board of county commissioners and notice of the receipt and filing of such report be given by the board of county commissioners by publishing notice thereof in a newspaper of general circulation in the county. Such report shall be a public document subject to examination by any interested person. Any member of the retirement system or any citizen of the county may, within thirty (30) days from the date of such publication, file a petition in the district court of the county in which the retirement system is located to challenge the validity and accuracy of the actuarial report or any other action taken in connection therewith, and the court is hereby vested with jurisdiction to receive evidence and enter a judgment affirming, modifying or rejecting the actuarial report or any funding provisions, and such report shall be conformed in accordance with any final judgment. The costs, including attorney fees, if any, of such action shall be assessed by the court as it may deem equitable irrespective of the form of the judgment.

3. If the final report determines that additional funding shall be required to implement any reduction of the mandatory service requirement, then and in that event affirmative action by the board of county commissioners, approved by the board of trustees, providing for the funding of any such changed benefits in an amount necessary to make said system actuarially sound upon the implementation of such change shall be established at or prior to the effective date of such reduction in the mandatory service requirement.

4. If the report reveals no additional funding requirement, then the board of county commissioners with the approval of the board of trustees may lower the mandatory fifteen-year service requirement as provided in this section without a corresponding or concurrent funding resolution.

5. It is further provided that if the mandatory service credit is reduced to a period of time less than fifteen (15) years, then and in that event the retirement benefits shall be correspondingly reduced by at least an amount equal to six and two-thirds percent (6 2/3%) from that which would have been earned for fifteen (15) years' service multiplied by the number of years of reduction in the mandatory service except for those retirees who have eight (8) years' service and are entitled to disability retirement. The

entitlement to disability retirement and the amount thereof shall not be affected by this paragraph.

6. No person shall be entitled to receive the benefits of a reduction in the mandatory service requirement who at the time of such reduction is not then an employee of the county, has been continuously employed by the county and a member of the county retirement system for the twenty-four (24) months immediately preceding the reduction in the mandatory service requirement or shall have been an employee with twenty-four (24) months immediately preceding the election by such employee to receive the benefit of the reduced mandatory service requirement.

Provided further, that, for the purposes of Section 951 et seq. of this title and the eligibility of employees to participate therein, employees of levee districts shall be considered county employees. Retirement benefits, disability benefits and benefits paid to the surviving spouse shall be calculated on the average of the income of any three (3) years which shall be the years of highest income for said employee during participation in said retirement system.

Any member of the county retirement system covered by Section 951 et seq. of this title who shall have completed eight (8) years of employment with said county and who, by reason of disability resulting from the performance of his or her duties as such employee of said county, shall become disabled to such an extent as to be unable to perform his or her duties as an employee shall be entitled to disability retirement and to such benefits as the board of trustees shall determine; provided, however, that the board of trustees shall find that said disability is total and permanent, and resulted from the performance of his or her duty as such employee of the county.

Any member of the county retirement system covered by Section 951 et seq. of this title who has participated in the system immediately preceding the time he or she is required, by Act of Congress of the United States and/or by order of the President of the United States, or volunteers to leave the employment of the county to enter the military service of the United States government shall receive credit, for the purposes of Section 951 et seq. of this title, for all actual time so served in full-time military service, to the extent required by Internal Revenue Code Section 414(u) and the Uniformed Services Employment and Reemployment Rights Act of 1994. Provided further, that if any county employee who shall have completed at least fifteen (15) years of service to any county covered by Section 951 et seq. of this title and who has not yet reached the age of retirement shall die, then, and in such event, the surviving spouse of said county employee shall receive retirement benefits in the amount of sixty-six and two-thirds percent (66 2/3%) of whatever benefits would otherwise be received

by said county employee under Section 951 et seq. of this title at the age of sixty-two (62) years, such retirement benefits to the surviving spouse to begin on the date said deceased county employee would have reached the age of sixty-two (62) years.

Provided further, that if any county employee receiving or eligible to receive retirement benefits pursuant to the provisions of Section 951 et seq. of this title shall die, then, and in such event, the surviving spouse of said person shall receive retirement benefits in the amount of sixty-six and two-thirds percent (66 2/3%) of whatever benefits the deceased was receiving or was entitled to receive for the remainder of the natural life of said surviving spouse. This provision shall apply to anyone who has qualified for retirement, even though they may not have retired or are deceased. Said provision also shall include any employees who have retired after January 1, 1970, and later shall become deceased, then in such event the surviving spouse shall receive sixty-six and two-thirds percent (66 2/3%). This shall not apply to persons who have retired prior to January 1, 1970, or their spouses.

Provided further, that the board of trustees and the board of county commissioners may elect to amend the surviving spouse benefit provision to increase the surviving spouse retirement benefit to as much as one hundred percent (100%).

Provided further, that the board of trustees and the board of county commissioners may elect to amend the benefit provisions to allow any vested employee who is otherwise not eligible to retire because such employee has not satisfied any of the age requirements the option of retiring as early as age fifty-five (55). However, such employee shall have met the minimum service requirements approved by the board of trustees of the county retirement system and the board of county commissioners. If any employee elects such an option, the employee shall receive an actuarially reduced benefit.

Added by Laws 1961, p. 218, § 6, emerg. eff. July 14, 1961. Amended by Laws 1963, c. 182, § 2, emerg. eff. June 10, 1963; Laws 1967, c. 222, § 3, emerg. eff. May 2, 1967; Laws 1968, c. 253, § 1, emerg. eff. April 26, 1968; Laws 1969, c. 208, § 1, emerg. eff. April 18, 1969; Laws 1969, c. 332, § 1, emerg. eff. May 7, 1969; Laws 1970, c. 184, § 1, emerg. eff. April 13, 1970; Laws 1980, c. 289, § 1, eff. Oct. 1, 1980; Laws 1984, c. 267, § 6, operative July 1, 1984; Laws 1986, c. 62, § 1, operative July 1, 1986; Laws 1988, c. 267, § 16, operative July 1, 1988; Laws 2000, c. 200, § 5, eff. Nov. 1, 2000; Laws 2007, c. 134, § 1, emerg. eff. May 14, 2007; Laws 2013, c. 281, § 2, eff. Nov. 1, 2013.

§19-956.1. Repealed by Laws 2010, c. 35, § 1, eff. July 1, 2010.

§19-956.2. Alternative method of determining retirement benefits - Vesting restrictions.

A. In lieu of the retirement benefits specified in Section 956 of this title, upon approval by the board of trustees and the board of county commissioners, a county authorized to provide a retirement system pursuant to the provisions of Section 951 et seq. of this title, with a population in excess of six hundred seventy-five thousand (675,000), may provide for retirement benefits for the retirement system based upon the contributions of the individual employee, if any, contributions of the county for the benefit of such employee, if any, together with earnings accruals thereon for such periods of time as the board of trustees and the board of county commissioners, in their discretion, may determine best meets the purpose of the retirement system. Notwithstanding any other provision in this section, a retirement benefits plan based upon the contributions by or for the benefit of an employee hired prior to November 1, 2005, as provided in this subsection shall be subject to the following vesting restrictions:

1. Twenty percent (20%) vesting after two (2) years of service;

2. Forty percent (40%) vesting after three (3) years of service;

3. Sixty percent (60%) vesting after four (4) years of service; and

4. One hundred percent (100%) vesting after five (5) years of service.

These vesting restrictions are for the benefit of a participating member or other designated beneficiary after the employment of the member is permanently terminated with a participating employer of the retirement plan. An employee is permanently terminated after termination from employment with a participating employer after passage of the period of time specified in the retirement plan. Pending permanent termination of an employee, the nonvested portion of the monies will be held in escrow until the time for reinstatement has lapsed as specified in the retirement plan. After the time for reinstatement has lapsed, any nonvested forfeitures shall be used to offset prospective employer contributions or to pay expenses associated with the retirement plan.

B. A retirement benefits plan based upon the contributions by or for the benefit of an employee hired on or after November 1, 2005, as provided in this subsection shall be subject to full vesting after five (5) years of service. There shall be no partial vesting for employees hired on or after November 1, 2005.

C. Notwithstanding other provisions of law, the accumulated vested benefits of a member, as provided in this section, who dies before retirement or permanent termination of employment, may be withdrawn from time to time in whole or in part by the beneficiary

of the deceased member upon application to the Board of Trustees in a manner prescribed by the Board of Trustees.

D. If a county elects to provide benefits pursuant to this section, all persons participating in the existing system shall be given the option of remaining subject to the existing retirement system. All persons becoming members of the retirement system after the effective date of this act would be required to participate in the defined contribution benefit system specified in this section. Upon approval of the board of trustees and the board of county commissioners, the existing liabilities under the defined benefits system provided in Section 956 of this title and the liabilities accrued under the defined contribution benefit system provided in this section may be funded by annuities purchased from annuity or insurance companies licensed to do business in this state as recommended by the board of trustees and approved by the board of county commissioners.

E. All administrative costs associated with the operation of a defined benefit retirement system shall be paid exclusively from the contributions made by the employer on behalf of employees electing to participate in the defined benefit retirement system, the contributions made by individual employees electing to participate in the defined benefit retirement system and any income generated from investment of the funds of the defined benefit retirement system.

F. No costs associated with the operation of a defined contribution retirement system may be paid from funds used in the operation of a defined benefit retirement system. Said costs associated with the operation of the defined contribution retirement system shall be paid for by the county from the county general fund as defined by Section 331 of Title 62 of the Oklahoma Statutes or from any other monies available which are not specifically prohibited from being used for this purpose.

Added by Laws 1991, c. 88, § 1, eff. July 1, 1991. Amended by Laws 1992, c. 167, § 1, emerg. eff. May 5, 1992; Laws 1993, c. 95, § 1, emerg. eff. April 18, 1993; Laws 1994, c. 24, § 1, eff. Sept. 1, 1994; Laws 1995, c. 185, § 2, emerg. eff. May 15, 1995; Laws 2000, c. 200, § 6, eff. Nov. 1, 2000; Laws 2005, c. 94, § 1, eff. Nov. 1, 2005; Laws 2011, c. 337, § 4, emerg. eff. May 25, 2011.

§19-956.3. Repealed by Laws 2004, c. 359, § 2, emerg. eff. May 27, 2004.

§19-957. Employee defined.

An "employee", as used Sections 951 through 962 of this title, shall include the elected or appointed salaried officials and regular full-time salaried employees of a county, and shall also include regular full-time employees of the county board of library

trustees, county employees whose salaries are paid in whole or in part from the court fund of such county, employees of county circuit engineering districts, and employees of any public trust created pursuant to law in which the county is the sole beneficiary of the public trust, if approved by the board of county commissioners.
Added by Laws 1961, p. 218, § 7, emerg. eff. July 14, 1961. Amended by Laws 1963, c. 182, § 3, emerg. eff. June 10, 1963; Laws 1983, c. 92, § 1, emerg. eff. May 9, 1983; Laws 2000, c. 200, § 7, eff. Nov. 1, 2000.

§19-957-1. County retirement system — Eligibility – Contribution limits.

The county commissioners of any county establishing a drainage district or districts, and establishing a county retirement system, in addition to the duties and authority now provided by law, are hereby authorized to pay into the retirement system of such county for the use and benefit of the employees eligible for retirement benefits, such amounts as the board of county commissioners may authorize by resolution not exceeding the current annual salaries of all employees whose salaries are paid either in whole or in part out of the drainage district funds. The total employer and employee contributions shall not exceed the percentages of the monthly compensation of each member set forth in Section 954 of this title.
Added by Laws 1968, c. 281, § 1, emerg. eff. May 3, 1968. Amended by Laws 2009, c. 88, § 1, eff. July 1, 2009; Laws 2022, c. 25, § 2, eff. July 1, 2022.

§19-958. Necessary provisions by resolution.

The board of county commissioners of any county establishing a retirement fund and system under the provisions of this act is hereby authorized and empowered to make effective by resolution all provisions necessary to accomplish the purposes of this act, and any amendments hereafter provided. Any such resolutions properly made in order to ensure compliance with qualification requirements for the retirement plan shall take precedence over any provisions of this act.
Added by Laws 1961, p. 218, § 8, emerg. eff. July 14, 1961. Amended by Laws 2013, c. 281, § 3, eff. Nov. 1, 2013.

§19-959. Money not liable to attachment, garnishment, levy or seizure - Exception of qualified domestic orders.

A. Except as otherwise provided by this section, sums of money due or to become due to any employee or retired employee shall not be liable to attachment, garnishment, levy, or seizure in any manner under any legal or equitable process, whether such sums remain in the hands of the treasurer of the retirement system or of any official or agent of the Board of Trustees of any retirement system,

or are in the course of transmission to the employee or retired employee entitled thereto, but shall inure wholly to the benefit of such employee or retired employee.

B. 1. The provisions of subsection A of this section shall not apply to a qualified domestic order as provided in this subsection.

2. The term "qualified domestic order" means an order issued by a district court of this state, pursuant to the domestic relations laws of the State of Oklahoma, which relates to the provision of marital property rights to a spouse or former spouse of a member of a retirement system authorized by Section 951 et seq. of this title, or to the provision of support for a minor child or children, and which creates or recognizes the existence of the right of an alternate payee, or assigns to an alternate payee the right, to receive a portion of the benefits payable with respect to a member and amounts payable to a plan participant of any retirement system authorized by Section 951 et seq. of this title.

3. For purposes of the payment of marital property, to qualify as an alternate payee, a spouse or former spouse must have been married to the related member for a period of not less than thirty (30) continuous months immediately preceding the commencement of the proceedings from which the qualified domestic order issues.

4. A qualified domestic order is valid and binding on the Board of Trustees and the related member only if it meets the requirements of this subsection.

5. A qualified domestic order shall clearly specify:

a. the name and last-known mailing address, if any, of the member and the name and mailing address of the alternate payee covered by the order,

b. the amount or percentage of the member's benefits to be paid by the retirement system to the alternate payee,

c. the number of payments or period to which such order applies,

d. the characterization of the benefit as to marital property rights or child support, and

e. each plan to which such order applies.

6. A qualified domestic order meets the requirements of this subsection only if such order:

a. does not require the retirement system to provide any type or form of benefit, or any option not otherwise provided under state law as relates to the retirement system,

b. does not require the retirement system to provide increased benefits, and

c. does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee pursuant to another order

previously determined to be a qualified domestic order or an order recognized by the retirement plan as a valid order prior to the effective date of this section.

7. A qualified domestic order shall not require payment of benefits to an alternate payee prior to the actual retirement date or withdrawal of the related member.

8. The obligation of the retirement system to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member.

9. This subsection shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A., Section 1001 et seq., as amended from time to time, or rules promulgated thereunder, and court cases interpreting said act.

10. The Board of Trustees may adopt such provisions as are necessary to implement the provisions of this subsection.

11. An alternate payee who has acquired beneficiary rights pursuant to a valid qualified domestic order shall fully comply with all provisions of the requirements imposed by the Board of Trustees pursuant to this section in order to continue receiving benefits. Added by Laws 1963, c. 182, § 4, emerg. eff. June 10, 1963. Amended by Laws 1998, c. 198, § 4, eff. Nov. 1, 1998.

§19-959.1. Repealed by Laws 1989, c. 249, § 46, eff. Jan. 1, 1989.

§19-960. Payment of certain employer's contributions from court fund.

A. In addition to all other items which are now or may hereafter be authorized to be paid from the court fund, it shall be the mandatory duty of the governing board of the court fund to pay annually for the sole use of the retirement system a sum equal to the contributions made to the retirement fund by the employees, but not to exceed the percentages of the current annual salaries, established in Section 954 of this title, of all employees whose salaries are paid either in whole or in part out of the court funds of such county.

The total employer and employee contributions shall not exceed the percentages of the monthly compensation of each member set forth in Section 954 of this title.

B. It shall be the mandatory duty of the governing board of the court fund to pay annually from the court fund to a county retirement system which is not a participant in the Oklahoma Public Employees Retirement System, the employer's contribution for that court reporter who pursuant to the provisions of Section 106.8 of Title 20 of the Oklahoma Statutes, exercised his or her option to continue as a member of the county retirement system following January 13, 1969. The contributions to be so paid shall be limited

to the amount provided for in subsection A of this section. The provisions of this subsection shall operate retroactively to take effect on and after January 13, 1969.
Added by Laws 1963, c. 182, § 5, emerg. eff. June 10, 1963. Amended by Laws 1967, c. 222, § 5; Laws 1970, c. 184, § 2, emerg. eff. April 13, 1970; Laws 2009, c. 88, § 2, eff. July 1, 2009; Laws 2022, c. 25, § 3, eff. July 1, 2022.

§19-961. Employees whose salaries are paid in whole or in part from Law Library Fund.

In addition to all other items which are now or may hereafter be authorized to be paid from the Law Library Fund, it shall be the mandatory duty of the trustees of the Law Library Fund to pay annually for the sole use of the retirement system a sum equal to the contributions made to the retirement fund by the employees, but not to exceed the percentages of the current annual salaries, established in Section 954 of this title, of all employees whose salaries are paid either in whole or in part out of the Law Library Fund of such county.

The total employer and employee contributions shall not exceed the percentages of the monthly compensation of each member set forth in Section 954 of this title.
Added by Laws 1963, c. 182, § 6, emerg. eff. June 10, 1963. Amended by Laws 1967, c. 222, § 6, emerg. eff. May 2, 1967; Laws 2009, c. 88, § 3, eff. July 1, 2009; Laws 2022, c. 25, § 4, eff. July 1, 2022.

§19-962. Appeals.

Any county employee who has petitioned the board of trustees for retirement benefits may on his own behalf appeal from the decision of the board. Such appeals shall be made to the district court of such county, and shall be tried de novo by the court without a jury. Such appeal shall be made within thirty (30) days of the date of the decision or order of the board by filing in the office of the court clerk a transcript of the proceedings had before the board, and a copy of all papers filed in such cause, duly certified by the county clerk. Notice of such appeal shall be given in writing by the person appealing at the time of the filing of such appeal in the district court, and such notice shall be served upon the clerk of the retirement board and upon the district attorney.
Added by Laws 1967, c. 222, § 4, emerg. eff. May 2, 1967.

§19-965. Defined benefit retirement plan - Amendment or modification - Impact statement.

A. As used in this section:

1. "Concurrent funding" means an increase in employer contributions, employee contributions, apportioned tax revenues or

other assets transferred to the county retirement plan to offset any increase in unfunded actuarial accrued liability of the plan; and

2. "Unfunded actuarial accrued liability" means the excess of the actuarial accrued liability over the actuarial value of assets.

B. A county actively maintaining a defined benefit retirement plan for both existing and new employees on or after the effective date of this act which plan was established pursuant to the authority of Section 951 et seq. of Title 19 of the Oklahoma Statutes shall not adopt any plan amendment or otherwise modify the defined benefit plan provisions in any manner that would result in an increase in the unfunded actuarial accrued liability of the retirement plan.

C. A county may adopt a plan amendment or other modification that increases retirement benefits or that would otherwise increase the unfunded actuarial accrued liability of the retirement plan if the county provides concurrent funding for the plan amendment or other proposed plan modification.

D. Before a county described by this section adopts a plan amendment or other plan modification, the proposed plan amendment or other plan modification shall be reviewed by a qualified actuary who shall prepare an impact statement with respect to the proposed plan amendment or other plan modification. The actuary shall provide the impact statement to the plan administrator, if applicable, and to the county clerk of the county maintaining the retirement plan.

E. If the impact statement prepared by the actuary determines that the proposed plan amendment or other plan modification would increase the unfunded actuarial accrued liability of the county retirement plan, the county shall not adopt or implement the amendment or other modification unless the county provides concurrent funding.

Added by Laws 2008, c. 415, § 7, eff. July 1, 2008.

§19-971. Election to establish – Creation of fund – Contributions – Definitions.

A. Effective July 1, 1999, each county of the state may establish a County Officer and Employee Deferred Savings Incentive Plan as authorized by this act.

B. A county electing to establish a County Officer and Employee Deferred Savings Incentive Plan shall establish a County Officer and Employee Deferred Savings Incentive Plan Fund for the payment of matching employer contributions as provided by this section, subject to the limit upon the amount of the matching employer contribution as provided by law. The participating employer shall pay the contributions from the same source of funds used in paying salary to the county officer or employee.

C. Subject to the limit imposed by subsection D of this section, for each qualified participant as defined in this section,

the board of county commissioners of each county electing to establish a County Officer and Employee Deferred Savings Incentive Plan shall pay each month from the County Officer and Employee Deferred Savings Incentive Plan Fund a sum equal to the amount contributed each month by the participating county officer or employee to the deferred compensation plan account established for the participant pursuant to Section 457 of the Internal Revenue Code of 1986, as amended.

D. The board of county commissioners of each county shall set the amount of county contribution.

E. The payment of the matching employer contribution as authorized by this section by any county electing to establish a County Officer and Employee Deferred Savings Incentive Plan shall be made to a plan established pursuant to the Internal Revenue Code, Section 401(a), for the benefit of the officers and employees of the county.

F. For the purposes of this section, "qualified participant" means a:

1. "County employee" as defined by Section 957 of this title who is a participant in a deferred compensation plan established by the county pursuant to Section 457 of the Internal Revenue Code of 1986, as amended; and

2. "County officer" as defined by Section 131 of this title who is a participant in a deferred compensation plan established by the county pursuant to Section 457 of the Internal Revenue Code of 1986, as amended.

G. The board of county commissioners for each county electing to create a County Officer and Employee Deferred Savings Incentive Plan shall be responsible for establishing rules and plan documents for administration of the plan and all contributions made to the plan.

H. Pursuant to the requirements of Section 10 of Article XXIII of the Oklahoma Constitution, no county officer shall be able to receive matching contributions in the County Officer and Employee Deferred Savings Incentive Plan account described by this section during a term of office which commenced prior to the effective date of this act. A county officer may participate in the County Officer and Employee Deferred Savings Incentive Plan described by this section during a term of office which commences after the effective date of this act.

Added by Laws 1999, c. 39, § 1, eff. July 1, 1999. Amended by Laws 1999, c. 245, § 4, eff. July 1, 1999; Laws 2001, c. 44, § 1, eff. July 1, 2001; Laws 2019, c. 98, § 1, eff. Nov. 1, 2019.

§19-1001. Short title.

This act shall be known and may be cited as the City-County Park and Recreation Act of Oklahoma.

Added by Laws 1965, c. 335, § 1, emerg. eff. June 28, 1965.

§19-1002. Purpose - Commission created.

The purpose of this act is to foster and promote the establishment, maintenance and operation of city-county park and recreation systems in order to give all of the citizens of the counties affected hereby equal access to a comprehensive system of recreational facilities. It is the policy of the state to encourage the formation of such cooperative park and/or recreation systems to the end of avoiding unnecessary duplication in the maintenance and operation of public recreational facilities.

In order to make adequate recreational services available to the residents of the more densely populated counties of this state, to provide for the most efficient development of recreational facilities for such counties and to provide for each of such counties a city-county park and recreation system, there is hereby created in each such county which avails itself of the provisions of this act a city-county park and recreation commission, with the powers and duties set out in this act.

Added by Laws 1965, c. 335, § 2, emerg. eff. June 28, 1965.

§19-1003. Counties authorized to act - Contract with cities - Resolution of necessity.

Notwithstanding the provisions of any general, special or local law, or of any charter, ordinance, rule or regulation, any county of the state having within its boundaries a city having not less than one hundred thousand population, according to the last or any succeeding Federal Decennial Census, is hereby authorized to avail itself of the provisions of this act and to combine its funds with the funds of such city to be expended for the purposes herein set forth. The board of county commissioners of any such county in this state is hereby authorized to contract with the governing body of any such city, as herein provided, for the establishment of a city-county park and recreation system. Provided however, that before exercising the authority and power to contract for the purposes herein stated any city or county having a duly created and existing city or county park and/or recreation board or authority as the case may be, a resolution of necessity must first be adopted by any such city or county park and/or recreation authority.

Added by Laws 1965, c. 335, § 3, emerg. eff. June 28, 1965.

§19-1004. Commission membership - Tenure - Vacancies - Compensation - Expenses.

The city-county park and recreation commission shall consist of eleven (11) members. Five of the members shall be appointed by the mayor of the city subject to approval of the governing body thereof. Four of the members shall be appointed by the board of county

commissioners. The mayor of the city and the chairman of the board of county commissioners shall be members of the commission and shall be entitled to vote on all matters. The initial appointments by the city shall designate two members to serve a term of three (3) years, two members to serve a term of two (2) years, and one member to serve a term of one (1) year. The initial appointments by the county shall designate one member to serve a term of three (3) years, two members to serve a term of two (2) years, and one member to serve a term of one (1) year. Provided, that the terms of such initial appointees and the terms of all future appointees of both the city and county shall terminate July 31 of that year in which they expire, regardless of the calendar date when such appointments are made. Subsequent appointments of either the city or the county shall be for three-year terms, except in the case of an appointment to fill a vacancy in the membership of the commission, which latter appointment shall be for the balance of the unexpired term of the member whose death, resignation, or removal has created the vacancy. Members shall not be eligible to succeed themselves after serving two consecutive terms. A member of such commission once qualified can thereafter be removed only for misconduct or neglect of duty during his term of office after notice and hearing before the governing board that appointed him. All members of the commission shall serve thereon without compensation. Expenses which are incurred by members pursuant to prior specific authorization by the board of county commissioners and the governing body of the city shall be reimbursed, provided, that expenses incurred for transportation, meals and lodging shall be reimbursed only if incurred in connection with authorized travel outside the county. Added by Laws 1965, c. 335, § 4, emerg. eff. June 28, 1965.

§19-1005. Chairman - Meetings - Quorum - Fee schedule - Financial assistance.

The commission shall elect its chairman from the appointed members and fill such other offices as its bylaws may establish. The term of the chairman shall be one year. The commission shall hold at least one meeting each month and all meetings shall be open to the public. It shall adopt rules for the transaction of business and keep a record of its functions and activities, which record shall be a public record. Six commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the commission. The commission may establish a schedule of fees to cover various services rendered and may also contract with other persons and agencies for such services as it may require, including private legal counsel and private auditing service, within the limits of its appropriations, and may incur necessary expenses. The commission may contract for, receive, and utilize any grants or other financial assistance from the United States or from any other

source, public or private, in furtherance of its functions; may incur necessary expenses in obtaining said grants and/or financial assistance, within the limits of its appropriations; and shall receive and disburse such grants and/or other financial assistance in such manner as may be agreed upon by the governing body of the city and board of county commissioners.
Added by Laws 1965, c. 335, § 5, emerg. eff. June 28, 1965.

§19-1006. Director.

The commission shall appoint a director of the city-county park and recreation commission on the basis of merit and experience. Such director shall be a graduate of an accredited college or university in the field of landscape architecture, horticulture, park management, recreation or related field or shall have had a minimum of ten years' experience in park management, recreation, landscape architecture, horticulture or related fields. The director shall serve at the discretion of the commission. The director may appoint and remove staff members and other employees, subject to the approval of the commission. The appointment and compensation of the director and other staff members shall all be subject to the approval of the governing body of the city and the board of county commissioners.
Added by Laws 1965, c. 335, § 6, emerg. eff. June 28, 1965.

§19-1007. Annual budget, contributions and expenditures - Tax levy.

It shall be the duty of the commission to prepare an annual budget which shall be subject to the approval of the governing body of the city and the board of county commissioners.

Each county and city establishing a city-county park and recreation system, as herein provided, at the beginning of each fiscal year or as soon thereafter as may be practicable, shall agree upon the necessary contributions to be made by each for the establishment, operation and maintenance of the city-county park and recreation system, appropriate such funds as may be agreed upon, and combine said funds with funds from any other source. Periodically, as may be agreed upon, the city and county shall contribute their appropriated funds to a common fund upon claims therefor being filed by the commission with the governing body of the city and with the board of county commissioners. After approval of the claims, the contributions shall be made by warrants, issued by the appropriate officers and made payable to the city treasurer or county treasurer, as may be agreed upon by the city and county. Said common fund shall be maintained as a depository account with either the city treasurer or county treasurer, as may be agreed upon, and shall be disbursed upon vouchers drawn by such officer or employee of the commission as may be agreed upon by the city and county. Said vouchers shall be issued only in payment of claims which have been

executed in the manner prescribed by law for claims against the county or the city, and after such claims have been approved by the governing body of the city and the board of county commissioners, and before delivery to the payee, shall be registered with the city treasurer or county treasurer, as the case may be.

The officer or employee of the commission designated by the city and county to draw vouchers in payment of such claims shall be bonded in an amount as may be required by the city and county, but not less than Twenty Thousand Dollars ($20,000.00). The designated officer or employee shall be governed by the same statutory provisions relating to depository accounts as apply to county officials generally. Nothing contained herein shall be construed as exempting from the application of the general statutes relating to appropriations the funds contributed by the city and county to this common fund.

Income of the city-county park and recreation system from fees, sales of personal property, and other miscellaneous sources, excluding income from sales of real property, shall not be considered general revenue of either the city or the county. It shall be deposited promptly with the city treasurer or the county treasurer, as the case may be, and shall be credited directly to the depository account of the commission without appropriation. Income from this source shall constitute a revolving fund which shall not be subject to fiscal limitations and which may be expended by the commission for the replacement or repair of recreation equipment and other personal property other than motor vehicles.

The board of county commissioners of any county availing itself of the provisions of this act may provide for the erection of buildings or other structures for recreational purposes or functions by providing for a tax levy therefor under the provisions of Article X, Section 10 of the Constitution of the State of Oklahoma.
Added by Laws 1965, c. 335, § 7, emerg. eff. June 28, 1965.

§19-1008. Powers of commission.

Every city-county park and recreation commission created by this act shall have all the powers necessary or convenient for the accomplishment of the purpose and provisions hereof, including, in addition to others herein granted, the following powers, all of which shall be exercised subject to approval by the governing body of the city and the board of county commissioners:

(a) To establish a city-county park and/or recreation system including, but not limited to, in combination or singly, facilities as parks, parkways, playgrounds, playfields, swimming pools, stadiums, social or community centers, arboreta, botanical gardens, conservatories, museums, preserves, wildlife areas, zoological gardens, other recreation areas and areas of scenic, historic or

archaeologic interest, and lands reserved for flood conditions for impounding runoff water or for other conservation purposes.

(b) To adopt such rules and regulations for the operation of the recreation system as may be deemed necessary or expedient.

(c) To purchase, lease, or otherwise acquire land or buildings or portions of buildings for recreation purposes.

(d) To erect, maintain, and operate public recreation buildings or facilities at one or more places within or beyond the corporate limits of any county, city, town or school district in the recreation system.

(e) To accept transfer of any existing public recreation facility or facilities by lease or other conveyance.

(f) To acquire by purchase or otherwise equipment and other personal property customarily used in the operation of public recreation facilities, including necessary motor vehicles.

(g) To sell and dispose of personal property acquired by purchase or other means when by proper resolution the commission finds that said property is not needed for recreation purposes.

(h) To accept, hold, and convey legal title to interests in real property in the name "City-County Park and Recreation Commission of _____ County", which shall be its official name. Deeds or other conveyances of said interests in real property shall be executed for and on behalf of the commission by the chairman and shall be attested by the secretary, only after authorization by resolution of the governing body of the city and the board of county commissioners.

(i) To accept or in its discretion to decline donations tendered to the city-county park and/or recreation system.

Added by Laws 1965, c. 335, § 8, emerg. eff. June 28, 1965.

§19-1009. Bringing in other cities, towns or school districts.

The governing body of any other city, town or school district in a county in which a city-county park and/or recreation system has been established is authorized to contract with the city-county park and recreation commission, subject to the approval of the governing body of the city and the board of county commissioners, to bring such other city, town or school district into the city-county park and/or recreation system, upon such terms as may be mutually agreed upon, and for that purpose may lease to the city-county park and recreation commission any recreational facilities or property which such other city, town or school district may own, may include in its annual budget appropriations for participation in the city-county park and/or recreation system, and shall pay over to the city-county park and/or recreation system funds so appropriated, which funds shall be combined with the funds of the city and county and expended in the same manner as herein provided for the expenditure of such funds.

Added by Laws 1965, c. 335, § 9, emerg. eff. June 28, 1965.

§19-1010. Retirement system - Workers' compensation.

If, pursuant to the provisions of Chapter 37 of Title 11 of the Oklahoma Statutes or of any statute supplemental thereto or of any charter provision of the city, a retirement system is established for the employees of the city, the employees of the city-county park and/or recreation system may be included in that retirement system on the same basis applicable to employees of the city, if the commission so recommends and the board of county commissioners and the governing body of the city approve. Nothing otherwise provided by law shall operate to prohibit the appropriation of county funds for the payment of the county's pro rata share of the contribution to be made to the retirement fund on behalf of the employees of the city-county park and/or recreation system. The city-county park and recreation commission may, from funds appropriated for its use and operation, procure and make available coverage for its employees under the Workers' Compensation Act either by purchase of insurance or by contract or plan of self insurance.

Added by Laws 1965, c. 335, § 10, emerg. eff. June 28, 1965.

§19-1011. Act as cumulative.

This act is intended to be cumulative and in addition to any other law heretofore passed on recreational facilities and shall not repeal any law on this subject.

Added by Laws 1965, c. 335, § 11, emerg. eff. June 28, 1965.

§19-1051. Repealed by Laws 1989, c. 130, § 2.

§19-1052. Repealed by Laws 1989, c. 130, § 2.

§19-1053. Repealed by Laws 1989, c. 130, § 2.

§19-1054. Repealed by Laws 1989, c. 130, § 2.

§19-1055. Repealed by Laws 1989, c. 130, § 2.

§19-1056. Repealed by Laws 1989, c. 130, § 2.

§19-1057. Repealed by Laws 1989, c. 130, § 2.

§19-1058. Repealed by Laws 1989, c. 130, § 2.

§19-1059. Repealed by Laws 1989, c. 130, § 2.

§19-1060. Repealed by Laws 1989, c. 130, § 2.

§19-1061. Repealed by Laws 1989, c. 130, § 2.

§19-1062. Repealed by Laws 1989, c. 130, § 2.

§19-1063. Repealed by Laws 1989, c. 130, § 2.

§19-1064. Repealed by Laws 1989, c. 130, § 2.

§19-1065. Repealed by Laws 1989, c. 130, § 2.

§19-1066. Repealed by Laws 1989, c. 130, § 2.

§19-1067. Repealed by Laws 1989, c. 130, § 2.

§19-1068. Repealed by Laws 1989, c. 130, § 2.

§19-1069. Repealed by Laws 1989, c. 130, § 2.

§19-1070. Repealed by Laws 1989, c. 130, § 2.

§19-1071. Repealed by Laws 1989, c. 130, § 2.

§19-1072. Repealed by Laws 1989, c. 130, § 2.

§19-1073. Repealed by Laws 1989, c. 130, § 2.

§19-1074. Repealed by Laws 1989, c. 130, § 2.

§19-1075. Repealed by Laws 1989, c. 130, § 2.

§19-1076. Repealed by Laws 1989, c. 130, § 2.

§19-1077. Repealed by Laws 1989, c. 130, § 2.

§19-1101. Authorization to establish countywide programs - Financing.

The board of county commissioners of any county may, by resolution, provide for the establishment of a countywide economic development program and may provide for the financing thereof from the county general fund. After the passage of said resolution by the board of county commissioners, the county excise board shall annually appropriate an amount up to and not to exceed one-half mill on the dollar of the proceeds of the ad valorem tax levy in such county for the establishment and operation of a countywide economic development program. The amount of any such appropriation not expended at the end of the fiscal year shall revert to the county general fund.

Added by Laws 1968, c. 164, § 1. Amended by Laws 1969, c. 80, § 1, emerg. eff. March 18, 1969.

§19-1102. Purposes for which funds may be expended.

Any such county establishing an economic development program under this act may utilize the funds herein authorized to conduct studies and prepare comprehensive plans for its future economic growth and development; to inventory the services, facilities and resources of the entire county; to promote, stimulate and encourage the growth and development of the agriculture, commerce and industry of the county as a whole, in order to achieve maximum utilization of its human, economic and natural resources and tourist attractions; to foster and promote industrial climate and payroll; to otherwise promote the general economic welfare and prosperity of the area; and to enter into a professional services contract to employ an executive director for the economic development program as provided for in Section 2 of this act.

Added by Laws 1968, c. 164, § 2. Amended by Laws 1969, c. 80, § 2, emerg. eff. March 18, 1969; Laws 1989, c. 158, § 1, emerg. eff. May 8, 1989.

§19-1103. Advisory committee - Duties and responsibilities.

After the passage of said resolution the board of county commissioners shall create a county economic development advisory committee of not less than five (5) nor more than fifteen (15) members, which shall be representative of the various private and public interests and political subdivisions within the county. It shall be the duty and responsibility of the advisory committee to meet and select from their members a chairman, vice-chairman and secretary, and to meet as often as the committee deems necessary to prepare for recommendation to the board of county commissioners an annual budget and for further advice and recommendation for carrying out the purposes of this act.

Added by Laws 1968, c. 164, § 3. Amended by Laws 1969, c. 80, § 3, emerg. eff. March 18, 1969.

§19-1103.1. Executive director - Contract for services - Salary.

Any county establishing an economic development program may contract for the services of an executive director for the program. The executive director shall be employed by and serve at the pleasure of the board of county commissioners; provided, said employment shall be renewed on an annual basis. The salary of the executive director shall be in an amount set by the board of county commissioners; provided, travel and per diem shall be paid in accordance with the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

The provisions of this section shall not apply to counties with a population of more than four hundred thousand (400,000) persons.
Added by Laws 1989, c. 158, § 2, emerg. eff. May 8, 1989.

§19-1104. Cooperation with other counties, agencies, etc.

Any two or more counties may jointly and cooperatively undertake programs to promote the growth and development of the industrial payroll of the area or region in which such counties are located, and any county may likewise cooperate with political subdivisions of the county and with other public or private nonprofit agencies to achieve the purposes set forth in this act, including the development of intergovernmental public trusts organized under Title 60 of the Oklahoma Statutes, whose membership shall represent equally the counties and political subdivisions in the area or region.
Added by Laws 1968, c. 164, § 4. Amended by Laws 1969, c. 80, § 4, emerg. eff. March 18, 1969; Laws 1989, c. 158, § 3, emerg. eff. May 8, 1989.

§19-1201. Ambulance Service Districts Act.

This act may be cited as the "Ambulance Service Districts Act".
Added by Laws 1974, c. 86, § 1, emerg. eff. April 19, 1974. Amended by Laws 2010, c. 295, § 1, emerg. eff. June 6, 2010.

§19-1202. Definitions.

As used in the Ambulance Service Districts Act unless the context clearly requires otherwise:

1. "District" means a public ambulance service district as licensed by the State Department of Health;

2. "Board" means the governing body of a district; and

3. "Board of county commissioners" and "county clerk" shall mean, respectively, the board of county commissioners and county clerk of the county in which the greatest portion of the territory of any proposed district is located.

Added by Laws 1974, c. 86, § 2, emerg. eff. April 19, 1974. Amended by Laws 2010, c. 295, § 2, emerg. eff. June 6, 2010.

§19-1203. District board of directors - Authorization to create districts – Emergency medical services plan.

A. When a district is totally within the municipal city limits of a city, the board of directors of the district or their designee may be the governing body of the city or town.

B. Public ambulance service districts may be organized under the Ambulance Service Districts Act for the purpose of developing and providing adequate ambulance services to meet the needs of residents within the territory of the district. The board of county commissioners of each county in this state shall have power and it

shall be their duty, upon a proper petition being presented, to incorporate and order the creation of such district in the manner provided for in this act.

C. By April 1, 2011, each county of this state with a population of five hundred thousand (500,000) people or less according to the last Federal Decennial Census shall present to the State Department of Health an emergency medical services plan. The plan for each county shall be developed by the Emergency Response Systems Development Advisory Council of the State Department of Health and each county emergency services advisory board which shall be comprised of the county commissioners of each county or their designees. The plan shall:

1. Address funding issues;

2. Ensure countywide emergency medical services coverage; and

3. Address county boundaries to ensure 9-1-1 operators are able to provide quick response.

Added by Laws 1974, c. 86, § 3, emerg. eff. April 19, 1974. Amended by Laws 2010, c. 295, § 3, emerg. eff. June 6, 2010.

§19-1204. Petition for creation of district - Contents.

A. A petition signed by at least twenty-five percent (25%) of the registered voters in the most recent election may be filed with the county clerk, verified by the county election board and then presented to the board of county commissioners, praying for the incorporation of a district under the provisions of the Ambulance Service Districts Act. The petition shall give a legal description of the area which the petitioners propose to be incorporated into the proposed district and shall state:

1. That the residents within such territory are without adequate ambulance service to meet their needs;

2. That the installation, maintenance, and operation of an ambulance service is necessary to serve residents of the district;

3. That service will be conducive to and will promote the public health, safety, and welfare; and

4. That existing services in the county shall not be adversely affected.

B. Attached to the petition shall be an accurate map or plat of the proposed area to be embraced within the district showing the location of the area by reference to sections or portions thereof and the township and range wherein the same are located.

Added by Laws 1974, c. 86, § 4, emerg. eff. April 19, 1974. Amended by Laws 2010, c. 295, § 4, emerg. eff. June 6, 2010.

§19-1205. Notice and hearing.

A. Whenever a petition, as provided in Section 1204 of this title, is filed with the county clerk, and then verified by the county election board, the county commissioners shall enter an order

setting a public hearing on the petition for a day certain and directing the county clerk to give notice of the hearing by legal publication for two (2) consecutive weeks in a newspaper published in each county containing any area embraced within the boundaries of the proposed district. Such newspapers shall have a general circulation in the county of publication. Provided, however, if there is a county in which there is no newspaper of general circulation published, notice of the hearing shall be given by posting in five (5) public places within the county, one of which shall be the county courthouse.

B. Notice shall contain:

1. A brief and concise statement describing the purpose of the hearing;

2. A description of the area to be embraced within the district;

3. A notice to all persons residing, and incorporated municipalities, within the proposed district that they may appear upon the date and at the time and place of the hearing to show cause, if any, why the petition should not be granted; and

4. A notice to all residents of the proposed district that, if the district shall be ordered created, immediately following the entry of the order creating the district an organizational meeting to elect a board of directors and officers and to adopt bylaws will be held.

C. The county clerk shall, at least ten (10) days before the date fixed for the hearing, give or send notice thereof to each of the petitioners.

Added by Laws 1974, c. 86, § 5, emerg. eff. April 19, 1974. Amended by Laws 2010, c. 295, § 5, emerg. eff. June 6, 2010.

§19-1206. Determination by board - Declaration of incorporation.

A. At the time and place set for the hearing and consideration of the petition, it shall be the duty of the board of county commissioners to determine:

1. Whether proper notice of the hearing has been given as required by Section 1205 of this title;

2. Whether the residents of the area described in the petition are without adequate ambulance service to meet their needs;

3. Whether the installation, maintenance and operation of such ambulance service is necessary to serve residents of the district;

4. Whether such ambulance service will be conducive to and will tend to promote the public health, safety and welfare;

5. The area which should be included in the district; and

6. Whether the new district area shall financially affect any existing service in the county adversely.

B. If, upon such consideration, it shall be found that such petition is in conformity with the requirements of the Ambulance

Service Districts Act, and that such a district should be created the board of county commissioners shall thereupon immediately declare the area described in the petition or any part thereof to be incorporated as a district under the name of "Ambulance Service District No. _____, _____ County, Oklahoma", inserting number in order of incorporation and name of county, and thereupon the district shall be a body politic and corporate and an agency and legally constituted authority of the State of Oklahoma for the public purposes set forth in the Ambulance Service Districts Act.

C. The board of county commissioners shall thereupon enter upon its records full minutes of such hearing, together with its order creating the district under the corporate name for the purposes of the Ambulance Service Districts Act. Such districts shall not be political corporations or subdivisions of the state within the meaning of any constitutional debt limitations, nor shall the districts have any power or authority to levy any taxes whatsoever or make any assessments on property, real or personal.

Added by Laws 1974, c. 86, § 6, emerg. eff. April 19, 1974. Amended by Laws 2010, c. 295, § 6, emerg. eff. June 6, 2010.

§19-1207. Board of directors - Bylaws.

A. Immediately following the incorporation of the districts by the board of county commissioners, there shall be a special meeting of the residents within any such district to select from their number a board of directors and to adopt bylaws for governing and administering the affairs of the district. The number of members of the board, not to exceed nine (9), shall be determined by a majority vote of those residents present.

B. Those residents present at such special meeting may adopt and amend any of such proposed bylaws and may propose or adopt additional or other bylaws. Such bylaws may be amended at any annual or special meeting of the participating members of the district.

Added by Laws 1974, c. 86, § 7, emerg. eff. April 19, 1974. Amended by Laws 2010, c. 295, § 7, emerg. eff. June 6, 2010.

§19-1208. Governing body - Meetings - Vacancies - Rules and regulations.

The board shall be the governing body of the district and shall meet annually on a date prescribed by the bylaws and at such other times as may be determined by the board or upon call by the chairman or any two members of the board. Vacancies on the board shall be filled for the unexpired term, and until such appointee's successor is elected and has qualified, by appointment by the remaining members of the board. The board shall adopt such rules and regulations in conformity with the provisions of the Ambulance Service Districts Act and the bylaws of the district as are deemed

necessary for the conduct of the business of the district. It shall be the duty of the secretary to cause an entry to be made upon its records showing all of its minutes, decisions, and orders made pursuant to the provisions of the Ambulance Service Districts Act. Added by Laws 1974, c. 86, § 8, emerg. eff. April 19, 1974. Amended by Laws 2010, c. 295, § 8, emerg. eff. June 6, 2010.

§19-1209. Powers of district.

A. Every district incorporated hereunder shall have perpetual existence, subject to dissolution as provided by the Ambulance Service Districts Act, and shall have power:

1. To sue and be sued, complain and defend, in its corporate name;

2. To adopt a seal which may be altered at pleasure, and to use it, or a facsimile thereof, as required by law;

3. To acquire by purchase, lease, gift, or in any other manner, and to maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest therein; and to construct, erect, purchase, lease as lessee and in any manner acquire, own, hold, maintain, operate, sell, dispose of, lease as lessor, exchange, and mortgage buildings, equipment, apparatus, and facilities necessary to serve the residents of the district;

4. To borrow money and otherwise contract indebtedness for the purposes set forth in the Ambulance Service Districts Act, and, without limitation, to borrow money and accept grants from the federal government or from any corporation or agency created or designated by the federal government and, in connection with such loan or grant, to enter into such agreements as the federal government or such corporation or agency may require; and to issue its notes or obligations therefor, and to secure the payment thereof by mortgage, pledge, or deed of trust on all or any property, assets, franchises, rights, privileges, licenses, rights-of-way, easements, or revenues of the district;

5. To make bylaws for the management and regulation of its affairs;

6. To appoint officers and employees, to prescribe their duties, and to fix their compensation; and to employ such common and skilled labor and professional and other services as may be necessary to carry out the purpose of the district;

7. To sell or otherwise dispose of any property of any kind, real, personal, or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the district;

8. To make any and all contracts necessary or convenient for the exercise of the powers of the district;

9. To do and perform all acts and things, and to have and exercise any and all powers as may be necessary, convenient, or

appropriate to effectuate the purposes for which the district is created;

10. To enter into contracts with the federal government, or any agency thereof, or the State of Oklahoma, or any political subdivision or agency thereof, for the construction, operation, and maintenance of needs and demands of the district;

11. To enter into contracts jointly with any other district, municipality, city, or town, the State of Oklahoma, the federal government, or any other governmental agency, or any of them, for the purpose of purchasing, constructing, acquiring, and operating ambulance facilities or services; and

12. To determine and collect charges for services performed by the district.

B. The board of directors shall, on or before July 1 of each year, file with the county clerk of each county in which any part of the district is located, an annual report for the preceding calendar year. Such report shall list all monies received and all monies disbursed during the calendar year. The report shall also specify any and all indebtedness outstanding at the end of the calendar year.

Added by Laws 1974, c. 86, § 9, emerg. eff. April 19, 1974. Amended by Laws 2010, c. 295, § 9, emerg. eff. June 6, 2010.

§19-1210. Proportionate payment of costs.

A. Each county in which any of the area of a district is located shall pay its proportionate share of the cost of the district, based on the ratio which that part of the population of such district residing in the county bears to the total population of the district. Such cost shall be paid from the county treasury, but shall not exceed the equivalent of one (1) mill on each dollar of valuation in the district.

B. Any incorporated town or city that is a party to the district shall pay a proportionate share of the cost of the district, based on the ratio which that part of the population of such district residing in the town or city, bears to the total population of the district.

C. Such cost shall include so much of the following as is not paid from revenues of the district:

1. All operating and maintenance expenses necessary or desirable for the prudent conduct of affairs of the district and the principal of and interest on the obligations issued or assumed by the district in the performance of the purposes for which it was organized; and

2. Adequate reserves for the retirement of indebtedness, maintenance and other purposes necessary and expedient to meeting all obligations of the district.

D. Any revenue received by the district shall be devoted, first, to the payment of operating and maintenance expenses and the principal and interest on outstanding obligations and, thereafter, to such reserves for improvements, retirement of indebtedness, new construction, depreciation and contingencies as the board of directors may from time to time prescribe.
Added by Laws 1974, c. 86, § 10, emerg. eff, April 19, 1974.

§19-1211. Annexation of additional area.

Area outside the boundaries of any district which can be served by the facilities of the district may be annexed to such district. A petition for annexation signed by at least twenty-five percent (25%) of the registered voters in the most recent election may be filed with the county clerk, verified by the county election board and then presented to the board of county commissioners, which shall give the legal description of the area which the petitioners propose to be annexed to such district, and shall state:

1. The name of the district to which annexation is desired;
2. That such area is without an adequate system; and
3. That annexation to the district will be conducive to and will promote the public health, safety, and welfare of residents in the area.

Added by Laws 1974, c. 86, § 11, emerg. eff. April 19, 1974.
Amended by Laws 2010, c. 295, § 10, emerg. eff. June 6, 2010.

§19-1212. Notice of annexation petition.

Notice shall be given, as provided in Section 1205 of this title, of the filing of a petition for annexation fixing the time and place of hearing.
Added by Laws 1974, c. 86, § 12, emerg. eff. April 19, 1974.
Amended by Laws 2010, c. 295, § 11, emerg. eff. June 6, 2010.

§19-1213. Hearing and determination of annexation petition.

At the time and place set for the hearing and consideration of the petition, the board of county commissioners shall ascertain whether proper notice has been given and whether the statements contained in the petition are true. If true, and if a majority of the members of the board of the district to which annexation is desired do not object to such statement, the board of county commissioners shall enter into its minutes such findings and shall set forth in the minutes a description of the new boundaries of such district. Thereafter, residents within the annexed territory shall be entitled to ambulance service.
Added by Laws 1974, c. 86, § 13, emerg. eff. April 19, 1974.
Amended by Laws 2010, c. 295, § 12, emerg. eff. June 6, 2010.

§19-1214. Terms of board members - Annual meetings of residents.

A. The term of office of every member elected to an original board shall be until the date of annual meeting of the residents of the district of either the first, second, or third year following the year of the incorporation of the district and until their successors are elected and have qualified, and as nearly as possible the terms of an equal number of directors on any such board shall expire on each of the dates.

B. At each annual meeting after the year of the election of the original board members, elections shall be held to elect directors to fill any position on the board, the term of office of which has expired, and any director so elected shall hold office for a term of three (3) years and until a successor is elected and has qualified. For the purpose of election of board members and for such other purposes as the bylaws may prescribe, annual meetings of residents shall be held by each district between January 1 and March 1 of each year following the year of incorporation of such district. The board of directors shall cause notice of the time and place of each annual meeting and the purpose thereof to be given to each of its participating members. Each resident present shall be entitled to a single vote.

Added by Laws 1974, c. 86, § 14, emerg. eff. April 19, 1974.
Amended by Laws 2010, c. 295, § 13, emerg. eff. June 6, 2010.

§19-1215. Officers.

The board of directors shall annually elect a chairman, vice-chairman, secretary, and treasurer for a term of one (1) year and until a successor is elected and has qualified.

Added by Laws 1974, c. 86, § 15, emerg. eff. April 19, 1974.
Amended by Laws 2010, c. 295, § 14, emerg. eff. June 6, 2010.

§19-1216. Operation and repair of equipment - Compensation - Budgets - Audits.

It shall be the duty of the chairman of the board of directors to keep in repair equipment, apparatus, and other property of the district and to operate the same as directed by the board. The chairman and all persons who may perform any service or labor as provided herein shall be paid such just and reasonable compensation as may be allowed by the board of directors and the board shall annually prepare an estimated budget for the coming year and submit such budget to the board of county commissioners for their approval. The board of directors shall cause an annual audit of the district's records and accounts to be made, and shall make a report on the matters at each annual meeting.

Added by Laws 1974, c. 86, § 16, emerg. eff. April 19, 1974.
Amended by Laws 2010, c. 295, § 15, emerg. eff. June 6, 2010.

§19-1217. Dissolution of districts.

Whenever a petition signed by three-fourths (3/4) of the residents in any district organized under provisions of this act or a petition signed by all of the directors of such district is presented to the board of county commissioners and it shall appear from the petition that:

1. The district owns no property of any kind exclusive of records and files;

2. All of its debts and obligations have been fully paid; and

3. The district is not functioning, and will probably continue to be inoperative because the board of directors is unable to obtain the necessary financing or for any other reason,

the board of county commissioners shall, after such finding, issue a certificate stating the allegations in the petition as true and declaring the district dissolved, and shall make full minutes of such hearing in its journal and deliver the certificate to the secretary of the district. The secretary of the district shall, within thirty (30) days thereafter, deliver all records and files to the county clerk, and thereupon the district shall be dissolved.
Added by Laws 1974, c. 86, § 17, emerg. eff. April 19, 1974.
Amended by Laws 2010, c. 295, § 16, emerg. eff. June 6, 2010.

§19-1218. Sale of facilities and property.

A. Whenever a district owning facilities and property desires to sell such facilities and property and dissolve, the board of directors may adopt a resolution setting forth the proposed plan and, upon such plan being approved by three-fourths (3/4) of the residents of such district present at a meeting called for that purpose, such resolution and plan may be submitted to the board of county commissioners.

B. If approved by the commissioners, the commissioners shall thereupon authorize the board of directors to carry through the plan of sale and shall further authorize the board of directors to wind up the affairs of the district, pay all debts and expenses, and distribute any excess funds to the members on an equal basis. Thereupon the district shall be dissolved as herein provided.
Added by Laws 1974, c. 86, § 18, emerg. eff. April 19, 1974.
Amended by Laws 2010, c. 295, § 17, emerg. eff. June 6, 2010.

§19-1219. Release of area from district.

A. If it becomes apparent that a certain area included within a district cannot be economically or adequately served by the services and facilities of the district, or no longer needs such services or facilities, the residents of such area may petition the county commissioners to release the area from the district. The petition shall describe by section or fraction thereof and by township and range the area affected and be signed by all three-fourths (3/4) of

the residents of such area and be endorsed by the board of directors of the district.

B. After a finding that the granting of the petition is to the best interests of the affected residents and the district, the board of county commissioners shall issue a certificate stating that the area involved is released and separated from the district. Full minutes of the hearing shall be entered in the journal of the board of county commissioners and the certificate shall be delivered to the secretary of the district who shall, within thirty (30) days, cause the records of the district to be amended to exclude the area affected.

Added by Laws 1974, c. 86, § 19, emerg. eff. April 19, 1974.
Amended by Laws 2010, c. 295, § 18, emerg. eff. June 6, 2010.

§19-1220. Tax exemption.

Districts formed hereunder shall be exempt from all excise taxes and, further, shall be exempt from payment of assessments in any general or special taxing district levied upon the property of the district, whether real, personal, or mixed. Any and all securities and evidences of indebtedness issued by a district created pursuant to the Ambulance Service Districts Act and the income interest and capital gains thereon shall not be subject to the income tax laws of this state and persons owning or holding the securities and evidences of indebtedness or their heirs, devisees, successors, or assigns shall not be required to pay to the State of Oklahoma income tax upon the profits and capital gains upon the securities and evidences of indebtedness.

Added by Laws 1974, c. 86, § 20, emerg. eff. April 19, 1974.
Amended by Laws 2010, c. 295, § 19, emerg. eff. June 6, 2010.

§19-1221. Consolidation of districts.

A. Two or more districts organized under the Ambulance Service Districts Act may be consolidated into a single district by complying with the procedures prescribed in this section.

B. The proposal for consolidation shall be prepared in written form and shall set forth in detail the reasons for consolidation and the advantages which would accrue to each district from the proposal. The written proposal shall be considered and acted upon by the board of directors from each district affected at a duly called meeting. If the board of directors of each district approves the proposal by resolution, the proposal shall then be submitted to a vote of the residents of each district present at a regular or special meeting. If the consolidation proposal is not approved by such residents of each district affected such districts may not be consolidated.

C. If the proposal is approved by such residents of each district, the boards of directors of the districts desiring to be

consolidated shall join in filing a petition, addressed to the board of county commissioners having jurisdiction as provided by this section, for a hearing to consolidate such districts into a single district. The petition shall set forth the necessity for such consolidation of two or more districts, and that the consolidation of the districts shall be conducive to the public health, safety, and welfare, and the purposes for which the districts were organized. The consolidation proposal as approved by the residents and the boards of directors of each district shall be attached to the petition as exhibits.

D. If the districts seeking consolidation are situated in one county, the petition shall be filed with the county clerk of the county, and the board of county commissioners of the county shall have jurisdiction to hear and determine the petition.

E. If the districts seeking consolidation are situated in different counties the petition shall be filed with the county clerk of the county in which the greatest portion of the area of the proposed consolidated district is located, and the board to determine the question of consolidation shall consist of the board of county commissioners from each of the counties, and a majority of the combined boards shall be necessary to render a decision.

F. Upon receipt of the petition, the county clerk shall thereupon give notice to the board or boards of county commissioners of the filing and pendency of the petition, whereupon the county commissioners of the county wherein the petition is filed shall enter its order setting hearing, and giving notice of the hearing, all in accordance with the provisions of this act for the creation of districts in the first instance. After the hearing, should the board find that the averments of the petition are true and that the districts, or any of them, should be consolidated, the board shall enter its order directing the consolidation of the districts. The order shall set forth the corporate name of the consolidated district under the name of "Consolidated Ambulance Service District No. _____, _____ County(ies), Oklahoma". The order shall further provide that the consolidated district shall assume and become legally liable for all of the obligations of the districts consolidated into the single district.

G. Following the entry of the order, an organizational meeting of the combined residents of each of the districts shall be held for the purpose of electing directors and officers and adopting bylaws. This organizational meeting shall be held in accordance with the provisions pertaining to the creation and organization of districts.

H. From any order of the board, an appeal may be taken in the manner as provided for appeals from decision of the board of county commissioners. All legal proceedings already instituted by or against any district involved in a consolidation proceeding may be revived and continued by or against the consolidated district by an

order of the court substituting the name of such consolidated district.
Added by Laws 1974, c. 86, § 21, emerg. eff. April 19, 1974. Amended by Laws 2010, c. 295, § 20, emerg. eff. June 6, 2010.

§19-1230. Change of grade of road, street, etc. - Permanent improvement - Powers of commissioners.

Any board of county commissioners in the State of Oklahoma is hereby empowered, within the unincorporated limits of the county, to establish and change the grade of any road, street, avenue, lane, alley, or other public place, and to permanently improve the same by grading, paving, constructing, macadamizing, chatting or graveling, curbing, guttering, draining and otherwise improving the same, including the installation of the necessary manholes, catch basins, inlets and drainage pipes and storm sewers with necessary connections thereto for the purpose of providing for the adequate disposition of surface water falling on such improvements or carried thereon, and to make all necessary connections, whenever the public necessity may require such improvements.
Added by Laws 1978, c. 208, § 2, eff. Jan. 1, 1979.

§19-1231. Compensation of abutting record title holders - Failure to compensate.

No change of any grade previously established by such county shall be made without making due compensation to the record title holders of abutting property for any damage caused by such grade change to the permanent improvements erected on said property with reference to the grade previously established. The failure to make such compensation shall in no way invalidate such assessments on the property chargeable with such assessments as provided in Section 1240 of this title.
Added by Laws 1978, c. 208, § 3, eff. Jan. 1, 1979. Amended by Laws 1984, c. 43, § 1, emerg. eff. March 27, 1984.

§19-1232. Plans and specifications for improvements - Resolution - Assessment plat - Cost estimates - Protests - Assessment roll.

When the board of county commissioners deems it necessary to construct a project, grade, pave, macadamize, chat, gravel, curb, gutter, drain, or otherwise improve any road, street, alley, avenue, lane, or any part thereof, which has been established, within the unincorporated area of such county, it shall, by resolution, require the county engineer, or if there is no county engineer, a licensed engineer whose services have been contracted for, as provided by law, to prepare preliminary plans which shall include a typical section of the contemplated work or improvement, type or types of material, approximate thicknesses and widths, a preliminary estimate of the cost of such improvement, together with the cost of any

improvements or draining connections directly chargeable to the property, and an assessment plat showing the area to be assessed. The resolution may provide for one or more types of construction, and the engineer shall separately estimate the cost of each type of construction. Each estimate may be in a lump sum or by unit prices, whichever seems most desirable to said engineer, for the complete improvement. The estimate shall also include the cost of advertising, appraising, engineering, and such other expense or contingencies, including attorneys and fiscal agents fees which in the judgment of such engineer are necessary or essential to the completion of such work or improvement and the payment of the cost thereof. Should more than one road, street, avenue, alley, lane, public place, or part thereof, be included in such resolution, separate estimates as to each shall be made, and any protest or objection shall be made and considered separately. For the purpose of protest in accordance with Section 1234 of this title, disconnected parts of the same street shall be treated as separate streets.

The resolution shall also require the county assessor to prepare a preliminary assessment roll based on the cost estimates of the preliminary plans and the assessor's estimate of the apportionment of benefits to the respective lots or tracts of land.
Added by Laws 1978, c. 208, § 4, eff. Jan. 1, 1979. Amended by Laws 1983, c. 148, § 1, operative July 1, 1983.

§19-1233. Consulting engineer - Bond attorneys' or fiscal agents' services.

The board of county commissioners shall have authority to contract for the services of consulting engineers to prepare the necessary surveys, plans, plats, profiles, estimates, and all other details for said work or improvements and to supervise said work. The consulting engineer may be a person, firm, or corporation, resident in or outside of the State of Oklahoma, duly registered as an engineer in the State of Oklahoma. The board of county commissioners shall have authority to contract for the services of bond attorneys or fiscal agents to prepare and sell the bonds of the assessment district as provided for by law. These services shall include the preparation of documents and transcripts, printing, advertising, appraising, delivering, and such other expenses as may be necessary to issue and to sell bonds of the assessment district.

The compensation for the engineering services shall not exceed the guidelines established by the Oklahoma Society of Professional Engineers. The compensation for the bond attorneys and fiscal agents shall be consistent with statutes prescribing fees for similar services for general obligation bonds issued by cities and counties. The county shall provide for the payment of such services and expenses from the assessments to be levied against the property

as part of the cost of the improvements or from available county road funds.
Added by Laws 1978, c. 208, § 5, eff. Jan. 1, 1979. Amended by Laws 1983, c. 148, § 2, operative July 1, 1983.

§19-1234. Notice to affected record title holders - Protests.

A. Any county creating a road improvement district pursuant to the provisions of Sections 1230 through 1262 of this title, except as provided for in Section 1236 of this title, shall provide notice to the affected record title holders of private property and an opportunity to protest against said improvements. Any number of roads, streets, avenues, lanes, alleys, or other public places, or parts thereof, to be improved may be included in one notice. Any protest or objection shall be made and considered separately as to each road, street, avenue, lane, alley, or other public place, or parts thereof. For purposes of protest in accordance with this section, disconnected parts of the same street shall be treated as separate streets.

B. Upon the filing of said plans, plat, typical section, and preliminary estimate of the cost of such work or improvements with the county clerk, the board of county commissioners shall examine the same and, if found satisfactory, shall by resolution adopt and approve the same and declare the improvement necessary to be done. Said resolution shall be published in six consecutive issues of a daily newspaper or two consecutive issues of a weekly newspaper published in the county and having a general circulation within the county. The resolution shall provide that the record title holders of more than forty percent (40%) of the area of land liable to assessment to pay for the improvement of any road, street, avenue, lane, alley, or other public place, or part thereof, choosing to protest such road improvement shall file with the county clerk of said county their protest in writing against the improvement within fifteen (15) days after the last publication of the resolution. If such protest is not filed within the specified period, the county shall have the power to cause such improvements to be made and to contract for such improvements and to levy assessments for the payment of such improvements. Any number of roads, streets, avenues, lanes, alleys, or other public places, or parts thereof, to be improved may be included in one resolution. After any road, street, avenue, lane, alley, or other public place, or part thereof, has been protested by the record title holders of more than forty percent (40%) of the land liable to assessment for such improvement, the board of county commissioners of said county shall not include the same in proceedings pursuant to the provisions of Sections 1230 through 1262 of this title for a period of six (6) months except upon petitions as provided by Section 1236 of this title.

C. If sufficient protests are filed as to any one or more of such roads, streets, avenues, lanes, alleys, or other public places, or parts thereof, the same shall be eliminated from said proceedings, but the other roads, streets, avenues, lanes, alleys, or other public places, or parts thereof, as to which sufficient protests have not been filed shall not be affected thereby. The provisions of this subsection shall not apply to any development pursuant to the provisions of Section 1236 of this title.

D. Any person, firm, corporation, administrator, or guardian holding the title to said lands liable to assessment may enter a protest or objection.

E. The finding of the board as to the sufficiency or insufficiency of the protest shall be conclusive and binding for all purposes and against all persons. The board shall have the power to have hearings on said protest and compel the attendance of witnesses under oath to determine the sufficiency of said protest. No action or suit to question the findings of the board on the sufficiency of said protests shall be commenced later than fifteen (15) days after such finding. Not less than ten (10) days before the hearing the county clerk shall notify each record title holder of lots or tracts of land within said district as shown by the current ownership rolls prepared and certified by the county clerk within sixty (60) days last preceding the date of the notification in the following manner:

1. By mailing a postal card directly to said record title holder at his last-known address as shown by the ownership roll, notifying said record title holder of the initiation of proceedings and advising him that his property will be liable to assessment and referring him to the issues of the newspaper in which the resolution is or will be published. If titles to several tracts appear to be held by the same person, all may be included in the same notification; or

2. In lieu of the mailing of a postal card, the county clerk may mail to each record title holder a copy of the newspaper publication.

Proof of the notification given shall be made by certificate of the clerk which shall be filed in his office. Failure of any one of said record title holders to receive said notification shall not invalidate any of the proceedings made pursuant to the provisions of this section.

Added by Laws 1978, c. 208, § 6, eff. Jan. 1, 1979. Amended by Laws 1983, c. 148, § 2, operative July 1, 1983; Laws 1984, c. 43, § 2, emerg. eff. March 27, 1984.

§19-1235. Contest of improvement.

Any record title holder of property or other person interested in such proposed improvement shall have the right to institute an action to contest the action of the board of county commissioners of

such county in adopting and approving the plans, plats, typical sections, or estimates filed by the engineer in the district court of the county in which a road improvement district is located at any time not later than fifteen (15) days after publication of the resolution provided for in Section 1234 of this title. Any suit instituted after the expiration of said fifteen (15) days shall not be maintained to question such plans, plats, typical sections, or estimates and the record title holders of property liable for assessment shall be deemed to have waived all objections to such proposed improvement.
Added by Laws 1978, c. 208, § 7, eff. Jan. 1, 1979. Amended by Laws 1984, c. 43, § 3, emerg. eff. March 27, 1984.

§19-1236. Petition for improvement - Sufficiency.

If the record title holders of more than sixty percent (60%) of the area of the land liable to assessments for any improvement petition the county commissioners of such county for the improvement of any road, street, alley, lane, or avenue, or part thereof, not less than six hundred (600) feet in length, the petition shall describe the character of the improvement desired, the width of the same, and the materials preferred by the petitioners for such improvement. The petition shall show the petitioners are the record title holders of the land liable for assessment and shall include a plat of the area to be assessed which shows the area of each parcel of land to be assessed on a pro rata basis of the entire area to be assessed, the preliminary plans, typical sections, and estimates. The notice providing for determining the necessity of such improvements shall not be published as provided in Section 1234 of this title.

The finding of the board of county commissioners as to the sufficiency of any such petition shall be conclusive and binding for all purposes, including prohibiting protest or objection to such improvement, and against all persons. The board shall have the power to have hearings on said petition and compel the attendance of witnesses under oath to determine the sufficiency of said petition, and no action or suit to question the findings of the board on the sufficiency of said petition shall be commenced later than fifteen (15) days after such finding. Upon finding the petition sufficient, the board shall cause such improvements to be made in accordance with the prayer of said petition as nearly as may be practicable.
Added by Laws 1978, c. 208, § 8, eff. Jan. 1, 1979. Amended by Laws 1983, c. 148, § 4, operative July 1, 1983; Laws 1984, c. 43, § 4, emerg. eff. March 27, 1984.

§19-1237. Powers of commissioners relative to petition for improvement - Revision of assessments.

Whenever the petition provided for by Section 1236 of this title is presented, or when the board of county commissioners of any county has determined to pave or otherwise improve any road, street, avenue, lane, alley, or other public place, and has passed the required resolution, the board shall then have the power to establish all rules and regulations as may be necessary to require the record title holders of all property subject to assessment to pay the cost of such improvement, to cause to be put in and constructed all drainage in and underneath the streets, avenues, lanes, and alleys, and other public places where such improvements are made, and all cost and expense for making such connections not paid for by the record title holder of property may be contracted for by said county and shall be taxed as a direct charge against such property and shall be included in and made a part of the assessment to cover the cost of such improvement.

Any assessment made pursuant to this section shall be subject to an annual revision by the county commissioners. Such revision shall be made to equitably distribute the benefits and costs of such improvements. The commissioners shall not raise the revision above the amount of the original assessment.

Added by Laws 1978, c. 208, § 9, eff. Jan. 1, 1979. Amended by Laws 1984, c. 43, § 5, emerg. eff. March 27, 1984; Laws 1985, c. 162, § 1, emerg. eff. June 13, 1985.

§19-1238. Resolution of contest or noncontest of improvement - Approval of plans and specifications - Contractor's bond - Bidding procedure.

After the expiration of the time for objection or protest on the part of the record title holders of property to an improvement, or if insufficient protest is filed, the board of county commissioners shall adopt a resolution declaring that no such protest has been filed, or that such protest, if filed, was insufficient and expressing the determination of the board to proceed with the improvement. Such resolution shall require the engineer to immediately file detailed plans, profiles, specifications, and estimates of probable cost. After the filing of said plans, profiles, specifications, and estimates, the board shall examine the same, and if found satisfactory, shall, by resolution, adopt and approve the same. The resolution shall state the material to be used and that the work or improvement will be constructed in accordance with the final detailed plans, specifications, and profiles of the engineer. The resolution shall set forth any reasonable terms and conditions that the board of county commissioners deems proper to impose. The board, by resolution, shall also provide that the contractor shall execute to the county a good and sufficient bond in an amount to be stated in the resolution, conditioned for the full and faithful execution of the

work and the performance of the contract for the protection of the county and all record title holders of property interested, against any loss or damage by reason of the negligence of the contractor, improper execution of the work or improvement, or the use of inferior material, and shall also require a bond, in an amount to be stated in said resolution, for the maintenance of said improvements against any failure due to defective workmanship or materials for a period of not less than one (1) year from the time of its completion and acceptance. Such maintenance bond shall not be required where such road improvements consist of oil and chips or graveling. The resolution shall also require the execution of a good and sufficient bond for payment of labor and material conditioned in accordance with the laws of this state. The resolution shall also direct the county clerk after the filing of said final plans, profiles, specifications, and estimates to advertise for sealed bids for furnishing the materials and performing the work necessary in making the improvement. The notice for such bids shall state the roads, streets, avenues, or public places to be improved, the kind of improvements proposed, what bonds will be required to be executed by the contractor, shall refer to the plans and specifications, and shall state the date, time, and place where such sealed bids shall be filed, and the date and place the same will be considered by the board. The notice shall state the manner of payment to the contractor and whether the contractor will be paid in money, in bonds or in a proportion of money and bonds for making the improvement. The notice shall be published in accordance with the provisions of the Public Competitive Bidding Act of 1974. No action or suit to question the adoption of said resolution, or the sufficiency of the same or the final, detailed estimate of the engineer, shall be commenced later than fifteen (15) days after the first publication of said notice.

The resolution provided for in this section shall be adopted not later than six (6) months after the adoption of the resolution of necessity provided for in Section 1234 of this title or within six (6) months after the filing of a proper petition for the construction of the contemplated improvements.

Added by Laws 1978, c. 208, § 10, eff. Jan. 1, 1979. Amended by Laws 1983, c. 148, § 5, operative July 1, 1983; Laws 1984, c. 43, § 6, emerg. eff. March 27, 1984; Laws 2010, c. 40, § 1, eff. Nov. 1, 2010.

§19-1239. Awarding of contracts - Excessive costs.

At the time and place specified in the notice to contractors, the board of county commissioners shall examine all bids received and, without unnecessary delay, award the contract to the lowest and best bidder, who will perform the work and furnish the materials which have been selected, and perform all the conditions imposed by

the board, as prescribed in the resolution for the work or improvement and notice for proposals. The aggregate amount of the contract shall not exceed the final estimate of cost submitted by the engineer for the improvement as provided in Section 1238 of this title. In the event of any excess in cost over said engineer's estimate, the excess shall be void and no assessments for such excess levied. The board shall have the right to award a contract for all or a portion of such improvement or to reject any or all bids, and to readvertise for other bids when any such bids are not, in its judgment, satisfactory. The letting of the bid shall not be complete until the contract is duly executed, and the bonds approved.
Added by Laws 1978, c. 208, § 11, eff. Jan. 1, 1979. Amended by Laws 1983, c. 148, § 6, operative July 1, 1983.

§19-1240. Appraisement and apportionment of benefits - Errors in description of lot or tract liable for assessment.

Within ten (10) days of the filing of the final plans, specifications and cost estimates with the county clerk, the board of county commissioners shall, by resolution, direct the county assessor to appraise and apportion the benefits to the several lots and tracts of land which shall be described in the resolution according to the record title of the land. Any error in the description of any lot or tract of land liable for assessments shall not invalidate such assessment or lien.
Added by Laws 1978, c. 208, § 12, eff. Jan. 1, 1979. Amended by Laws 1983, c. 148, § 7, operative July 1, 1983; Laws 1984, c. 43, § 7, emerg. eff. March 27, 1984; Laws 1985, c. 162, § 2, emerg. eff. June 13, 1985.

§19-1241. County assessor - Duty to appraise and apportion - Reports.

It shall be the duty of the county assessor, within five (5) days after being directed to appraise the property, to proceed to appraise and apportion the benefits to such lots and tracts of land as shall have been designated by the board of county commissioners, according to the title as aforesaid, after having taken and subscribed an oath to make a true and impartial appraisement and apportionment. A written report of such appraisement and apportionment shall be returned and filed with the county clerk within ten (10) days from the date of notice to the county assessor.
Added by Laws 1978, c. 208, § 13, eff. Jan. 1, 1979.

§19-1242. Objections to appraisement or apportionment - Hearing - Notice - Time.

When the report required pursuant to the provisions of Section 1241 of this title has been returned, the board of county

commissioners shall appoint a time for holding a hearing to hear any complaints or objections that may be made concerning the appraisement and apportionment as to any of such lots or tracts of land. Notice of such hearing shall be published by the county clerk in six consecutive issues of a daily newspaper or two consecutive issues of a weekly newspaper of general circulation published in said county. The time fixed for said hearing shall be not less than five (5) nor more than ten (10) days from the last publication. Not less than ten (10) days before said hearing the clerk shall notify each listed record title holder of lots or tracts of land within said district as shown by the current ownership rolls in the county treasurer's office in the manner provided pursuant to the provisions of Section 1234 of this title.
Added by Laws 1978, c. 208, § 14, eff. Jan. 1, 1979. Amended by Laws 1983, c. 148, § 8, operative July 1, 1983; Laws 1984, c. 43, § 8, emerg. eff. March 27, 1984.

§19-1243. Review of appraisement and apportionment - Objections to proposed assessment.

A. The board of county commissioners conducting said hearing or any adjournment thereof shall have the power to review and correct said appraisal and apportionment, and to raise or lower the same as to any lots or tracts of land, as they shall deem just, and shall, by resolution, confirm the same as so revised and corrected by them.

B. At or prior to said hearing, any person, firm or corporation may file objections in writing against the validity or amount of any proposed assessment, specifically setting forth the nature thereof, and shall have full opportunity to be heard thereon. The board of county commissioners shall adjudicate and determine said objections and shall make such order as may be just and proper. Any objections to the regularity of the proceedings with reference to the making of the improvement or the validity or the amount of any assessment, shall be deemed waived unless presented at the time and in the manner herein specified.
Added by Laws 1978, c. 208, § 15, eff. Jan. 1, 1979.

§19-1244. Property of cities, towns, counties, boards of education or school districts - Assessment against.

Any property which a city, town, county, or any board of education or school district shall hold title to shall be treated and considered the same as the property of other record title holders. Such city, town, county, school district, or board of education within the district to be assessed may pay the total assessment against its property without interest within thirty (30) days from the date of the publication of the resolution levying the assessment or, in the event the assessment is not paid in full without interest within the thirty-day period, the city, town,

county, school district, or board of education shall annually provide by the levy of taxes in a sufficient sum to pay the maturing installments of assessments and interest on said assessments.
Added by Laws 1978, c. 208, § 16, eff. Jan. 1, 1979. Amended by Laws 1984, c. 43, § 9, emerg. eff. March 27, 1984.

§19-1245. Repealed by Laws 1983, c. 148, § 15, operative July 1, 1983.

§19-1246. Street intersections and alley crossings - Improvement costs - State aid.

A. The board of county commissioners, in its discretion, may provide for the payment of the cost for improving streets, roads, intersections, alley crossings, or any part thereof, out of the county road fund.

B. The Transportation Commission is authorized in its sole discretion to enter into agreements with the board of county commissioners of any county for participation with State Highway Construction and Maintenance Funds in the cost of any improvements on roads and streets which are a part of the state highway system, and such agreements may provide for the award and supervision of the contract by said county, the state's share of the cost to be due and payable upon completion of the project.
Added by Laws 1978, c. 208, § 18, eff. Jan. 1, 1979. Amended by Laws 1983, c. 148, § 9, operative July 1, 1983.

§19-1247. Payment of assessments - Interest - Levy of assessment - Assessment resolution - Liens.

Assessments in conformity to the appraisement and apportionment, as corrected and confirmed by the board of county commissioners, shall be payable in ten equal annual installments. The assessments shall bear interest at the rate of not more than thirteen percent (13%) per annum until paid, payable in each year at such time as the installments are made payable. The board of county commissioners of said county shall levy assessments by resolution in accordance with said appraisement and apportionment, as confirmed, against the record title holders of lots and tracts of land liable for said assessments. The resolution shall provide that the record title holders of the assessed property shall have the privilege of paying the amounts of their respective assessments without interest within thirty (30) days from the date of the publication of such resolution. The special assessments and each installment of such assessments and the interest on such assessments are hereby declared to be a lien against the lots and tracts of land assessed from the date of the publication of the resolution levying the same. Said lien shall be coequal with the lien of other taxes and prior and superior to all other liens against such lots or tracts of land.

The lien shall continue for unpaid installments and interest until such assessments and interest thereon shall be fully paid. Unmatured installments shall not be deemed to be within the terms of any general covenant of warranty.
Added by Laws 1978, c. 208, § 19, eff. Jan. 1, 1979. Amended by Laws 1983, c. 148, § 10, operative July 1, 1983; Laws 1984, c. 43, § 10, emerg. eff. March 27, 1984.

§19-1248. Road assessment record.

As soon as the assessing ordinance is adopted, the county clerk shall prepare a book which shall be known as the road assessment record in which the clerk shall enter the names of each person holding title to the land to be assessed as ascertained from the records of the county, or in case the name of the record title holder is not known, a statement to that effect and description of the lot, tract, or subdivision, with a blank space for entering the amount of the assessment and with a suitable column for entering the payments which may be made from time to time on account of such assessment.
Added by Laws 1978, c. 208, § 20, eff. Jan. 1, 1979. Amended by Laws 1984, c. 43, § 11, emerg. eff. March 27, 1984; Laws 2010, c. 40, § 2, eff. Nov. 1, 2010.

§19-1249. Due date of first installment - Delinquent installments - Collection of installments - Limitation of actions.

The first installment of the assessment, together with interest upon the whole assessment from the date of the passage of the assessing resolution to the first day of the next September, shall be due and payable in cash on or before the first day of September next succeeding the passage of the resolution. If such assessing resolution is not passed prior to the first day of July, the first installment of such assessment shall be due and payable in cash with interest from the date of the passage of such assessing resolution to the first day of September of the following year. In case any installment or interest is not paid when due, the installment so matured and unpaid and the unpaid interest thereon shall draw interest at the rate of fifteen percent (15%) per annum from maturity until paid, except otherwise provided. All assessments and interest shall be collected by the county clerk and shall be paid to the county treasurer who shall keep the same in a separate special fund for the purpose of paying the bonds and interest thereon, issued against such assessments. After the payment of all bonds and interest thereon, any surplus remaining in said fund shall be used for the purpose of repairing and maintaining any improvement for which assessments have been levied, and for no other purpose. No statute of limitations shall commence to run against any installment until after the maturity of all installments.

Added by Laws 1978, c. 208, § 21, eff. Jan. 1, 1979. Amended by Laws 1983, c. 148, § 11, operative July 1, 1983.

§19-1250. Installments - Payment - Collecting agent - Duties.

The assessments provided for and levied pursuant to the provisions of Sections 1230 through 1262 of this title shall be payable as the installments become due, together with the interest on said installments, to the county clerk who shall give proper receipts for such payments and credit the same upon the road assessment record. It shall be the duty of the county clerk to keep an accurate account of all such collections made by the clerk and to pay to the county treasurer daily the amounts of such assessments collected by the clerk. The amounts so collected and paid to the county treasurer shall constitute a separate, special fund to be used and applied to the payment of such bonds and the interest thereon, as provided by Sections 1257 through 1260 of this title. It shall be the duty of the county clerk, not less than thirty (30) days and not more than forty (40) days before the maturity of any installment of such assessments, to publish in two successive issues of a daily newspaper or in one issue of a weekly newspaper, published in the county and of general circulation in said county, a notice advising the record title holder of the land affected by such assessment of the date when such installment and interest will be due, and designating the road, street, streets, or public places, or parts thereof, for the improvement of which such assessments have been levied, and that unless such assessments shall be promptly paid, said installment and interest shall bear interest at the rate of fifteen percent (15%) per annum until paid, and proceedings taken according to law to collect said installment and interest. It shall also be the duty of the county clerk, not less than thirty (30) days before the maturity of any installment of such assessments, to send a notice by mail advising the record titleholder of the land affected by such assessment of the date when such installment and interest will be due, and designating the road, street, streets, or public places, or parts thereof, for the improvement of which such assessments have been levied, and that unless such assessments shall be promptly paid, said installment and interest shall bear interest at the rate of fifteen percent (15%) per annum until paid, and proceedings taken according to law to collect said installment and interest. Failure of the owner to receive any notice shall not invalidate any of the proceedings authorized in this title and shall not invalidate any installment or interest that may be due. It shall be the duty of the county clerk, promptly after the date of maturity of any such installment and interest and on or before the fifteenth day of September in each year, to certify such installment and interest due to the county treasurer of the county in which the improvement district is located, which installment and interest

shall be placed by said county treasurer upon the November delinquent tax list of the same year prepared by the treasurer of said county and collected as other delinquent taxes are collected. It shall be the duty of the county treasurer to collect such installments of assessment, together with interest and penalty, so certified to the treasurer by the county clerk, as provided for in this section, but any taxpayer shall have the right to pay his ad valorem taxes to the county treasurer regardless of the delinquency of such assessments. Within thirty (30) days from the receipt of such delinquent assessments, interest and penalty collected by the county treasurer shall be disbursed in accordance with the provisions of Sections 1230 through 1262 of this title. Failure of the county clerk to publish notice of the maturing of any installment and interest shall in no way affect the validity of the proceedings to collect such installment and interest pursuant to the provisions of this section. All payments to the county treasurer on account of such assessments shall be certified by the treasurer to the county clerk to be credited on the road assessment record. Added by Laws 1978, c. 208, § 22, eff. Jan. 1, 1979. Amended by Laws 1984, c. 43, § 12, emerg. eff. March 27, 1984; Laws 2010, c. 40, § 3, eff. Nov. 1, 2010.

§19-1251. Action to foreclose lien - Petition - Summons - Parties - Judgments - Surety bond or deposit.

Any holder of any road improvement bond issued pursuant to the provisions of Sections 1230 through 1262 of this title shall have the right to institute, in the name of the county issuing such bond, an action in the district court of the county in which said property is located to foreclose the lien of such assessment whenever such assessment, or any installment thereof, is delinquent for a period of at least twelve (12) months. The petition shall state generally the ownership of such bond, describing the property assessed, the nature of the improvement, the amount of the unpaid delinquent assessment and penalty thereon at the rate of fifteen percent (15%) per annum, and praying for the foreclosure of such lien. Summons shall be issued on such petition as in other civil actions and the cause tried in the district court. Judgment may be entered on such petition for the amount of such unpaid assessment or installment together with interest thereon at the rate of fifteen percent (15%) per annum from the date such assessment or installment was due and payable up to the time of the institution of such action and for the sum of fifteen percent (15%) interest on said judgment from the time of the institution of such action until said judgment is paid. In the event said judgment, together with interest and costs, is not paid within six (6) months after the date the judgment was rendered, an order of sale shall be issued by the clerk of said court directing the sheriff of the county to sell said real estate in

manner and form as in the case of sale of real estate under execution. The judgment shall carry the costs of such action together with the costs of such sale. Upon the payment of such judgment, the amount of the payment, exclusive of costs, shall be paid to the county treasurer and become a part of the fund to pay such outstanding bonds and interest. The judgment shall provide for the sale of the real estate subject to existing general or ad valorem taxes and special assessments. All record title holders or encumbrancers shall be made parties defendant in such suit. Upon the institution of an action to collect delinquent and unpaid assessments in any improvement district within one (1) year of the completion of any improvement, county commissioners of any county shall require the contractor performing such work or improvement to make and execute a good and sufficient surety bond or deposit sufficient securities or obligations of the United States of America, of this state, or some municipality subdivision thereof, to be approved by said board of county commissioners in the sum to be determined by the board of county commissioners, in no case to be less than ten percent (10%) of the contract price, conditioned that the contractor will immediately reimburse the county for the maintenance of said improvements against any failure due to defective workmanship or materials for a period of one (1) year from the time of its completion and acceptances.
Added by Laws 1978, c. 208, § 23, eff. Jan. 1, 1979. Amended by Laws 1983, c. 148, § 12, operative July 1, 1983; Laws 1984, c. 43, § 13, emerg. eff. March 27, 1984.

§19-1252. Penalties for delinquent taxes - Disposition.

All penalties for delinquent taxes, including penalties on special assessments and the interest of bonds for paving or other special assessment bonds, over and above the amount specified in the face thereof, shall be and become the property of the county and shall be collected by the county treasurer.
Added by Laws 1978, c. 208, § 24, eff. Jan. 1, 1979.

§19-1253. Grounds for sustaining action against board of county commissioners.

No suit shall be sustained to set aside any assessment, or to contest the area of assessment, or to enjoin the board of county commissioners from levying or collecting any such assessment, or installment thereof, or interest or penalty thereon, or issuing the bonds, or providing for their payment or contesting the validity thereof on any ground, or for any reason, other than for the failure of the board to adopt and publish the resolution declaring the necessity for such improvements and the publication thereof as provided in Section 6 of this act, and to give notice of the hearing on the return of the appraisers unless such suit shall be commenced

not more than fifteen (15) days after the publication of the resolution levying assessments and no suit shall be sustained after the work has been completed and accepted by such county, except for failure to give such notice of the preliminary resolution of necessity or the failure to give the notice of the hearing on such return of the appraisers; and provided, further, that in the event any special assessment shall be found to be invalid or insufficient, in whole or in part, for any reason whatever the board may, at any time in such manner provided for levying an original assessment, proceed to cause a new assessment to be made and levied which shall have like force and effect as an original assessment.
Added by Laws 1978, c. 208, § 25, eff. Jan. 1, 1979.

§19-1254. Acceptance of improvements.

Upon the completion of the improvement, the board of county commissioners shall determine whether or not such work has been completed in accordance with the plans, profiles, specifications and contract therefor, and if found to be in compliance therewith shall accept the same, and when so accepted such action shall be conclusively binding upon all persons interested and upon the court.
Added by Laws 1978, c. 208, § 26, eff. Jan. 1, 1979.

§19-1255. Improvement of existing roads, streets, avenues, alleys, or lanes - Application of act.

In all cases where the board of county commissioners shall deem it necessary to pave, construct, macadamize, chat or gravel, curb, gutter, drain or otherwise improve any road, street, avenue, alley, lane or any part thereof, which shall have been heretofore paved, constructed, macadamized, curbed, guttered, drained or otherwise improved, such improvement is authorized to be done under and in pursuance of the provisions of this act, and in such case all provisions of this act for making such improvements and levying assessments therefor and the issuance of bonds shall apply.
Added by Laws 1978, c. 208, § 27, eff. Jan. 1, 1979.

§19-1256. Contractor's bond - Deposit prior to acceptance of improvement - Amount - Repair of improvements.

Upon acceptance by the board of county commissioners of said improvements, and before the final payment of the contract price, the board of county commissioners of any county shall require the contractor performing such work to make and execute a good and sufficient surety bond or deposit sufficient securities or obligations of the United States of America or of the State of Oklahoma or some municipality subdivision thereof to be approved by said board of county commissioners in the sum to be determined by the board of county commissioners, in no case to be less than ten percent (10%) of the contract price, conditioned that the contractor

will immediately reimburse the county for the maintenance of said improvements against any failure due to defective workmanship or materials for a period of five (5) years from the time of its completion and acceptances. Whenever any repairs of said improvements due to defective workmanship or materials are deemed necessary by the board of county commissioners they shall order the same to be made under the supervision of the county engineer or, where there is no county engineer, contract for the services of a qualified engineer and the costs thereof certified to by said engineer; and, when approved by the board of county commissioners, the contractor and his bondsmen shall be notified of the amount expended and shall immediately become liable therefor.
Added by Laws 1978, c. 208, § 28, eff. Jan. 1, 1979.

§19-1257. Road Improvement Bonds.

The board of county commissioners of any county, after the expiration of thirty (30) days from the publication of the assessing resolution, within which period the whole of any assessment may be paid without interest, may provide by resolution for the issuance of negotiable bonds in the aggregate amount of such assessments then remaining unpaid. The bonds shall bear a date of thirty (30) days after the publication of the resolution levying the assessments, and be of such denominations as the board of county commissioners and the bond attorney shall determine. The bonds shall in no event become a liability of the county issuing the same. The bonds shall be payable on or before October 1 next succeeding the September 1 on which the last installment of assessments shall mature, with interest at the rate of not to exceed thirteen percent (13%) per annum, payable October 1 next succeeding the due date of the first installment of assessments, and semiannually thereafter, until maturity, and fifteen percent (15%) per annum after maturity. Said bonds shall be designated as Road Improvement Bonds, and shall recite the roads, streets, alleys, avenues, lanes, or parts thereof, or other public places, for the improvement of which they have been issued and that they are payable, in cash, from the assessments which have been levied upon the lots and tracts of land benefited by said improvement and from the accumulation of the interest and penalty provided for. Said bonds shall be signed by the county commissioners of such county and attested by the county clerk, and shall have an impression of the corporate seal of the county thereon. The bonds and interest shall be payable at such place, either within or without the State of Oklahoma, as shall be designated therein. Said bonds shall be issued in series, and the bonds of each series shall be numbered consecutively beginning with number one, and said bonds of each series shall be payable, in cash, in their numerical order. Such bonds shall be registered by the county clerk and treasurer of such county in a book to be provided

for that purpose and each bond shall bear a certificate of such registration. Upon the books of such treasurer shall be noted the name of the holder thereof and his address, and any subsequent holder may cause the same to be registered in the name thereof upon submission of proper proof of ownership. The county shall have the right to call in and pay said bonds or any number thereof in the following manner: Whenever there shall be sufficient funds in the hands of the county treasurer after the payment of all interest due and to become due within the next six (6) months, such treasurer shall on or before March 10 and September 10 of any year give notice by registered mail addressed to the last registered holder of the bonds called, at the address appearing upon his registry that there have accumulated funds sufficient to pay the designated bonds, and interest thereon to April 1 next or October 1 next, and directing the presentation of such bond or bonds for payment and cancellation. The bond or bonds will cease to bear interest after said April 1 next or said October 1 next, and upon the payment and cancellation of said bond or bonds, proper entry thereof shall be made upon the books of the clerk and treasurer. It is hereby made the duty of such county treasurer upon the accumulation of sufficient funds as provided to pay one or more bonds to call and pay such bond or bonds, and in the event of failure to do so, he shall be liable for all such damages as may result therefrom. The provisions of this section may be enforced by appropriate proceedings in mandamus against such treasurer.

The bonds issued under this section shall have the same Oklahoma tax status as is given by the federal government.

Added by Laws 1978, c. 208, § 29, eff. Jan. 1, 1979. Amended by Laws 1983, c. 148, § 13, operative July 1, 1983; Laws 2010, c. 40, § 4, eff. Nov. 1, 2010.

NOTE: Laws 1983, c. 170, § 35 repealed by Laws 1989, c. 62, § 1, emerg. eff. April 13, 1989.

§19-1258. Proceeds from sale of bonds – Disbursement – Payment of contractor.

The proceeds from the sale of the bonds pursuant to the provisions of Section 1257 of this title shall be deposited in separate accounts established for each improvement and disbursed only for the cost associated with the respective improvement. Payment to the contractor shall be in parcels on the completion of the work or improvement or any part thereof, not less than one block, to an amount equal to the improvement so completed and accepted. Any funds not disbursed shall be utilized by the county commissioners to recall outstanding bonds. Payment to the contractor in money shall be paid no more than sixty (60) days after the due date for payment of assessments, including special

assessments and each installment of such assessments and the interest on such assessments.
Added by Laws 1978, c. 208, § 30, eff. Jan. 1, 1979. Amended by Laws 1983, c. 148, § 14, operative July 1, 1983; Laws 2010, c. 40, § 5, eff. Nov. 1, 2010.

§19-1259. Registration of bonds - Transfer or assignment.

The owner or holder of any road improvement bonds heretofore or hereafter issued by any county in the State of Oklahoma for the payment of road or street improvements in any such county shall register such bond with the county clerk or appointed agent of such county by presenting same to such clerk, who shall thereupon enter in a book to be kept for that purpose, a description of such bond, and the name of the owner or holder presenting the same for registration, and the date of registration thereof, and endorse upon such bond, over his signature, or a facsimile of his signature, the legend, "registered in my office". After registration of any such bond no transfer or assignment thereof shall be valid until such transfer or assignment has been registered with the clerk or appointed agent of such county.
Added by Laws 1978, c. 208, § 31, eff. Jan. 1, 1979. Amended by Laws 1983, c. 170, § 36, eff. July 1, 1983.

§19-1260. Consent of registered owners of bond to payment of special assessments - Presentment for payment - Endorsement - Cancellation.

Whenever the outstanding bonds in any series issued for the payment of road or street improvements in any district have been registered in accordance with the provisions of Section 1259 of this title, all of the registered owners of all of such bonds may file their consent in writing with the county clerk in which such district is located, that bonds of such series may be used in payment of special assessments in accordance with the provisions of this act; and such written consent shall be binding upon any transferee or assignee of any of such bonds, and upon all of the registered owners signing the same, as to all payments made in pursuance hereof, until written notice be filed with the clerk by any such registered owner, or registered transferee or assignee, of any such bond, terminating his consent thereto. After such written consent is filed, as aforesaid, and until written notice of termination is given as herein provided, the owner of any property in any such road improvement district may, with the written consent of the registered owner, or owners thereof, present to the county clerk of such county, the bond bearing the lowest serial number of the bonds outstanding in such series, or if the same be insufficient, then he may present the next serially numbered bond, or bonds, as the case may require, in payment of the special

assessment, or of any installment thereof, upon said owner's property in such road improvement district, whether delinquent or unmatured, with all interest and penalty thereon. The clerk of said county shall endorse upon said bond, or bonds, the amount of the installment, or installments, and interest and penalty thereon, for which the registered owner, or owners, consent that said bond may be tendered as payment, and thereupon the clerk shall issue a receipt to the owner of such property to the extent of such installment, together with interest and penalty, for which credit has been endorsed, as aforesaid, upon said bond or bonds. Whenever the credits upon any such bond so endorsed equals the principal amount of such bond, together with all matured interest, said bond, together with all interest, whether due or to become due, shall be canceled by such clerk.
Added by Laws 1978, c. 208, § 32, eff. Jan. 1, 1979. Amended by Laws 1983, c. 170, § 37, eff. July 1, 1983.

§19-1261. Delinquent assessments or installments - Presentment of bond receipt as payment - Discharge of liens.

In the event any such road or street improvement assessment, or installments thereof, paid by endorsement upon such bonds, as provided in Section 32 of this act, are delinquent and in the hands of the county treasurer of the county, for collection, then said receipt issued by the county clerk of such county, as herein provided for, may be presented by the holder thereof to the county treasurer of such county, who shall thereupon endorse upon his records the satisfaction and discharge of the improvement taxes upon the property for the installments described in such receipt, and thereafter such property shall be free and discharged of and from all further lien for such installments of such assessment.
Added by Laws 1978, c. 208, § 33, eff. Jan. 1, 1979.

§19-1262. Transferees or assignees - Obligations.

Any transferee or assignee of any such bonds, from a registered owner or holder thereof, shall be bound by any payments and discharges made prior to the registration of his transfer and in pursuance of the provisions hereof.
Added by Laws 1978, c. 208, § 34, eff. Jan. 1, 1979.

§19-1263. Application of Sections 1230 through 1262.

The provisions of Sections 1230 through 1262 of Title 19 of the Oklahoma Statutes shall apply only to road improvement districts.
Added by Laws 1979, c. 27, § 1, emerg. eff. April 3, 1979.

§19-1264. Annexation to road improvement district.

Upon the filing of a petition with the board of county commissioners for a change in boundaries of any road improvement

district, signed by a majority of the assessed members of the existing road improvement district, the board of county commissioners shall cause notice to be published one time in a newspaper printed and published in the county and of general circulation in the area sought to be annexed, at least ten (10) days before the time at which such petition will be heard. Such notice shall state the time and place when and where the petition will be heard by the board of county commissioners, a brief substance of the petition and that all persons interested may appear and be heard. The board of county commissioners shall have exclusive jurisdiction to hear and determine all contests and objections pertaining to such annexation. At such hearing the board of county commissioners shall also determine whether or not the annexation of such area to such road improvement district will be to the best interests of the residents of the area affected, or beneficial to the public health and welfare of said area as now exists, or to be developed, and if said board of county commissioners determines that it will, then the board of county commissioners shall make an order annexing such area to said road improvement district, and such territory for all purposes shall thereafter be a part of the road improvement district. The annexed territory shall assume its proportion of all legal indebtedness outstanding against the original road improvement district, including bonded indebtedness.
Added by Laws 1985, c. 162, § 3, emerg. eff. June 13, 1985.

§19-1275. Authority to issue bond.

All counties in the State of Oklahoma are hereby authorized to issue bonds in accordance with the provisions of this act for the purpose of acquiring, constructing, leasing or operating water facilities, reservoirs or projects as defined in Section 1085.32 of Title 82 of the Oklahoma Statutes in such county, either individually or jointly with other political subdivisions or agencies of the state.
Added by Laws 1982, c. 327, § 1, emerg. eff. June 1, 1982.

§19-1276. Election - Resolution - Notice - Ballots.

A. Upon the adoption of a resolution by a majority of the board of county commissioners or upon a petition to the board of county commissioners signed by twenty percent (20%) of the qualified voters of the county as determined by the last general election, the board of county commissioners shall by resolution call an election for the purpose of issuing bonds as provided in Section 1 of this act.

B. The board of county commissioners shall give notice of said election by publication once a week for two (2) consecutive weeks in a daily or weekly newspaper of general circulation published in the county. If there is no daily or weekly newspaper published in such county, then notice shall be given by publication in the manner

provided for in this section in a newspaper of general circulation in such county.

C. The resolution calling for the election and the notice shall contain:

1. The amount of bonds to be issued;

2. The time of holding said election, which shall not be less than thirty (30) days from the first publication of any notice; and

3. The purpose for which the facilities or reservoirs are to be used.

D. Printed ballots stating "For Bonds" and "Against Bonds" shall be cast at the election.

Added by Laws 1982, c. 327, § 2, emerg. eff. June 1, 1982.

§19-1277. Issuance and sale of bonds - Competitive bids - Deposit of proceeds.

A. If at the election three-fifths (3/5) of the voters voting thereon shall vote in favor of the issuance of water facility or reservoir general obligation bonds, the board of county commissioners shall proceed at once with the issuing of the bonds and shall deposit them in the treasury of the county. The county treasurer shall be responsible and chargeable for the bonds on his official bond.

B. The bonds shall be sold by competitive bid. The board of county commissioners shall award the purchase of the bonds to the highest responsible bidder, but shall have the right to reject any and all bids. The board shall in no event sell any of the bonds for less than par with accrued interest.

C. Proceeds from the sale of said bonds shall be deposited in the treasury of said county and the county treasurer shall pay out such money upon the orders of the board of county commissioners from time to time as the same shall be needed.

Added by Laws 1982, c. 327, § 3, emerg. eff. June 1, 1982.

§19-1278. Interest rate.

Bonds issued as provided in this act shall be made payable and be issued as provided by law in the Registered Public Obligations Act of Oklahoma, bearing interest at a rate not to exceed ten percent (10%), per annum.

Added by Laws 1982, c. 327, § 4, emerg. eff. June 1, 1982. Amended by Laws 1983, c. 170, § 38, eff. July 1, 1983.

§19-1279. Levy of taxes to pay principal and interest on bond.

It shall be the duty of the officers charged by law with the levying of taxes for county purposes to levy annually an amount sufficient to pay the principal and interest due each year on the bonds issued pursuant to this act.

Added by Laws 1982, c. 327, § 5, emerg. eff. June 1, 1982.

§19-1301. Vacation and sick leave plan.

Each county may develop and maintain a formal plan for vacation and sick leave for all regular employees. No person chosen by election or appointment to fill an elective office shall be subject to any leave plan, nor shall such person be eligible for accrual of any leave benefits.

Any leave plan adopted by a county shall not extend benefits to any employee in excess of leave benefits available to a regular state employee in the classified service.

Added by Laws 1979, c. 220, § 1, emerg. eff. May 30, 1979.

§19-1302. Wellness Council.

Each county or city-county health department may establish a Wellness Council to develop a wellness program for its employees. Participation in the program shall be available to all full-time employees. The Wellness Council shall establish determining factors in order to monitor achievement of and maintenance of healthy lifestyles with the ultimate goal of reduction of claims and subsequent reduction of costs for health insurance.

Each county or city-county health department may establish a separate fund to be designated as the "Wellness Program Fund". The Wellness Program Fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of all monies received by the Wellness Council through general county funds and through grants, donations, contributions and gifts from public or private sources. Monies from the Wellness Program Fund may be used for incentives to encourage participation by employees and for costs related to the operation of the Wellness Council.

The Wellness Council shall track the number of participants, the cost of insurance premiums, and expenditure of funds on an annual basis and report findings to the board of county commissioners or the city-county board of health at a regularly scheduled meeting in January. All reporting shall be in strict compliance with all privacy laws.

Added by Laws 2013, c. 134, § 2, eff. Nov. 1, 2013. Amended by Laws 2014, c. 110, § 1, eff. Nov. 1, 2014.

§19-1401. Short title.

This act may be cited as the "County Budget Act".

Added by Laws 1981, c. 166, § 1, emerg. eff. May 13, 1981.

§19-1402. Purpose of County Budget Act.

The purpose of the County Budget Act is to provide a budget procedure for county governments which shall:

1. Establish uniform and sound fiscal procedures for the preparation, adoption, execution and control of budgets, and foster

cooperation among the elected officials for the effective and informed operation of county government;

2. Enable counties to make financial plans for both current and capital expenditures and to ensure that their executive staffs administer their respective functions in accordance with adopted budgets;

3. Make available to the public and investors sufficient information as to the financial conditions, requirements and expectations of the county government; and

4. If requested, assist county governments to improve and implement generally accepted accounting principles as applied to governmental accounting, auditing and financial reporting and standards of governmental finance management if the principles are adopted.

Added by Laws 1981, c. 166, § 2, emerg. eff. May 13, 1981. Amended by Laws 1986, c. 135, § 2, emerg. eff. April 17, 1986; Laws 2011, c. 18, § 2, eff. July 1, 2011.

§19-1403. Application of act.

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. 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.

Added by Laws 1981, c. 166, § 3, emerg. eff. May 13, 1981. Amended by Laws 1986, c. 135, § 3, emerg. eff. April 17, 1986.

§19-1404. Definitions.

As used in this act:

1. "Account" means a columnar record in which are entered the increases and decreases of related monetary transactions and the resulting balance thereof. Accounts are maintained within each fund, classified by categories appropriate thereto;

2. "Appropriation" means an authorization and allocation of money to be expended for a given function, activity or particular purpose;

3. "Board" means the county budget board created by this act;

4. "Budget" means a plan of financial operations for a fiscal year, including an estimate of proposed expenditures for given purposes and the proposed means for financing them. "Budget" may refer to the budget of a particular fund for which a budget is

required by law or it may refer collectively to the budget for such funds;

5. "Budget summary" means a tabular listing of revenues by source and expenditures by fund and by department within each fund for the budget year;

6. "Budget year" means the fiscal year for which a budget is prepared or being prepared;

7. "County" means any county government and all its agencies, instrumentalities, departments, offices, boards or commissions, which by resolution of the governing body has elected to come under and comply with all of the provisions and requirements of this act;

8. "County officer" means the county clerk, county commissioner, county assessor, district court clerk, county treasurer or county sheriff;

9. "Current year" means the year in which the budget is prepared and adopted, i.e., the fiscal year next preceding the budget year;

10. "Deficit" means the excess of the liabilities, reserves, including encumbrances, and contributions of a fund over its assets, as reflected by its book of account;

11. "Department" means a functional unit within a fund, such as a sheriff's department or a health department;

12. "Estimated revenue" means the amount of revenues estimated to be received during the budget year from each source in each fund for which a budget is being prepared. Estimated revenue includes any appropriated fund balance as a separate item in the budget of revenues for a particular fund for the budget year;

13. "Fiscal year" means the annual period for reporting fiscal operations, which begins and ends on dates as the Legislature provides;

14. "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts to record cash and other financial resources, together with all liabilities, which are segregated for the purpose of carrying on specific activities or attaining certain objectives, or as otherwise defined in current generally accepted accounting principles;

15. "Fund balance" means the excess of the assets of a fund over its liabilities, reserves, including encumbrances, and contributions, as reflected by its book of account;

16. "Governing body" means the board of county commissioners of the county;

17. "Immediate prior fiscal year" means the year next preceding the current year;

18. "Levy" means to impose ad valorem taxes or the total amount of ad valorem taxes imposed for a specific purpose or for a given entity; and

19. "Operating reserve" means that portion of the fund balance which has not been appropriated in a budget year. The "operating reserve" will be equivalent to the "unappropriated fund balance" in any fund for which a budget is prepared.
Added by Laws 1981, c. 166, § 4, emerg. eff. May 13, 1981. Amended by Laws 1986, c. 135, § 4, emerg. eff. April 17, 1986; Laws 1993, c. 239, § 15, eff. July 1, 1993.

§19-1405. Accounting records and financial statements - Establishment and maintenance.

The accounting records of each county may be established and maintained and financial statements prepared therefrom in conformity with generally accepted accounting principles promulgated from time to time by authoritative bodies in the United States. For counties that so choose, the State Auditor and Inspector shall prescribe a uniform system of accounting that conforms to generally accepted accounting principles for counties which have elected to come under the provisions of the County Budget Act. When requested, the State Auditor and Inspector shall disseminate to each county, through accounting manuals or other means, current generally accepted accounting principles.
Added by Laws 1981, c. 166, § 5, emerg. eff. May 13, 1981. Amended by Laws 2011, c. 18, § 3, eff. July 1, 2011.

§19-1406. Maintenance of funds and account groups.

Each county shall maintain, according to its own accounting needs, some or all of the funds and account groups in its system of accounts, as prescribed by the state statutes.
Added by Laws 1981, c. 166, § 6, emerg. eff. May 13, 1981.

§19-1407. County budget board - Membership - Officers - Vacancies - Meetings.

A county budget board is created in each county which elects to come under the provisions of this act. The board shall consist of each elected county officer. The chairman of the board of county commissioners shall serve as chairman of the county budget board. The county clerk shall serve as secretary of the county budget board. The chairman shall have all the rights and privileges as any other member of the board, including the right to vote on questions. Each member of the board shall be entitled to cast one vote. The members shall elect a vice-chairman from among them and develop such other rules or procedures as may be necessary to ensure the orderly conduct of business. The vice-chairman shall serve as chairman during the absence or vacancy of the chairman. When a vacancy occurs in the office of any county officer serving as a member of the board, such position on the board shall be considered vacant until the county office is filled in the manner provided by law.

Regular meetings of the board shall be set by the board. Special meetings shall be held at the call of the chairman or any two (2) members of the board. A majority of all the members of the board then in office shall constitute a quorum and have the power to transact business. Any official action of the board in adopting or revising the county budget or any portion thereof shall be effective upon the approving vote of a majority of all the board members then in office.
Added by Laws 1981, c. 166, § 7, emerg. eff. May 13, 1981.

§19-1408. Preparation of budget for each fund.
The county budget board shall prepare for each budget year a budget for each fund whose activities require funding through appropriation from the budget board.
Added by Laws 1981, c. 166, § 8, emerg. eff. May 13, 1981.

§19-1409. Adoption of budget - Capital projects fund budget - Reserve fund.
A. All budgets comprising normal operations of the county shall be adopted for a fiscal year. Major capital improvements financed by general obligation bonds, capital grants or contributions shall use a capital projects fund budget. The term of the budget shall coincide with the term of the individual project or projects. To the extent appropriate, the requirements for preparation, adoption and execution of the budgets described in Section 1408 of this title, as hereinafter set forth in this act, shall apply to budgets of capital projects funds.
B. In addition to a capital projects fund, the county may establish a reserve fund to meet unforeseen contingencies which may occur throughout the fiscal year.
Added by Laws 1981, c. 166, § 9, emerg. eff. May 13, 1981. Amended by Laws 2004, c. 99, § 3, eff. Nov. 1, 2004.

§19-1410. Fund budgets required - Format - Contents.
A. At least thirty (30) days prior to the beginning of each fiscal year, a budget for each fund of the county for which a budget is required shall be completed by the county budget board. Each budget shall provide a complete financial plan for the budget year. The budget format shall be as prescribed by the State Auditor and Inspector. The format shall contain at least the following in tabular form for each fund, itemized by department and account within each fund:
1. Actual revenues and expenditures for the immediate prior fiscal year;
2. Estimated actual revenues and expenditures for the current fiscal year; and

3. Estimated revenues and proposed expenditures for the budget year.

B. The budget for each fund shall contain a budget summary. It shall also be accompanied by a budget message from the governing body which shall explain the budget and describe its important features.

C. The estimate of revenues in each fund for any budget year shall include probable income by source which the county is legally empowered to collect or receive at the time the budgets are adopted. The estimate shall be based upon a review and analysis of past and anticipated revenues of the county. Any portion of the budget of revenues to be derived from ad valorem property taxation shall not exceed the estimated amount of tax which is available for appropriation, as provided by the county excise board, or which can or must be raised as required by law. The budget of expenditures for each fund shall not exceed the estimated revenues for each fund. No more than ten percent (10%) of the total budget for any fund may be budgeted for miscellaneous purposes. Included in the budget of revenues or expenditures for any fund may be amounts transferred from or to another fund. Any such interfund transfer shall be shown as a transfer from the one fund and as a transfer to the other fund.

D. The county budget board shall determine the needs of the county for sinking fund purposes, pursuant to Section 431 of Title 62 and Section 28 of Article X of the Oklahoma Constitution, and include these requirements in the debt service fund budget for the budget year.

Added by Laws 1981, c. 166, § 10, emerg. eff. May 13, 1981.

§19-1411. Estimate of revenues and expenditures.

A. On or before a date set by the county budget board, the county excise board shall provide a tentative estimate of anticipated revenues from all sources, classified by funds, for the succeeding fiscal year.

B. On or before a date set by the county budget board, each officer, board or commission and all employees charged with the management or control of any department or office, as determined by the county budget board, shall prepare for the succeeding fiscal year, on forms provided by the budget board, estimated revenues and expenditures of the department or office. The county budget board may require such additional statistics or financial statements from county officers or others to enable it to ascertain fiscal conditions and needs. The information as to estimated revenues is supplementary and is not intended to equal estimated expenditures. The information required from each department, office, board or commission shall be set forth in tabular form, as follows:

1. Actual revenues and expenditures in the immediate prior fiscal year;

2. Budget estimates for the current fiscal year;

3. Actual revenues and expenditures for a period of six (6) to (9) nine months, as appropriate, of the current fiscal year;

4. Estimated actual revenues and expenditures for the current fiscal year; and

5. Estimated revenues and proposed expenditures for the budget year.

C. The budget board shall estimate, on the basis of demonstrated need, the expenditures for the budget year after a review of the budget requests and estimates of the department heads, officers, boards or commissions. Each such official shall be heard by the budget board prior to making of its final estimates, but thereafter it may revise any estimates as deemed advisable before finalizing the proposed budget for each fund.

Added by Laws 1981, c. 166, § 11, emerg. eff. May 13, 1981.

§19-1412. Public hearings - Notice.

The county budget board shall hold a public hearing on the proposed budget no later than fifteen (15) days prior to the beginning of the budget year. Notice of the date, time and place of the hearing, together with the proposed budget summaries, shall be published on the county's website and in a newspaper of general circulation in the county not less than five (5) days before the date of the hearing. Affidavit and proof of publication shall be attached to the budget when filed with the county excise board and State Auditor and Inspector. The county clerk shall make available a sufficient number of copies of the proposed budgets as the county budget board shall determine and have them available for review or for distribution or sale at the office of the county clerk. At the public hearing on the budgets, any person may present to the county budget board comments, recommendations or information on any part of the proposed budget.

Added by Laws 1981, c. 166, § 12, emerg. eff. May 13, 1981. Amended by Laws 2018, c. 292, § 2, eff. Nov. 1, 2018.

§19-1413. Adoption of budget - Filing - Appropriations.

A. After the hearing and at least seven (7) days prior to the beginning of the budget year, the county budget board shall adopt the budget for each fund. The budget board may add or increase items or delete or decrease items in each budget. In all cases, the proposed expenditures shall not exceed the estimated revenues in the budget of any fund.

B. The adopted budgets shall be filed with the excise board of the county on or before the first day of the budget year. At the same time the budgets are filed with the excise board, one copy of each budget as adopted shall be kept on file in the office of the county clerk and a copy filed with the State Auditor and Inspector.

C. The adopted budgets shall be in effect on and after the first day of the fiscal year to which they apply. The budgets as adopted and filed with the excise board shall constitute an appropriation for each fund, subject to final approval of the county excise board as provided in this act, and the appropriation thus made shall not be used for any other purpose except as provided by law.
Added by Laws 1981, c. 166, § 13, emerg. eff. May 13, 1981.

§19-1414. Examination of budgets - Powers and duties of excise board.

A. The county excise board shall examine the county budgets. The excise board may take the following actions on the budgets:

1. For any items or amounts which are not authorized by law or which may be contrary to law, the unlawful amounts or items shall be stricken and disregarded;

2. Any amount which exceeds the lawful amount authorized by law shall be reduced to the extent authorized by law;

3. If any items or amounts are mandated by law and not provided for the county excise board shall return the budget to the county budget board to revise the budget to provide for the mandated items or amounts. The county budget board shall revise or amend the budget as needed and resubmit the budget within fifteen (15) days of the return by the excise board;

4. If any portion of the budget of revenues to be derived from ad valorem property tax exceeds the amount of tax which is available for appropriation, as finally determined and computed by the county excise board, the excise board shall return the budget to the county budget board to revise or amend the budget as needed and resubmit the budget within fifteen (15) days of the return by the excise board;

5. If any reduction or amendment in the budget is required by the computations of Section 3017 of Title 68 of the Oklahoma Statutes, the county excise board shall note these and return the budget to the county budget board to revise or amend the budget as needed and resubmit the budget within fifteen (15) days from the date of the return by the excise board; and

6. If the budget is within the income and revenues lawfully available, the excise board shall approve the budget and compute the levy required.

B. At the time required by law, the county excise board shall compute the appropriations and levy the taxes necessary for the county for the budget year in accordance with this act and Section 3017 of Title 68 of the Oklahoma Statutes.

C. The secretary of the county excise board shall certify the approved budget to the county budget board, the county treasurer and the State Auditor and Inspector. A copy of the budget as adopted

and approved by the excise board shall be filed in the offices of the county clerk, the secretary of the county excise board and the State Auditor and Inspector.
Added by Laws 1981, c. 166, § 14, emerg. eff. May 13, 1981. Amended by Laws 2007, c. 155, § 1, eff. Nov. 1, 2007.

§19-1415. Protests - Status of budget - Examination.

Within fifteen (15) days after the filing of any county budget with the State Auditor and Inspector, any taxpayer may file protests against any alleged illegality of the budget in the manner provided by Sections 24104 through 24111 of Title 68 of the Oklahoma Statutes. If no protest is filed by any taxpayer within the fifteen-day period, the budget and any appropriation thereof shall be deemed legal and final until amended by the county budget board. Taxpayers shall have the right at all reasonable times to examine the budget on file with the county clerk, county excise board or the State Auditor and Inspector for the purpose of checking for illegalities in the levies made or for filing protests in accordance with this section.
Added by Laws 1981, c. 166, § 15, emerg. eff. May 13, 1981.

§19-1416. Expenditures exceeding fund balance prohibited - Budget balances - Other unlawful acts - Liability.

A. No expenditure may be authorized or made by any county officer or employee which exceeds any fund balance in any fund for which a budget is not required to be adopted.

B. Any balance remaining in a fund at the end of the budget year shall be carried forward to the credit of the fund for the next budget year.

C. It shall be unlawful for any county officer or employee in any budget year of a fund for which a budget has been prepared:

1. To create or authorize creation of a deficit in any fund; or

2. To authorize, make or incur expenditures or encumbrances in excess of ninety percent (90%) of the appropriation for a given category of expenditure in the budget of any fund as adopted or amended until revenues in an amount equal to at least ninety percent (90%) of the appropriation have been collected. Any fund balance which is included in the appropriation within a given fund is considered revenue in the budget year for which it is appropriated. Expenditures may then be made and authorized as revenues are available so long as any expenditure does not exceed the actual fund balance in any budgeted fund.

D. Any obligation that is contracted or authorized by any county officer or employee in violation of this act shall become the obligation of the officer or employee himself and shall not be valid or enforceable against the county. Any county officer or employee who violates this act shall forfeit his office or position and shall

be subject to such civil and criminal punishments as are provided by law. Any obligation, authorization for expenditure or expenditure made in violation of this act shall be illegal and void.
Added by Laws 1981, c. 166, § 16, emerg. eff. May 13, 1981.

§19-1417. Classifying estimated revenues and expenditures.

Estimated revenues and appropriation expenditures in the budget of each fund shall be classified in conformity with the accounting system prescribed by the State Auditor and Inspector. Revenues shall be classified separately by source. Expenditures shall be departmentalized by appropriate functions and activities within each fund and shall be classified within the following categories:

1. Salaries and wages, which may include expenses for salaries, wages, per diem allowances and other forms of compensation;

2. Employee benefits paid to any officer or employee for services rendered or for employment. Employee benefits may include employer contributions to a retirement system, insurance, vacation allowances, sick leave, terminal pay or similar benefits;

3. Operating expenses, which may include materials and supplies, articles and commodities which are consumed or materially altered when used, such as office supplies, operating supplies and repair and maintenance supplies, and all items of expense to any persons, firm or corporation rendering a service in connection with repair, sale or trade of such articles or commodities, such as services or charges for communications, transportation, advertising, printing or binding, insurance, public utility services, repairs and maintenance, rentals, miscellaneous items and all items of operating expense to any person, firm or corporation rendering such services;

4. Other charges consisting primarily of conduit type payments, such as charity, food and clothing, claims and damages, death benefits, grants and subsidies, reimbursements for food stamp distribution, and similar payments;

5. Capital outlays, which may include outlays which result in acquisition of or additions to fixed assets purchased by the county, including land, buildings, improvements other than buildings, and all construction, reconstruction, appurtenances or improvements to real property accomplished according to the conditions of a contract, machinery and equipment, furniture and autos and trucks; and

6. Debt service, which may include outlays in the form of debt principal payments, periodic interest payments, paying agent's fees, or related service charges for benefits received in part in prior fiscal periods as well as in current and future fiscal periods.
Added by Laws 1981, c. 166, § 17, emerg. eff. May 13, 1981.

§19-1418. Transfer of appropriations.

A county budget board may authorize transfers of any unencumbered and unexpended appropriation or any portion thereof from one expenditure category to another within the same department or from one department to another within the same fund, except that no appropriation for debt service or other appropriation required by law or resolution may be reduced below the minimums required. Interfund transfers may be made only as authorized by this act or as provided in the budget as adopted or amended according to Sections 10, 14 and 20 of this act.
Added by Laws 1981, c. 166, § 18, emerg. eff. May 13, 1981.

§19-1419. Transfer of special fund, debt service and special assessment fund balances.

Whenever the necessity for maintaining any special fund of a county has ceased to exist and a balance remains in the fund, the county budget board may authorize the transfer of the balance to the general fund. Applicable law shall govern the use or transfer of balances in any debt service or special assessment fund.
Added by Laws 1981, c. 166, § 19, emerg. eff. May 13, 1981.

§19-1420. Supplemental appropriations - Amendment of budget.

A. The county budget board may amend the budget to make supplemental appropriations to any fund up to the amount of revenues in excess of the total estimated in the latest budget, which are available for current expenses due to:

1. Revenues received from sources not anticipated in the budget for that year;

2. Revenues received from anticipated sources but in excess of the budget estimates therefor; or

3. An unexpended and unencumbered fund balance on hand at the end of the preceding fiscal year which had not been anticipated in the budget. Any appropriation authorizing the creation of an indebtedness shall be governed by the applicable provisions of Article X of the Oklahoma Constitution.

B. If at any time during the budget year it appears probable that revenues available will be insufficient to meet the amount appropriated, or that due to unforeseen emergencies there is temporarily insufficient money in a particular fund to meet the requirements of appropriation in the fund, the county budget board shall take such action as it deems necessary. For that purpose, it may amend the budget to reduce one or more appropriations or it may amend the budget to transfer money from one fund to another fund, but no appropriation for debt service may be reduced and no appropriation may be reduced by more than the amount of the unexpended and unencumbered balance thereof. No transfer shall be made from the debt service fund to any other fund except as may be permitted by the terms of the bond issue or applicable law.

C. A budget amendment as provided in this section authorizing supplemental appropriations or a decrease or change in appropriation of funds shall be adopted at a meeting of the county budget board and filed with the county clerk, the county excise board and the State Auditor and Inspector.
Added by Laws 1981, c. 166, § 20, emerg. eff. May 13, 1981.

§19-1421. Implementation and administration of act.
For the purpose of carrying into effect the provisions of this act, and for its proper administration, the State Auditor and Inspector is hereby empowered to promulgate and enforce such rules and regulations as may be necessary but not inconsistent herewith, and he shall prescribe all the forms of whatsoever nature referred to in this act including but not necessarily limited to budget forms, supporting schedule forms and all other accounting stationery required, desired or needed under the provisions of this act.
Added by Laws 1981, c. 166, § 21, emerg. eff. May 13, 1981.

§19-1500. County purchasing agent - Appointment - Training - Duties and responsibilities - Salary - Office space and equipment.
A. The county clerk of each county or an employee of that office so designated by the county clerk shall be the county purchasing agent. Provided, in counties having a county budget board created pursuant to the County Budget Act, the board may, upon an affirmative vote of a majority of all the board members then in office, appoint a county purchasing agent. In the event the board does not appoint a county purchasing agent, the county clerk or an employee of that office so designated by the county clerk shall be the county purchasing agent. The county purchasing agent shall be under the general supervision and direction of the appointing authority.
B. All persons serving as county purchasing agents on July 1, 1989, shall attend training seminars sponsored by the Oklahoma Cooperative Extension Service prior to July 1, 1990. The training seminars will cover the terminology, concepts, customs and practices of the sellers of supplies, materials, equipment and information technology and telecommunications goods commonly purchased for the county. All county purchasing agents appointed after July 1, 1989, shall attend the training seminars within one (1) year of their appointment.
C. The county purchasing agent shall be authorized necessary assistants to carry out the duties and responsibilities provided by law and as may be delegated by the appointing authority. Provided, the employment of such assistants shall be upon the approval of the appointing authority. The salary of the county purchasing agent and assistants shall be fixed by the appointing authority. Provided, if

the county clerk is the county purchasing agent, the salary of the county clerk shall remain as provided by law.

D. The county purchasing agent shall, at the expense of the county, be authorized adequate office space, furnishings, equipment and supplies to carry out the duties and responsibilities of the county purchasing agent as provided by law and as may be delegated by the appointing authority. Provided, the acquisition of such furnishings, equipment and supplies shall be upon the approval of the appointing authority, and the acquisition of office space shall be upon the approval of the board of county commissioners.
Added by Laws 1982, c. 249, § 1, eff. Jan. 1, 1983. Amended by Laws 1989, c. 286, § 3, operative July 1, 1989; Laws 2008, c. 40, § 1, eff. Nov. 1, 2008; Laws 2013, c. 358, § 1, eff. July 1, 2013.

§19-1500.1. County purchasing agent – Powers – Electronic commerce.

A. Except as otherwise provided by Section 1500 et seq. of this title, the county purchasing agent shall have the authority to develop, implement and promote policies and procedures that allow the procurement of materials and equipment through contracts that are flexible, value based and are in the best interests of the state and its political subdivisions.

B. Except as otherwise provided, the county purchasing agent shall have the authority to use electronic commerce for the solicitation, notification, and other purchasing processes. For purposes of this subsection, "electronic commerce" means the use of electronic methods to enable solicitations, open bids, supplier response, bid submission, notice of contract award, county acquisition processes, or any other function to make an acquisition.

C. The boards of county commissioners shall have the authority to conduct a procurement transaction by electronic means subject to the provisions of the Uniform Electronic Transactions Act.

D. The board of county commissioners shall have the authority to establish an online bidding process with a vendor authorized by state contract as provided by the Office of Management and Enterprise Services.

1. The purchasing agent shall comply with all bid notice requirements as prescribed in paragraph 2 of subsection B of Section 1505 of this title or the Public Competitive Bidding Act of 1974.

2. Solicitations shall designate an opening and closing date and time for bids. Sealed bids received pursuant to this subsection shall be first opened in an open meeting of the board of county commissioners concurrently with other sealed bids received as provided in Section 1505 of this title or the Public Competitive Bidding Act of 1974.

3. The board of county commissioners shall be authorized to require online bidders to register before the opening date and time and, as part of that registration, require bidders to agree to any

terms, conditions or other requirements of the solicitation or applicable acts.

4. The board of county commissioners shall be authorized to require potential online bidders to prequalify as bidders. Solicitations and published bid notices shall indicate the prequalification requirements for online bids. Bids submitted by online bidders not meeting a prequalification requirement shall be disqualified from consideration.

Added by Laws 1999, c. 399, § 3, eff. July 1, 1999. Amended by Laws 2010, c. 64, § 1, eff. July 1, 2010; Laws 2013, c. 358, § 2, eff. July 1, 2013; Laws 2020, c. 30, § 1, eff. Nov. 1, 2020.

§19-1501. Duties of county purchasing agent - Requisition of purchase orders.

A. The county purchasing agent:

1. Shall, within the amount of the unencumbered balance, make all purchases that are paid from county funds for the various institutions, departments, officers, and employees of the county, except at public auctions and as otherwise provided for by law;

2. May make purchases for political subdivisions of this state within the county if authorized by appropriate action of the governing board or body of the political subdivision affected;

3. Shall make purchases and rental or lease-purchase agreements only after following the bidding procedures as provided for by law, except:

a. when the purchase does not exceed Twenty-five Thousand Dollars ($25,000.00) by department. All purchases made pursuant to this subparagraph shall be by a single purchase order. Splitting purchase orders which would result in paying an amount in excess of the limitations specified in this subparagraph is expressly prohibited. Any person convicted of violating the provisions of this subparagraph shall be guilty of a misdemeanor and such person shall forfeit the person's position or office,

b. when the total payments of a rental or lease-purchase agreement do not exceed the current bid limit as established in subparagraph a of this paragraph,

c. when articles and items are covered by single-source contracts,

d. service or maintenance contracts on equipment or machinery which are entered into at the time of the purchase of the equipment or machinery,

e. purchases made pursuant to a blanket purchase order as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes,

f. when materials for road or bridge improvements do not exceed Seven Dollars ($7.00) per yard or per ton,
g. purchases of fuel if the county purchasing agent obtains quotes from at least three vendors prior to the purchase and the lowest and best quote is selected. Documentation of these quotes shall be recorded in the permanent records of the clerk,
h. purchases of tools, apparatus, machinery or equipment from a state agency or a political subdivision of the state as provided for in subsection C of Section 421.1 of this title,
i. purchases of food for prisoners incarcerated in the county jail; provided, in counties having a population in excess of one hundred thousand (100,000) persons, the county purchasing agent shall follow bidding procedures as provided by law unless the county purchasing agent obtains quotes pursuant to the whole total of food items requisitioned prior to the purchase and the lowest and best quote is selected. Documentation of these quotes shall be recorded in the permanent records of the county clerk,
j. when a county solicits bids for the purchase of processed native materials for road and bridge improvements, the county may accept all bids received, with the lowest and best bid from those accepted to be selected at the time of opening of any construction project. The selection of the bid shall be based upon availability, bid price, plus transportation costs,
k. when a vendor has been selected as the lowest and best bidder to furnish a particular item or items to the county during a specified time period and in the event the vendor is unable to perform, the purchasing agent may solicit telephone quotes for the item or items needed from the list of qualified bidders and provide for the purchase of the items at the lowest and best quote available,
l. when considering the purchase of an item or items from the state bid list as provided by the Office of Management and Enterprise Services or the General Services Administration, if the same exact item is available from a local vendor at or below the price listed on the state bid list or the General Services Administration list, the item may be obtained from the vendor,
m. any item or items bid by the Office of Management and Enterprise Services which may be purchased by the

county, provided the vendor is willing to supply the item or items to the county at the bid price,

n. when a county obtains proceeds from the sale of its property at a public auction, that county may use those proceeds to acquire items previously identified as needed by the county at the same public auction pursuant to subsection D of Section 1505 of this title,

o. when an item or items have been competitively bid by a county, or on behalf of a group of counties, provided:
   (1) the notice to bidders shall list each county which may participate in the purchase of the item or items being bid,
   (2) the notice of bid is advertised, as provided by law, in each of the counties which may participate in the purchase of the item or items,
   (3) all vendors on the list of qualified bidders of each participating county who offer the item or items for sale received notice of the bid request, and
   (4) the vendor awarded the bid is willing and able to provide the item or items at the bid price,

p. counties may participate in a nationwide purchasing program sponsored by the national association representing counties and local cooperative procurement agreements entered into by the counties and other local jurisdictions or any other competitively bid nationwide purchasing program, or

q. when the Governor declares an emergency in a county, the district attorney of that county shall have the authority to temporarily waive competitive bidding procedures for purchases that may expedite a response to the emergency situation. This temporary waiver shall be in addition to any powers exercised pursuant to Section 683.11 of Title 63 of the Oklahoma Statutes.

The purchases shall be paid by attaching properly itemized invoices, as described in Section 1505 of this title, to a purchase order which has been prepared by the county purchasing agent and submitting both to the county clerk for filing, encumbering, and consideration for payment by the board of county commissioners;

4. Shall not furnish any supplies, materials, equipment, or other articles, except upon receipt of a requisition signed by a county officer. Written requisitions will not be required for blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes. Each county officer may designate not more than two employees who also shall be authorized to sign

requisitions in the absence of the county officer. A written designation of the employees shall be filed with the county clerk and shall be entered in the minutes of the board of county commissioners. The county may designate two individuals who are not county employees for each of the following entities within the county to act as receiving and requisitioning officers:

a. fire protection districts organized and operated pursuant to the provisions of Sections 901.1 through 901.29 of this title,
b. fire protection services established pursuant to the provisions of Section 351 of this title,
c. volunteer or full-time fire departments established pursuant to Section 592 of Title 18 of the Oklahoma Statutes, and
d. municipal fire departments organized and operated pursuant to the provisions of Sections 29-101 through 29-108 and Sections 29-201 through 29-204 of Title 11 of the Oklahoma Statutes.

A written designation of these individuals shall be filed with the county clerk and shall be entered in the minutes of the board of county commissioners meeting in which the designations are made. Further, entities described in subparagraphs a, b, c and d of this paragraph, choosing to have any nonemployee of the county designated as a receiving and requisitioning officer shall provide evidence of blanket bond coverage or employee dishonesty liability insurance for each such designee;

5. Shall make lease or lease-purchase agreements for road machinery and equipment if the county has adequate funds appropriated during any fiscal year for such purpose and only after following the bidding procedures as provided for in Section 1505 of this title. The term of any lease or lease-purchase agreement authorized pursuant to this paragraph may be for any period up to one (1) year; provided, the term shall not extend beyond the end of any fiscal year, with an option to renew such agreement subject to the requirement that adequate funds are appropriated during the fiscal year by the county for such purpose. The State Auditor and Inspector's Office shall be notified by the county of the terms and conditions of a lease or lease-purchase agreement authorized pursuant to this paragraph before any such agreement is made by the county purchasing agent; and

6. Shall perform such other duties as may be delegated by the appointing authority or as may be provided for by law.

B. Each department of county government needing repairs to equipment, machinery or vehicles shall make estimates and requisition a purchase order from the county purchasing agent for repairs not in excess of Ten Thousand Dollars ($10,000.00). Repairs in excess of Ten Thousand Dollars ($10,000.00) shall be submitted on

a blanket purchase order as provided in Section 310.8 of Title 62 of the Oklahoma Statutes.

C. Each department of county government needing repairs to heavy equipment, meaning equipment in excess of ten thousand (10,000) pounds, shall make estimates and requisition a purchase order from the county purchasing agent for repairs not in excess of Thirty Thousand Dollars ($30,000.00). Repairs in excess of Thirty Thousand Dollars ($30,000.00) shall be submitted on a blanket purchase order as provided in Section 310.8 of Title 62 of the Oklahoma Statutes.

Added by Laws 1982, c. 249, § 2, eff. Jan. 1, 1983. Amended by Laws 1983, c. 205, § 1, emerg. eff. June 16, 1983; Laws 1985, c. 21, § 1, eff. Nov. 1, 1985; Laws 1985, c. 298, § 1, eff. Nov. 1, 1985; Laws 1986, c. 284, § 1, operative July 1, 1986; Laws 1987, c. 236, § 117, emerg. eff. July 20, 1987; Laws 1988, c. 10, § 1, eff. Nov. 1, 1988; Laws 1989, c. 29, § 1, operative July 1, 1989; Laws 1989, c. 286, § 4, operative July 1, 1989; Laws 1990, c. 62, § 1, emerg. eff. April 16, 1990; Laws 1991, c. 166, § 4, eff. July 1, 1991; Laws 1992, c. 6, § 1, emerg. eff. March 18, 1992; Laws 1992, c. 237, § 3, emerg. eff. May 19, 1992; Laws 1993, c. 135, § 1, eff. Sept. 1, 1993; Laws 1994, c. 6, § 4, eff. Sept. 1, 1994; Laws 1995, c. 172, § 2, emerg. eff. May 9, 1995; Laws 1999, c. 245, § 1, eff. July 1, 1999; Laws 2000, c. 210, § 1, eff. Nov. 1, 2000; Laws 2001, c. 39, § 2, eff. July 1, 2001; Laws 2001, c. 320, § 3, eff. Nov. 1, 2001; Laws 2002, c. 22, § 4, emerg. eff. March 8, 2002; Laws 2002, c. 177, § 1, eff. Nov. 1, 2002; Laws 2004, c. 99, § 4, eff. Nov. 1, 2004; Laws 2005, c. 356, § 2, eff. Nov. 1, 2005; Laws 2007, c. 132, § 4, eff. Nov. 1, 2007; Laws 2009, c. 231, § 1, eff. July 1, 2009; Laws 2012, c. 97, § 1, eff. July 1, 2012; Laws 2012, c. 304, § 73; Laws 2014, c. 226, § 1, emerg. eff. May 6, 2014; Laws 2016, c. 171, § 1, eff. Nov. 1, 2016; Laws 2016, c. 321, § 1, eff. July 1, 2016; Laws 2021, c. 303, § 1, eff. Nov. 1, 2021; Laws 2022, c. 94, § 1, eff. Nov. 1, 2022.

NOTE: Laws 1985, c. 22, § 1 repealed by Laws 1985, c. 298, § 2, eff. Nov. 1, 1985. Laws 2001, c. 139, § 3 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002. Laws 2007, c. 100, § 4 repealed by Laws 2008, c. 3, § 10, emerg. eff. Feb. 28, 2008. Laws 2012, c. 33, § 1 and Laws 2012, c. 41, § 1 repealed by Laws 2012, c. 304, § 1084.

§19-1502. Uniform identification system and inventory system for county supplies, materials, equipment, information technology and telecommunication goods - County road and bridge inventory officer - Duties of county commissioners.

A. 1. The board of county commissioners or a designated employee shall:

a. prescribe a uniform identification system for all supplies, materials and equipment of a county used in

the construction and maintenance of roads and bridges, and

b. create and administer an inventory system for all:

(1) equipment of a county having an original cost of Two Thousand Five Hundred Dollars ($2,500.00) or more for use in the construction and maintenance of roads and bridges, and

(2) supplies and materials of a county purchased in lots of Two Thousand Five Hundred Dollars ($2,500.00) or more for use in the construction and maintenance of roads and bridges.

Such person shall be the county road and bridge inventory officer.

2. a. In counties having a county budget board created pursuant to Section 1402 et seq. of this title, said board may, upon an affirmative vote of a majority of all the board members then in office, appoint a county road and bridge inventory officer who shall be employed by the county and shall have such duties as are provided in subparagraphs a and b of paragraph 1 of this subsection. In the event the board does not appoint a county road and bridge inventory officer the board of county commissioners or designee shall be the county road and bridge inventory officer. The appointed county road and bridge inventory officer shall be under the general supervision and direction of the appointing authority.

b. The appointed county road and bridge inventory officer shall be authorized necessary assistants to carry out the duties and responsibilities provided by law and as may be delegated by the appointing authority. Provided, the employment of such assistants shall be upon the approval of the appointing authority. The salary of the county road and bridge inventory officer and assistants shall be fixed by the appointing authority.

c. The appointed county road and bridge inventory officer shall, at the expense of the county, be authorized adequate office space, furnishings, equipment and supplies to carry out the duties and responsibilities of the county road and bridge inventory officer as provided by law and as may be delegated by the appointing authority. Provided, the acquisition of such furnishings, equipment and supplies shall be upon the approval of the appointing authority and the acquisition of office space shall be upon the approval of the board of county commissioners.

B. The board of county commissioners shall:

1. Prescribe a uniform identification system for all supplies, materials, equipment and information technology and telecommunication goods of a county not used in the construction and maintenance of roads and bridges; and

2. Create and administer an inventory system for all:

a. equipment and telecommunication goods of a county having an original cost of Two Thousand Five Hundred Dollars ($2,500.00) or more and not used in the construction and maintenance of roads and bridges,

b. information technology hardware and software of a county having an original cost of Five Hundred Dollars ($500.00) or more and not used in the construction and maintenance of roads and bridges, and

c. supplies and materials of a county purchased in lots of Two Thousand Five Hundred Dollars ($2,500.00) or more and not used in the construction and maintenance of roads and bridges.

The board of county commissioners may designate an employee of that office to administer such inventory system.

Added by Laws 1982, c. 249, § 3, eff. Jan. 1, 1983. Amended by Laws 1985, c. 117, § 1, operative July 1, 1985; Laws 1994, c. 6, § 5, eff. Sept. 1, 1994; Laws 2006, c. 63, § 1, eff. Nov. 1, 2006; Laws 2012, c. 144, § 3, eff. Nov. 1, 2012; Laws 2013, c. 358, § 3, eff. July 1, 2013; Laws 2022, c. 94, § 2, eff. Nov. 1, 2022.

§19-1503. Department receiving officers to be designated.

A. Each county officer shall designate two (2) employees to act as receiving officers for their departments. A written designation of such employees shall be filed with the county clerk and shall be entered in the minutes of the board of county commissioners.

B. The county may designate two individuals who are not county employees for each of the following entities within the county to act as receiving and requisitioning officers:

1. Fire protection districts organized and operated pursuant to the provisions of Sections 901.1 through 901.29 of this title;

2. Fire protection services established pursuant to the provisions of Section 351 of this title;

3. Volunteer or full-time fire departments established pursuant to Section 592 of Title 18 of the Oklahoma Statutes; and

4. Municipal fire departments organized and operated pursuant to the provisions of Sections 29-101 through 29-108 and Sections 29-201 through 29-204 of Title 11 of the Oklahoma Statutes.

A written designation of these individuals shall be filed with the county clerk and shall be entered in the minutes of the board of county commissioners meeting in which the designations are made. Further, entities described in paragraphs 1, 2, 3 and 4 of this subsection, choosing to have any nonemployee of the county

designated as a receiving and requisitioning officer shall provide evidence of blanket bond coverage or employee dishonesty liability insurance for each such designee.
Added by Laws 1982, c. 249, § 4, eff. Jan. 1, 1983. Amended by Laws 2016, c. 321, § 2, eff. July 1, 2016.

§19-1504. Duties of receiving officer.

A. A receiving officer shall receive all purchased, lease-purchased or rented items procured for the department and shall identify such items received in a manner prescribed by the county road and bridge inventory officer or board of county commissioners or designee. The receiving officer shall also maintain a record of all such items received, disbursed, stored and consumed by the department.

B. The receiving officer shall comply with receiving procedures provided by law.
Added by Laws 1982, c. 249, § 5, eff. Jan. 1, 1983. Amended by Laws 2013, c. 358, § 4, eff. July 1, 2013.

§19-1505. Procedures for the operation of county government.

The following procedures shall be used by counties for the requisition, purchase, lease-purchase, rental, and receipt of supplies, materials, road and bridge construction services, equipment and information technology and telecommunication goods and services for the maintenance, operation, and capital expenditures of county government unless otherwise provided for by law.

A. The procedure for requisitioning items for county offices shall be as follows:

1. The requesting department shall prepare a requisition form in triplicate. The requisition shall contain any specifications for an item as deemed necessary by the requesting department. The form shall be prescribed by the State Auditor and Inspector;

2. The requesting department shall retain a copy of the requisition and forward the original requisition and a copy to the county purchasing agent; and

3. Upon receipt of the requisition, the county purchasing agent, within two (2) working days, shall begin the bidding and purchasing process as provided for in this section. Nothing in this section shall prohibit the transfer of supplies, materials, or equipment between county departments upon a written agreement between county officers.

B. The bid procedure for selecting a vendor for the purchase, lease-purchase, or rental of supplies, materials, equipment and information technology and telecommunication goods and services used by a county shall be as follows:

1. The county purchasing agent shall request written recommendations from all county officers pertaining to needed or

commonly used supplies, materials, road and bridge construction services, equipment and information technology and telecommunication goods and services. From such recommendations and available requisition, purchase, or inventory records, the county purchasing agent shall prepare a list of items needed or commonly used by county officers. The county purchasing agent shall request from the Purchasing Division or from the Information Services Division in the case of information technology and telecommunication goods and services of the Office of Management and Enterprise Services all contracts quoting the price the state is paying for the items. The county purchasing agent shall either request the Purchasing Division or the Information Services Division of the Office of Management and Enterprise Services, as applicable, to make the purchase for the county or the county purchasing agent shall solicit bids for unit prices on the items for periods of not to exceed twelve (12) months in the manner described in paragraph 2 of this subsection. If the county purchasing agent receives a requisition for an item for which the county purchasing agent does not have a current bid, the county purchasing agent shall request from the Purchasing Division or the Information Services Division of the Office of Management and Enterprise Services, as applicable, all contracts quoting the price the state is paying for the item. The county purchasing agent shall either request the Purchasing Division or the Information Services Division of the Office of Management and Enterprise Services, as applicable, to make the purchase for the county or the county purchasing agent shall solicit bids in the manner described in paragraph 2 of this subsection. Nothing in this paragraph shall prohibit bids from being taken on an item currently on a twelve-month bid list, at any time deemed necessary by the county purchasing agent. Whenever the county purchasing agent deems it necessary to take a bid on an item currently on a twelve-month bid list, the reason for the bid shall be entered into the minutes of the board of county commissioners;

2. Bids shall be solicited by mailing or emailing a notice to all persons or firms who have made a written request of the county purchasing agent that they be notified of such bid solicitation and to all other persons or firms who might reasonably be expected to submit bids. Notice of solicitation of bids shall also be published one time in a newspaper of general circulation in the county. Notices shall be mailed and published at least ten (10) days prior to the date on which the bids are opened. Proof of the mailing or emailing shall be made by the affidavit of the person mailing or emailing the request for bids and shall be made a part of the official records of the county purchasing agent. The notice shall specify whether the county will consider written bids, electronic bids, or both; the decision to exclusively consider either written bids or electronic bids shall be determined pursuant to an

affirmative vote of the board of county commissioners. Whenever any prospective supplier or vendor dealing in or listing for sale any particular item or article required to be purchased or acquired by sealed bids fails to enter or offer a sealed bid for three successive bid solicitations, the name of the supplier or vendor may be dropped from the mailing lists of the board of county commissioners;

3. The sealed bids received from vendors and the state contract price received from the applicable Division of the Office of Management and Enterprise Services shall be given to the county clerk by the county purchasing agent. The county clerk shall forward the sealed bids and state contract price, if any, to the board of county commissioners;

4. The board of county commissioners, in an open meeting, shall open the sealed bids and compare them to the state contract price. The board of county commissioners shall select the lowest and best bid based upon, if applicable, the availability of material and transportation cost to the job site within thirty (30) days of the meeting. For any special item not included on the list of needed or commonly used items, the requisitioning official shall review the bids and submit a written recommendation to the board before final approval. The board of county commissioners shall keep a written record of the meeting as required by law, and any time the lowest bid was not considered to be the lowest and best bid, the reason for such conclusion shall be recorded. Whenever the board of county commissioners rejects the written recommendation of the requisitioning official pertaining to a special item, the reasons for the rejection shall be entered in their minutes and stated in a letter to the requisitioning official and county purchasing agent;

5. The county purchasing agent shall notify the successful bidders and shall maintain a copy of the notification. The county purchasing agent shall prepare and maintain a vendors list specifying the successful bidders and shall notify each county officer of the list. The county purchasing agent may remove any vendor from such list who refuses to provide goods or services as provided by contract if the removal is authorized by the board of county commissioners. The county purchasing agent may make purchases from the successful bidders for a price at or below the bid price. If a vendor who is the low bidder cannot or will not sell goods or services as required by a county bid contract, the county purchasing agent may make a one-time purchase from the next lowest or best quote or take quotations as provided in paragraph 6 of this subsection; provided, however, such purchase does not exceed Twenty-five Thousand Dollars ($25,000.00) as the amount specified in subparagraph a of paragraph 3 of subsection A of Section 1501 of this title; and

6. When bids have been solicited as provided for by law and no bids have been received, the procedure shall be as follows:

a. the county purchasing agent shall determine if potential vendors are willing to commit to a firm price for a reduced period of time, and, if such is the case, the bid procedure described in this subsection shall be followed,

b. if vendors are not willing to commit to a firm price for a reduced period, the purchasing agent shall solicit and record at least three quotes of current prices available to the county and authorize the purchase of goods or services based on the lowest and best quote as it becomes necessary to acquire such goods or services. The quotes shall be recorded on a form prescribed by the State Auditor and Inspector and shall be attached to the purchase order and filed with the county clerk's copy of the purchase order. Any time the lowest quote was not considered to be the lowest and best quote, the reason for this conclusion shall be recorded by the county purchasing agent and transmitted to the county clerk, or

c. if three quotes are not available, a memorandum to the county clerk from the county purchasing agent shall describe the basis upon which a purchase is authorized. The memorandum shall state the reasons why the price for such a purchase is the lowest and best under the circumstances. The county clerk shall then attach the memorandum to the county clerk's copy of the purchase order and file both in the office of the county clerk.

C. After selection of a vendor, the procedure for the purchase, lease-purchase, or rental of supplies, materials, road and bridge construction services, equipment and information technology and telecommunication goods and services used by a county shall be as follows:

1. The county purchasing agent shall prepare a purchase order in quadruplicate and submit it with a copy of the requisition to the county clerk;

2. The county clerk shall then encumber the amount stated on the purchase order and assign a sequential number to the purchase order;

3. If there is an unencumbered balance in the appropriation made for that purpose by the county excise board, the county clerk shall so certify in the following form:

"I hereby certify that the amount of this encumbrance has been entered against the designated appropriation accounts and that this

encumbrance is within the authorized available balance of the appropriation.

Dated this _____ day of _____, 20__.

_____

County Clerk/Deputy

of _____ County."

In instances where it is impossible to ascertain the exact amount of the indebtedness sought to be incurred at the time of recording the encumbrance, an estimated amount may be used. No purchase order shall be valid unless signed by the county purchasing agent and certified by the county clerk; and

4. The county clerk shall file the original purchase order and return three copies to the county purchasing agent who shall file a copy, retain a copy for the county road and bridge inventory officer if the purchase order is for the purchase of equipment, supplies, or materials for the construction or maintenance of roads and bridges, and submit the other copy to the receiving officer of the requesting department.

D. 1. The procedure for the purchase of supplies, materials, equipment and information technology and telecommunication goods and services at public auction or by sealed bid to be used by a county shall be as follows:

a. the county purchasing agent shall prepare a purchase order in quadruplicate and submit it with a copy of the requisition to the county clerk,

b. the county clerk shall then encumber the amount stated on the purchase order and assign a sequential number to the purchase order,

c. if there is an unencumbered balance in the appropriation made for that purpose by the county excise board, the county clerk shall so certify in the following form:

"I hereby certify that the amount of this encumbrance has been entered against the designated appropriation accounts and that this encumbrance is within the authorized available balance of the appropriation.

Dated this _____ day of _____, 20__.

_____

County Clerk/Deputy

of _____ County."

In instances where it is impossible to ascertain the exact amount of the indebtedness sought to be incurred at the time of recording the encumbrance, an estimated amount may be used. No purchase order shall be valid unless signed by the county purchasing agent and certified by the county clerk, and

d. the county clerk shall file the original purchase order and return three copies to the county purchasing agent who shall file a copy, retain a copy for the county road and bridge inventory officer if the purchase order is for the purchase of equipment, supplies, or materials for the construction or maintenance of roads and bridges, and submit the other copy to the receiving officer of the requesting department.

2. The procedure for the purchase of supplies, materials and equipment at a public auction when the purchase will be made with the proceeds from the sale of county property at the same public auction are as follows:

a. the purchasing agent shall cause such items being sold to be appraised in the manner determined in Section 421.1 of this title,

b. the county purchasing agent shall prepare a purchase order in quadruplicate and submit it with a copy of the requisition to the county clerk,

c. the county clerk shall then encumber the amount of the appraised value and any additional funds obligated by the county on the purchase order and assign a sequential number to the purchase order,

d. the county clerk shall certify that the amount of the encumbrance is equal to the appraised value of the item being sold plus any additional funds obligated by the county. In effect the recording of the encumbrance is an estimate that is authorized by law. No purchase order shall be valid unless signed by the county purchasing agent and certified by the county clerk,

e. the county clerk shall file the original purchase order and return three copies to the county purchasing agent who shall file a copy, retain a copy for the county road and bridge inventory officer if the purchase order is for the purchase of equipment, supplies or materials for the construction or maintenance of roads and bridges, and submit the other copy to the receiving officer of the requesting department, and

f. a purchase shall not be bid until such time that the appraised item or items are sold. Any item or items purchased shall not exceed the appraised value plus any additional funds obligated by the county or the actual selling price of the item or items, whichever is the lesser amount.

E. The procedure for the receipt of items shall be as follows:

1. A receiving officer for the requesting department shall be responsible for receiving all items delivered to that department;

2. Upon the delivery of an item, the receiving officer shall determine if a purchase order exists for the item being delivered;

3. If no such purchase order has been provided, the receiving officer shall refuse delivery of the item;

4. If a purchase order is on file, the receiving officer shall obtain a delivery ticket, bill of lading, or other delivery document and compare it with the purchase order. If any item is back-ordered, the back order and estimated date of delivery shall be noted in the receiving report;

5. The receiving officer shall complete a receiving report in quadruplicate which shall state the quantity and quality of goods delivered. The receiving report form shall be prescribed by the State Auditor and Inspector. The person delivering the goods shall acknowledge the delivery by signature, noting the date and time;

6. The receiving officer shall file the original receiving report and submit:

a. a copy of the purchase order and a copy of the receiving report to the county purchasing agent, and

b. a copy of the receiving report with the delivery documentation to the county clerk;

7. The county purchasing agent shall file a copy of the purchase order and a copy of the receiving report;

8. Upon receipt of the original receiving report and the delivery documentation, the county clerk shall maintain a file until such time as an invoice is received from the vendor;

9. The invoice shall state the name and address of the vendor and must be sufficiently itemized to clearly describe each item purchased, the unit price when applicable, the number or volume of each item purchased, the total price, the total purchase price, and the date of the purchase;

10. Upon receipt of an invoice, the county clerk shall compare the following documents:

a. requisition,

b. purchase order,

c. invoice with noncollusion affidavit as required by law,

d. receiving report, and

e. delivery document.

The documents shall be available for public inspection during regular business hours; and

11. If the documents conform as to the quantity and quality of the items, the county clerk shall prepare a warrant for payment according to procedures provided for by law.

F. The following procedures are for the processing of purchase orders:

1. The purchasing agent shall be allowed up to three (3) days to process purchase orders to be presented to the board of county commissioners for consideration and payment. Nothing herein shall prevent the purchasing agent from processing or the board of county commissioners from consideration and payment of utilities, travel claims and payroll claims;

2. The board of county commissioners shall consider the purchase orders so presented and act upon the purchase orders, by allowing in full or in part or by holding for further information or disallowing the same. The disposition of purchase orders shall be indicated by the board of county commissioners, showing the amounts allowed or disallowed and shall be signed by at least two members of the board of county commissioners. Any claim held over for further information shall be acted upon by allowing or disallowing same at any future meeting of the board held within seventy-five (75) days from the date of filing of the purchase order. Any purchase order not acted upon within the seventy-five (75) days from the date of filing shall be deemed to have been disallowed, but such disallowance shall not prevent the refiling of the purchase order at the proper time; and

3. Whenever any allowance, either in whole or in part, is made upon any purchase order presented to the board of county commissioners and is accepted by the person making the claim, such allowance shall be a full settlement of the entire purchase order and provided that the cashing of warrant shall be considered as acceptance by the claimant.

G. The procedure upon consumption or disposal of supplies, materials, or equipment shall be as follows:

1. For consumable road or bridge items or materials, a quarterly report of the road and bridge projects completed during such period shall be prepared and kept on file by the consuming department. The quarterly report may be prepared and kept electronically by the consuming department. The report shall contain a record of the date, the place, and the purpose for the use of the road or bridge items or materials. For purposes of identifying county bridges, the board of county commissioners shall number each bridge subject to its jurisdiction; and

2. For disposal of all equipment and information technology and telecommunication goods which originally cost more than Five Hundred Dollars ($500.00), resolution of disposal shall be submitted by the officer on a form prescribed by the State Auditor and Inspector's Office to the board of county commissioners. The approval of the resolution of disposal shall be entered into the minutes of the board.

H. Inventory forms and reports shall be retained for not less than two (2) years after all audit requirements for the state and

federal government have been fulfilled and after any pending litigation involving the forms and reports has been resolved.

I. The procedures provided for in this section shall not apply when a county officer certifies that an emergency exists requiring an immediate expenditure of funds. Such an expenditure of funds shall not exceed Five Thousand Dollars ($5,000.00). The county officer shall give the county purchasing agent a written explanation of the emergency. The county purchasing agent shall attach the written explanation to the purchase order. The purchases shall be paid by attaching a properly itemized invoice, as described in this section, to a purchase order which has been prepared by the county purchasing agent and submitting them to the county clerk for filing, encumbering, and consideration for payment by the board of county commissioners.

J. The county purchasing agent may authorize county purchasing officers to make acquisitions through the state purchase card program as authorized by the State Purchasing Director in accordance with Section 85.5 of Title 74 of the Oklahoma Statutes and defined in Section 85.2 of Title 74 of the Oklahoma Statutes. Purchase cardholders shall sign a purchase card agreement prior to becoming a cardholder and attend purchase card procedure training as required by the State Purchasing Director. Complete descriptions of purchases made by county government entities shall be published through the state transparency portal pursuant to Section 85.33B of Title 74 of the Oklahoma Statutes, and as warrants required to be published pursuant to Sections 444 and 445 of this title.

K. Nothing in this section shall prohibit counties from providing material and/or services bids on the twelve-month bid list to all road and bridge projects and contracts. All non-road and bridge related construction contracts shall refer to subsection A of Section 103 of Title 61 of the Oklahoma Statutes.

Added by Laws 1982, c. 249, § 6, eff. Jan. 1, 1983. Amended by Laws 1983, c. 205, § 2, emerg. eff. June 16, 1983; Laws 1984, c. 61, § 1, emerg. eff. March 29, 1984; Laws 1986, c. 135, § 5, emerg. eff. April 17, 1986; Laws 1988, c. 145, § 3, emerg. eff. April 27, 1988; Laws 1990, c. 70, § 1, emerg. eff. April 16, 1990; Laws 1992, c. 73, § 1, emerg. eff. April 13, 1992; Laws 1993, c. 105, § 2, emerg. eff. April 23, 1993; Laws 1994, c. 131, § 1, emerg. eff. May 2, 1994; Laws 1995, c. 1, § 5, emerg. eff. March 2, 1995; Laws 1995, c. 172, § 3, emerg. eff. May 9, 1995; Laws 1996, c. 45, § 2, eff. Nov. 1, 1996; Laws 1999, c. 245, § 2, eff. July 1, 1999; Laws 2000, c. 210, § 2, eff. Nov. 1, 2000; Laws 2001, c. 320, § 4, eff. Nov. 1, 2001; Laws 2004, c. 447, § 6, emerg. eff. June 4, 2004; Laws 2007, c. 132, § 5, eff. Nov. 1, 2007; Laws 2009, c. 4, § 1, eff. Nov. 1, 2009; Laws 2009, c. 289, § 1, eff. Nov. 1, 2009; Laws 2010, c. 65, § 1, eff. July 1, 2010; Laws 2011, c. 53, § 1, eff. Nov. 1, 2011; Laws 2012, c. 103, § 1, emerg. eff. April 19, 2012; Laws 2012, c. 304, §

74; Laws 2013, c. 131, § 1, emerg. eff. April 23, 2013; Laws 2013, c. 251, § 1, eff. Nov. 1, 2013; Laws 2013, c. 358, § 5, eff. July 1, 2013; Laws 2017, c. 146, § 1, eff. Nov. 1, 2017; Laws 2018, c. 101, § 1, eff. Nov. 1, 2018; Laws 2018, c. 180, § 1, eff. Nov. 1, 2018; Laws 2019, c. 25, § 14, emerg. eff. April 4, 2019; Laws 2021, c. 303, § 2, eff. Nov. 1, 2021; Laws 2022, c. 94, § 3, eff. Nov. 1, 2022.
NOTE: Laws 1994, c. 6, § 6 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 2007, c. 100, § 5 repealed by Laws 2008, c. 3, § 11, emerg. eff. Feb. 28, 2008. Laws 2009, c. 122, § 8 repealed by Laws 2010, c. 2, § 5, emerg. eff. March 3, 2010. Laws 2018, c. 107, § 1 repealed by Laws 2019, c. 25, § 15, emerg. eff. April 4, 2019.

§19-1505.1. Contracts for supplies, equipment or materials - Bidders to provide information as to manufacturer and country of origin of supplies, equipment and materials.

A. The county purchasing agent may require each bidder for county contracts for supplies, equipment or materials to provide information as to the manufacturer and country of origin of any supplies, equipment or materials for the county as specified by labels attached to the supplies, equipment or materials where such identification is required by federal or state law. If an item has more than one component part or accessory which may have been manufactured in more than one country, the bidder may specify the countries of origin for only the major component parts or accessories as determined by the Board of County Commissioners where such identification is required by federal or state law.

B. Any county contract for the purchase of supplies, equipment or materials may require the contractor to obtain from all of his subcontractors information as to the manufacturer and country or countries of origin of any such supplies, equipment or materials provided to the county where such identification is required by federal or state law.
Added by Laws 1992, c. 205, § 2, eff. July 1, 1992.

§19-1505.2. Exception to purchasing procedures for public trusts.

The procedures specified in Sections 1500 through 1505 of this title shall not apply to the receipt of or the purchases, lease-purchases and rentals of supplies, materials, equipment and improvements made with funds of a public trust expended by a county on behalf of such public trust, if the county is a beneficiary of such public trust and such public trust receives and administers the proceeds of sales tax.
Added by Laws 1996, c. 342, § 1, eff. July 1, 1996.

§19-1506. Sheriff or deputy sheriff authorized to make certain travel purchases by credit card.

A. Subject to the limitations and procedures provided by this section, any sheriff or deputy sheriff may purchase materials, supplies or services necessary for travel out of the county by use of one or more credit cards issued to the county for use by the sheriff's department. Purchases made with such credit cards shall be limited to actual expenses for travel out of the county by the county sheriff or deputies to perform their official duties; provided, such credit cards may be used for the purchase of fuel, within the county, on weekends, nights or holidays when fuel cannot be obtained from the vendor to whom a bid for such fuel purchase has been awarded.

"Actual expenses for travel" shall mean expenses for travel by public or private railroads, airplanes, buses, rental cars or other public or private conveyances, fuel, oil, meals, lodging, parking fees and telephone expenses.

B. The sheriff may request the board of county commissioners of the county to apply for a credit card or cards for use by the sheriff's department. The application shall be made in the name of the county and any credit cards issued must be issued in the name of the county only. The board of county commissioners shall then issue the card or cards to the office of the sheriff.

C. For each card issued to the county by an issuer, the county shall encumber sufficient funds each month to pay for the estimated charges made with such cards including any annual or other fee owed for use of the cards. The funds for payment of credit card charges shall be made from the annual county appropriation to the sheriff's department. Payment of the bill for charges incurred on any card shall be made in a timely manner so that no interest charges or penalties accrue and so that the total payment amount corresponds to the balance of charges for purchases in addition to any applicable annual fee or service charge.

D. All receipts for charges made by use of any card issued to a county shall be returned to the county commissioners in order to facilitate accurate records of total monthly expenditures for which the county will be obligated.

E. On or before the 25th day of each month, the sheriff shall notify the board of county commissioners of the anticipated credit card expenditures for the following month. When credit purchases are made, the sheriff or deputy sheriff shall immediately and accurately document said expenditures on a form prepared by the State Auditor and Inspector, attaching receipts and a written explanation of each expenditure as to the date, case number or other identification number, area or location, reason for expenditure and amount expended. A copy of the form shall be submitted to the sheriff for approval and the original form shall be attached to the

purchase order and shall be submitted to the board of county commissioners for final approval and payment. A copy of the form shall be retained for the sheriff's records.

F. A sheriff or deputy sheriff shall not receive any reimbursement, pursuant to the provisions of Sections 161 through 166, 180.43 or 541 of this title, for any expenses for which a credit card issued pursuant to the provisions of this section has been used.

G. Nothing in this section shall be construed to exempt any county sheriff or deputy sheriff from the purchasing procedures specified in Sections 1500 through 1505 of this title for all other purchases made in the performance of their official duties.
Added by Laws 1986, c. 127, § 1, eff. Nov. 1, 1986. Amended by Laws 1990, c. 61, § 1, emerg. eff. April 16, 1990; Laws 1993, c. 318, § 9, emerg. eff. June 7, 1993.

§19-1507. Number of credit cards issued and amount of charges allowed.

A. The number of credit cards issued and the amount of charges allowed for credit cards issued by counties shall be subject to the following limits:

1. For counties with a population less than fifty thousand (50,000) persons, according to the latest Federal Decennial Census, no more than two cards shall be issued. The aggregate amount of credit for all such cards issued shall not exceed Five Thousand Dollars ($5,000.00);

2. For counties with a population of fifty thousand (50,000) to one hundred thousand (100,000) persons, according to the latest Federal Decennial Census, no more than four cards shall be issued. The aggregate amount of credit for all such cards issued shall not exceed Ten Thousand Dollars ($10,000.00);

3. For counties with a population of one hundred thousand (100,000) to four hundred fifty thousand (450,000) persons, according to the latest Federal Decennial Census, no more than six cards shall be issued. The aggregate amount of credit for all such cards issued shall not exceed Fifteen Thousand Dollars ($15,000.00); and

4. For counties with a population in excess of four hundred fifty thousand (450,000) persons, according to the latest Federal Decennial Census, no more than twenty-four credit cards shall be issued. The aggregate amount of credit for all such cards shall not exceed Sixty Thousand Dollars ($60,000.00).

B. The sheriff of each county shall issue cards when such cards are required for expenditures incurred in connection with travel outside the county and the sheriff shall remain responsible for proper use of all cards issued.

Added by Laws 1986, c. 127, § 2, eff. Nov. 1, 1986. Amended by Laws 1998, c. 215, § 2, eff. Nov. 1, 1998.

§19-1601. Short title.

Sections 1 through 11 of this act shall be known and may be cited as the "Transient Merchant Licensing Act".

Added by Laws 1985, c. 150, § 1, eff. Nov. 1, 1985.

§19-1602. Definitions.

As used in the Transient Merchant Licensing Act:

1. "Transient merchant" means any person, firm, corporation, partnership, or other entity which engages in, does or transacts any temporary or transient business in this state, either in one locality or in traveling from place to place in this state, offering for sale or selling goods, wares, merchandise, or services, and includes those merchants who, for the purpose of carrying on such business, hire, lease, use, or occupy any building, structure, motor vehicle, railroad car, or real estate.

2. "Temporary or transient business" means any business or home improvement service; siding, roofing or resurfacing services conducted for the sale or offer for sale of goods, wares, or merchandise which is carried on in any building, structure, motor vehicle, mobile home, travel trailer, railroad car, or real estate for a period of less than two (2) years.

3. "Person" means any individual, corporation, partnership, association, or other legal entity.

Added by Laws 1985, c. 150, § 2, eff. Nov. 1, 1985. Amended by Laws 1999, c. 399, § 1, eff. July 1, 1999.

§19-1603. Exemptions.

A. The provisions of the Transient Merchant Licensing Act shall not apply to:

1. Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business;

2. Wholesale trade shows or conventions;

3. Sales of goods, wares, or merchandise by sample, catalog or brochure for future delivery;

4. Fairs and convention center activities conducted primarily for amusement or entertainment;

5. Any general sale, fair, auction, or bazaar sponsored by any church or religious organization;

6. Any sale sponsored by schools and universities or any charitable organization;

7. Trade fairs;

8. Flea markets;

9. Garage sales held on the premises devoted to residential use;

10. Sales of crafts or items made by hand and sold or offered for sale by the person making such crafts or handmade items;

11. Sales of agricultural products, including Christmas trees and firewood;

12. Sales made by a seller at residential premises pursuant to an invitation issued by the owner or legal occupant of such premises;

13. Any person who maintains a permanent place of business in this state and has a registered agent therein upon whom process, notice, or demand permitted by law may be made;

14. Any person whose participation with a "transient merchant" or in the "temporary or transient business" is limited to providing any building, structure, motor vehicle, railroad car or real estate;

15. Fireworks; or

16. Bibles.

B. A transient merchant not otherwise exempted from the provisions of the Transient Merchant Licensing Act shall not be relieved or exempted from the provisions of the Transient Merchant Licensing Act by reason of associating himself temporarily with any local dealer, auctioneer, trader, contractor, or merchant or by conducting such temporary or transient business in connection with or in the name of any local dealer, auctioneer, trader, contractor, or merchant.

Added by Laws 1985, c. 150, § 3, eff. Nov. 1, 1985.

§19-1604. License required.

No transient merchant shall transact business in any county in this state unless such merchant and the owners of any goods, wares, or merchandise to be offered for sale or sold, if such goods, wares, or merchandise are not owned by the merchant, shall have secured a license and have otherwise complied with the requirements of the Transient Merchant Licensing Act.

Added by Laws 1985, c. 150, § 4, eff. Nov. 1, 1985.

§19-1605. Application for license - Contents.

A. Any transient merchant desiring to transact business in any county in this state shall make application for and obtain a license in each county in which such merchant desires to transact business. The application for license shall be filed with the court clerk, and shall include the following information:

1. The name and permanent address of the transient merchant making the application, and if the applicant is a firm or corporation the name and address of the members of the firm or the officers of the corporation, as the case may be;

2. If the applicant is a corporation, there shall be stated on the application form the date of incorporation, the state of incorporation, and if the applicant is a corporation formed in a

state other than the State of Oklahoma, the date on which such corporation qualified to transact business as a foreign corporation in the State of Oklahoma;

3. A statement showing the kind of business proposed to be conducted, the length of time for which the applicant desires to transact such business and the location of such proposed place of business;

4. The name and permanent address of the transient merchant's registered agent or office; and

5. The applicant has acquired all other required city, county, and state permits and licenses.

B. There shall be attached to the application a receipt or statement showing that any personal property taxes due on goods, wares, or merchandise to be offered for sale have been paid.
Added by Laws 1985, c. 150, § 5, eff. Nov. 1, 1985.

§19-1606. Forms for applications for license and license certificate.

The court clerk in each county shall design and cause to be printed appropriate forms for applications for licenses and for the license certificates to be issued to applicants pursuant to the Transient Merchant Licensing Act.
Added by Laws 1985, c. 150, § 6, eff. Nov. 1, 1985.

§19-1607. Agents of transient merchants.

Each person designated by a transient merchant as his agent in the application for a license shall be a resident of the county and shall be an agent of the transient merchant upon whom any process, notice, or demand required or permitted by law to be served upon the transient merchant may be served. The agent shall agree in writing to act as such agent and a copy of the agreement to so act shall be filed by the applicant with the application for a license.

The court clerk of each county shall maintain an alphabetical list of all transient merchants in the county and the names and addresses of their agents.

If any transient merchant doing business or having done business in any county within the state shall fail to have or maintain an agent in the county or if such agent cannot be found at his permanent address, the court clerk shall be an agent of such transient merchant for service of all process, notices, or demands. Service on the court clerk shall be made by delivery to and leaving with him or any person designated by the clerk to receive such service, duplicate copies of the process, notice, or demand. When any such process, notice, or demand is served on the clerk, he shall immediately cause one copy thereof to be forwarded by registered or certified mail, return receipt requested, to the permanent address of the transient merchant. The provisions of this section shall not

limit or otherwise affect the right of any person to serve any process, notice, or demand in any other manner now or hereafter authorized by law.
Added by Laws 1985, c. 150, § 7, eff. Nov. 1, 1985.

§19-1608. License fee - Bond.

Each application for a transient merchant license shall be accompanied by a license fee of Fifty Dollars ($50.00) and by a cash bond or a surety bond issued by a corporate surety authorized to do business in this state in the amount of Two Thousand Dollars ($2,000.00) or five percent (5%) of the wholesale value of any goods, wares, merchandise, or services to be offered for sale whichever sum is lesser. The surety bond shall be made payable to the State of Oklahoma and shall assure the payment by the applicant of all taxes that may be due from the applicant to the state or any political subdivision of the state, the payment of any fines that may be assessed against the applicant or its agents or employees for violation of the provisions of the Transient Merchant Licensing Act, and for the satisfaction of all judgments that may be rendered against the transient merchant or its agents or employees in any cause of action commenced by any purchaser of goods, wares, merchandise, or services within one (1) year from the date of the sale by such transient merchant. The bonds shall be maintained so long as the transient merchant conducts business in the county and for a period of one (1) year after the termination of such business and shall be released only when the transient merchant furnishes satisfactory proof to the court clerk that it has satisfied all claims of purchasers of goods, wares, merchandise, or services from such merchant, and that all state and local sales taxes and other taxes have been paid.
Added by Laws 1985, c. 150, § 8, eff. Nov. 1, 1985.

§19-1609. Issuance of license - Transferability - Validity.

A transient business license shall be issued only when all the requirements of the Transient Merchant Licensing Act have been met. Such license shall not be transferable, shall be valid only within the territorial limits of the issuing county, shall be valid only for a period of ninety (90) days, and shall be valid only for the business stated in the application. A license so issued shall be valid for only one person, unless such person shall be a member of a partnership or employee of a firm or corporation obtaining such license.
Added by Laws 1985, c. 150, § 9, eff. Nov. 1, 1985.

§19-1610. Violations - Misdemeanor.

Any person or entity that transacts a transient business as defined pursuant to the provisions of the Transient Merchant

Licensing Act without having first obtained a license in accordance with the provisions of the Transient Merchant Licensing Act or who knowingly advertises, offers for sale, or sells any goods, wares, merchandise, or services in violation of the provisions of the Transient Merchant Licensing Act shall be guilty of a misdemeanor, punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).
Added by Laws 1985, c. 150, § 10, eff. Nov. 1, 1985. Amended by Laws 1999, c. 399, § 2, eff. July 1, 1999.

§19-1611. Enforcement of act.
It is the duty of the county sheriff and other law enforcement officers in each county and the district attorney for each county to enforce the provisions of the Transient Merchant Licensing Act.
Added by Laws 1985, c. 150, § 11, eff. Nov. 1, 1985.

§19-1701. Short title.
This act shall be known and may be cited as the "Emergency Medical Service District Budget Act".
Added by Laws 1986, c. 145, § 1, eff. June 1, 1986.

§19-1702. Purpose of act.
The purpose of this act is to provide a budget procedure for emergency medical service districts which shall:
1. Establish uniform and sound fiscal procedures for the preparation, adoption, execution and control of budgets;
2. Enable districts to make financial plans for both current and capital expenditures and to ensure that their directors administer their respective functions in accordance with adopted budgets;
3. Make available to the public and investors sufficient information as to the financial conditions, requirements and expectations of the district; and
4. Assist districts to improve and implement generally accepted accounting principles as applied to governmental accounting, auditing and financial reporting and standards of governmental finance management.
Added by Laws 1986, c. 145, § 2, eff. June 1, 1986.

§19-1703. Application of act.
This act shall apply to all emergency medical service districts created pursuant to the provisions of Section 9C of Article X of the Constitution of the State of Oklahoma.
Added by Laws 1986, c. 145, § 3, eff. June 1, 1986.

§19-1704. Definitions.
As used in this act:

1. "Account" means an entity for recording specific revenues or expenditures, or for grouping related or similar classes of revenues and expenditures and recording them within a fund or department;

2. "Appropriation" means an authorization and allocation of money to be expended for a purpose;

3. "Audit" means a performance audit, a financial audit, agreed-upon procedures, limited review, or examination of the books and records;

4. "Board" means a board of trustees of an emergency medical service district created pursuant to the provisions of Section 9C of Article X of the Constitution of the State of Oklahoma;

5. "Budget" means a plan of financial operations for a fiscal year, including an estimate of proposed expenditures for given purposes and the proposed means for financing them;

6. "Budget summary" means a tabular listing of revenues by source and expenditures by fund and by department within each fund for the budget year;

7. "Budget year" means the fiscal year for which a budget is prepared or being prepared;

8. "Current year" means the year in which the budget is prepared and adopted, or the fiscal year immediately preceding the budget year;

9. "Deficit" means the excess of the liabilities, reserves, contributions and encumbrances of a fund over its assets as reflected by its book of account;

10. "Department" means a functional unit within a fund which carries on a specific activity;

11. "District" means an emergency medical service district created pursuant to the provisions of Section 9C of Article X of the Constitution of the State of Oklahoma;

12. "Estimated revenue" means the amount of revenues estimated to be received during the budget year in each fund for which a budget is prepared. Revenue includes any appropriated fund balance in the budget of revenues for a fund for the budget year;

13. "Fiscal year" means the annual period for reporting fiscal operations which begins and ends on dates as the Legislature provides;

14. "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts to record cash and other financial resources, together with all liabilities, which are segregated for the purpose of carrying on specific activities or attaining certain objectives, or as otherwise defined in current generally accepted accounting principles;

15. "Fund balance" means the excess of the assets of a fund over its liabilities, reserves, contributions and encumbrances, as reflected by its books of account;

16. "Immediate prior fiscal year" means the year preceding the current year;

17. "Levy" means to impose ad valorem taxes or the total amount of ad valorem taxes for a purpose or entity;

18. "Operating reserve" means that portion of the fund balance which has not been appropriated in a budget year. The "operating reserve" will be equivalent to the "unappropriated fund balance" in any fund for which a budget is prepared.

Added by Laws 1986, c. 145, § 4, eff. June 1, 1986. Amended by Laws 2007, c. 132, § 6, eff. Nov. 1, 2007.

§19-1705. Advice on procedural and technical matters.

The State Auditor and Inspector, or his designee, shall advise districts on procedural and technical matters relating to accounting and budget procedures. It shall be the duty of the employees of the districts with notice of such advice to follow the instructions or advice of the State Auditor and Inspector until relieved of such duty by a court of competent jurisdiction or until the Supreme Court shall hold otherwise.

Added by Laws 1986, c. 145, § 5, eff. June 1, 1986.

§19-1706. Annual financial statement.

It shall be the duty of the board of the district on or before the third Monday of July in each year to produce or cause to be produced and forward to the State Auditor and Inspector a financial statement of the district for the preceding year ending June 30th.

Added by Laws 1986, c. 145, § 6, eff. June 1, 1986. Amended by Laws 1989, c. 14, § 1, operative July 1, 1989.

§19-1706.1. Payment of audit expenses.

The net proceeds of the one-tenth mill annual ad valorem levy upon the net total assessed valuation in any emergency medical service district for any year which shall be authorized and mandatorily required to be appropriated and dedicated to emergency medical service district audit shall henceforth be restricted to and used only for audit survey and reporting receipt, disbursement and management of emergency medical service district affairs financed by ad valorem levy and miscellaneous revenues other than ad valorem taxation accruing to the general fund of the emergency medical service district, whether such audit be in the performance of duties charged to the State Auditor and Inspector and instigated at the State Auditor and Inspector's own initiative and directive, on request of the board of trustees of the emergency medical service district, on request of the board of county commissioners of such county or on order of the Governor as provided by Section 212 of Title 74 of the Oklahoma Statutes. If, after completion of audit of all emergency medical service district accounts so financed, and

report thereof, including report of audit of cash funds where possible, as provided by this section, unless there be directive from the Governor for other and/or further inquiry, the board of trustees of the emergency medical service district may, upon certificate of completion by the State Auditor and Inspector, request that any unexpended and unencumbered balance of appropriation therein be, by the board of trustees of the emergency medical service district, lapsed and canceled and the revenues restricted thereby revert to surplus, available for appropriation to any lawful emergency medical service district purpose.
Added by Laws 1997, c. 136, § 1, eff. July 1, 1997.

§19-1707. Organization of board.

The board shall elect a chairman. The chairman shall have all the rights and privileges as any other member of the board, including the right to vote on questions. Each member of the board shall be entitled to cast one vote. The members shall elect a vice-chairman from among them and develop such other rules or procedures as may be necessary to ensure the orderly conduct of business. The vice-chairman shall serve as chairman during the absence or vacancy of the chairman. When a vacancy occurs such position on the board shall be considered vacant until the vacancy is filled in the manner provided by law. Regular meetings of the board shall be set by the board. Special meetings shall be held at the call of the chairman or any two (2) members of the board. A majority of all the members of the board shall constitute a quorum and have the power to transact business. Any official action of the board in adopting or revising the district budget or any portion thereof shall be effective upon the approving vote of a majority of all board members.
Added by Laws 1986, c. 145, § 7, eff. June 1, 1986.

§19-1708. Preparation of annual budget for each fund.

The board shall prepare for each budget year a budget for each fund whose activities require funding through appropriation, such as general, capital projects and debt service.
Added by Laws 1986, c. 145, § 8, eff. June 1, 1986.

§19-1709. Budget for each fund - Format - Summary - Estimate of revenues and expenditures - Determination of need for sinking fund purposes.

A. At least thirty (30) days prior to the beginning of each fiscal year, a budget for each fund of the district for which a budget is required shall be completed by the board. Each budget shall provide a complete financial plan for the budget year. The budget format shall be as prescribed by the State Auditor and Inspector. The format shall contain at least the following in

tabular form for each fund, itemized by department and account within each fund:

1. Actual revenues and expenditures for the immediate prior fiscal year;

2. Estimated actual revenues and expenditures for the current fiscal year; and

3. Estimated revenues and expenditures for the budget year.

B. The budget for each fund shall contain a budget summary. It shall also be accompanied by a budget message from the board which shall explain the budget and describe its important features.

C. The estimate of revenues in each fund for any budget year shall include probable income by source which the district is legally empowered to collect or receive at the time the budgets are adopted. The estimate shall be based upon a review and analysis of past and anticipated revenues of the district. Any portion of the budget of revenues to be derived from ad valorem property taxation shall not exceed the estimated amount of tax which is available for appropriation or which can or must be raised as required by law. The budget of expenditures for each fund shall not exceed the estimated revenues for each fund. No more than ten percent (10%) of the total budget for any fund may be budgeted for miscellaneous purposes.

D. The board shall determine the needs of the district for sinking fund purposes, pursuant to Section 9C of Article X of the Constitution of the State of Oklahoma, and include these requirements in the debt service fund budget for the budget year. Added by Laws 1986, c. 145, § 9, eff. June 1, 1986. Amended by Laws 1989, c. 14, § 2, operative July 1, 1989.

§19-1710. Sinking fund levy - Formula - Intent of act.

It shall be the duty of the board to make a levy each year for a sinking fund, which shall, with cash actually on hand and lawful investments in such fund, excluding taxes in process of collection, be sufficient to pay:

1. All the bonded indebtedness of such district coming due in the following years;

2. The interest accrued but unpaid and to accrue on all outstanding bonds of such district to June 30th of such fiscal year, but including any interest falling due on the last and final bond maturity occurring after such June 30th but before the tax levy of the succeeding fiscal year may be made and collected; and

3. A sum, after reserving from said cash and investments on hand for bond and bond-interest accruals as aforesaid.

The foregoing formula shall be applied by said district each year in determining the amount necessary to raise by tax levy for sinking fund purposes, independently of actions taken in previous years, and if by omission to make a levy which could have been

validly made for any bonds or interest coupons, or where from any cause the cash and valid investments in the sinking fund does not equal the accrual liabilities, it shall be the duty of said district to readjust the annual bond accrual in accordance with the foregoing formula in order that said bonds shall be paid when due, save and except only that where the cash and valid investments in the sinking fund at the close of any fiscal year, after reserving for interest accrued and accruing under the priority therefor as contained in Section 9C of Article X of the Constitution of the State of Oklahoma, is insufficient to pay and retire any bonds matured or to mature before another tax levy may be made and collected and no action has been instituted to refund such matured bonds, it shall be the duty of said district to include, in addition to interest thereon or aforesaid, an accrual therefor in an amount equal to the bonds so matured or to mature or the annual accrual first lawfully applicable to the issue thereof, whichever is the lesser.

It is the sole intention of this act to require that sinking funds be applied as provided by Section 9C of Article X of the Constitution of the State of Oklahoma.

Added by Laws 1986, c. 145, § 10, eff. June 1, 1986.

§19-1710.1. Emergency medical service districts – Ambulance services.

A. Any proceeds collected pursuant to the provisions of Section 9C of Article X of the Oklahoma Constitution shall only be expended for the purpose of providing funds for the support, organization, operation and maintenance of district ambulance services, known as emergency medical service districts.

B. Emergency medical service districts formed pursuant to said Section 9C of Article X of the Oklahoma Constitution may own and operate the ambulance service or may provide ambulance service through contracts with one or more ambulance service providers.

C. Emergency medical service districts that provide ambulance services through contracts with one or more ambulance service providers shall utilize not less than ninety percent (90%) of all revenues collected by the district for payment of such contracts to said providers.

Added by Laws 2005, c. 186, § 1, eff. Nov. 1, 2005.

§19-1711. Computation of levy for each fund - Procedure.

When the board has ascertained the total assessed valuation of the property taxed ad valorem in the district, and has computed the total of the several items of appropriation for general fund, sinking fund, and other legal purposes for the district, the board shall then proceed to compute the levy for each fund of each district. The levy for the general fund shall be that as last

authorized by a vote of the citizens of the district. The procedure for the computation of the sinking fund levy shall be as follows:

1. Determine the total amount of the several items of appropriation for the fund;

2. Deduct from such total appropriation the actual cash surplus of the immediately preceding fiscal year;

3. Deduct from the remainder thus ascertained the estimated probable income from sources other than ad valorem taxation; however, in no event shall the amount of such estimated income exceed ninety percent (90%) of the actual collections from such sources for the previous fiscal year. Also, deduct the estimated probable revenue to be derived from surplus collection from taxes in the process of collection of the immediately preceding taxable year; provided that the surplus so estimated shall be surplus cash as hereinafter defined, and shall include none of that portion of the reserve added at the beginning of such year for delinquent tax, and shall not exceed ninety percent (90%) of the actual collections of surplus back taxes legally accrued to and credited to the same fund account of the immediately preceding fiscal year;

4. Add to the remainder a reserve for delinquent taxes, the amount of which reserve shall be determined by the board, after taking into consideration the amount of uncollected taxes for the previous year or years; provided that the reserve so added shall not exceed twenty percent (20%) or be less than five percent (5%); and provided, further, that the reserve so added shall not be subject to review by the excise board;

5. Compute the levy necessary to raise an amount of money equal to the remainder thus ascertained, based upon the total assessed valuation of the district, taking into consideration any deduction which must be made because of the exemption of homesteads as required by Section 2406 et seq. of Title 68 of the Oklahoma Statutes; and

6. Compute the reduction in levy necessary to be made because of monies being required by law to be used for the purpose of reducing ad valorem tax levies.

The rates of levy for general fund, sinking fund and other purposes authorized by law shall be separately made and stated, and the revenue accruing therefrom respectively, when collected, shall be credited to the proper fund accounts.

Added by Laws 1986, c. 145, § 11, eff. June 1, 1986. Amended by Laws 1989, c. 14, § 3, operative July 1, 1989.

§19-1712. Cash surpluses.

If and when an actual cash surplus accrues in any fund for any prior fiscal year, such surplus shall forthwith be transferred to the same fund for the fiscal year next succeeding the year for which the taxes were originally levied, and shall be used to pay any

warrants and interest thereon which may be outstanding and unpaid for such year. After all warrants and interest on such warrants for such year have been paid or reserved for, the surplus, if any, shall forthwith be transferred to the next succeeding year for the same purpose. This procedure shall be followed for each succeeding fiscal year until all warrants issued prior to the current fiscal year are paid or reserved for, and then any cash surplus remaining shall accrue and be transferred to the current fiscal year, to be used to pay any legal warrant and interest charges of such year. The term "actual cash surplus", as used herein, is hereby defined to mean an excess of actual cash actually on hand over and above all legal obligations. Taxes in process of collection shall not be considered in determining the actual cash surplus for any fund for any fiscal year or years.
Added by Laws 1986, c. 145, § 12, eff. June 1, 1986.

§19-1713. Accounting of monies.

Any monies received or expended by the district must be accounted for by fund and account. Each district shall prepare a budget for the general fund and for other funds as the board may require pursuant to this act. The board shall determine the district's needs for sinking fund purposes, pursuant to this act and Section 9C of Article X of the Constitution of the State of Oklahoma, and include these requirements in the debt service fund budget for the budget year.
Added by Laws 1986, c. 145, § 13, eff. June 1, 1986.

§19-1714. Hearing on budget.

The board shall hold a public hearing on the proposed budget no later than fifteen (15) days prior to the beginning of the budget year. Notice of the date, time and place of the hearing, together with the proposed budget summaries, shall be published in a newspaper of general circulation in the district not less than five (5) days before the date of the hearing. Affidavit and proof of publication shall be attached to the budget when filed with the county excise board and State Auditor and Inspector. The district shall make available a sufficient number of copies of the proposed budgets as the board shall determine and have them available for review or for distribution or sale at the office of the district. At the public hearing on the budgets, any person may present to the board comments, recommendations or information on any part of the proposed budget.
Added by Laws 1986, c. 145, § 14, eff. June 1, 1986. Amended by Laws 1989, c. 14, § 4, operative July 1, 1989.

§19-1715. Adoption of budget - Filing - Effective date - Review of budget.

A. After the hearing and at least seven (7) days prior to the beginning of the budget year, the board shall adopt the budget. The board may add or increase items or delete or decrease items in the budget. In all cases the proposed expenditures shall not exceed the estimated revenues for any fund.

B. The adopted budget shall be filed with the excise board of each county in which the district is located on or before the first day of the budget year. At the same time that the budget is filed with the excise board, one copy of the budget as adopted shall be transmitted to the State Auditor and Inspector and one copy shall be kept on file in the office of the district.

C. The adopted budget shall be in effect on and after the first day of the fiscal year to which they apply. The budgets as adopted and filed with the excise board shall constitute an appropriation for each fund, subject to final approval of the county excise board as provided by law, and the appropriation thus made shall not be used for any other purpose except as provided by law.

D. At the time required by law, the county excise board shall review the budget for approval.

Added by Laws 1986, c. 145, § 15, eff. June 1, 1986. Amended by Laws 1989, c. 14, § 5, operative July 1, 1989.

§19-1716. Protests against budget.

Within fifteen (15) days after the filing of any district budget with the State Auditor and Inspector, any taxpayer may file protests against any alleged illegality of the budget in the manner provided by this section and Sections 24103 through 24111 of Title 68 of the Oklahoma Statutes. The fifteen-day protest period begins upon the date the budget is received in the Office of the State Auditor and Inspector. After receipt of a taxpayer protest, the State Auditor and Inspector shall transmit by certified mail one copy of each protest to the district, and one copy of each protest to the county treasurer and the excise board of each county in which the district is located. The taxpayer protest shall specify the alleged illegality in the budget and the grounds upon which the alleged illegality is based. Any protest filed by any taxpayer shall inure to the benefit of all taxpayers. If no protest is filed by any taxpayer within the fifteen-day period, the budget and any appropriations thereof shall be deemed legal and final until amended by the board or the county excise board as authorized by law. Taxpayers shall have the right at all reasonable times to examine the budget on file with the board, the county excise board or the State Auditor and Inspector for the purpose of checking illegalities in the budget or for filing protests in accordance with this section and Sections 24103 through 24111 of Title 68 of the Oklahoma Statutes.

Added by Laws 1986, c. 145, § 16, eff. June 1, 1986.

§19-1717. Prohibitions on expenditures - Violations - Penalties.

A. No expenditure may be authorized or made by any employee or member of the board which exceeds any fund balance for any fund of the budget as adopted or amended or which exceeds the appropriation for any fund of the budget as adopted or amended. Any balance remaining in a fund at the end of the budget year shall be carried forward to the credit of the fund for the next budget year.

B. It shall be unlawful for any employee or member of the board in any budget year:

1. To create or authorize creation of a deficit in any fund; or

2. To authorize, make or incur expenditures or encumbrances in excess of ninety percent (90%) of the appropriation for any fund of the budget as adopted or amended until revenues in an amount equal to at least ninety percent (90%) of the appropriation for the fund have been collected. Any fund balance which is included in the appropriation for the fund is considered revenue in the budget year for which it is appropriated. Expenditures may then be made and authorized so long as any expenditure does not exceed any fund balance.

C. Any obligation that is contracted or authorized by any member or employee of the board in violation of this act shall become the obligation of the member or employee himself and shall not be valid or enforceable against the district. Any member or employee who violates this act shall forfeit his position and shall be subject to such civil and criminal punishments as are provided by law. Any obligation, authorization for expenditure or expenditure made in violation of this act shall be illegal and void.
Added by Laws 1986, c. 145, § 17, eff. June 1, 1986.

§19-1718. Funds and account groups to be maintained.

A district shall maintain, according to its own accounting needs some or all of the funds and account groups in its system of accounts that are consistent with legal and operating requirements and as prescribed by the State Auditor and Inspector. The required funds may include, but not be limited to:

1. A general fund, to account for all monies received and disbursed for general district government purposes, including all assets, liabilities, reserves, fund balances, revenues and expenditures which are not accounted for in any other fund or special ledger account;

2. Special revenue funds, as required, to account for the proceeds of specific revenue sources that are restricted by law to expenditures for specified purposes;

3. Debt service fund, which shall include the district sinking fund, established to account for the retirement of general obligation bonds or other long-term debt and payment of interest

thereon. Any monies pledged to service general obligation bonds or other long-term debt must be deposited in the debt service fund;

4. Capital improvement fund, to account for financial resources segregated for acquisition, construction or other improvement related to capital facilities other than those financed by general long-term debt;

5. A ledger or group of accounts in which to record the details relating to the general fixed assets of the county;

6. A ledger or group of accounts in which to record the details relating to the general bonds or other long-term debt of the district; and

7. Such other funds or ledgers as may be established by the district.

Added by Laws 1986, c. 145, § 18, eff. June 1, 1986.

§19-1719. Classification of estimated revenues and appropriation expenditures.

Estimated revenues and appropriation expenditures in the budget of each fund shall be classified in conformity with the accounting system prescribed by the State Auditor and Inspector. Revenues shall be classified separately by source. Expenditures shall be departmentalized by appropriate functions and activities within each fund and shall be classified within the following categories:

1. Salaries and wages, which may include expenses for salaries, wages, per diem allowances and other forms of compensation;

2. Employee benefits paid to any member or employee of the board for services rendered or for employment. Employee benefits may include employer contributions to a retirement system, insurance, vacation allowances, sick leave, terminal pay or similar benefits;

3. Operating expenses, which may include materials and supplies, articles and commodities which are consumed or materially altered when used, such as office supplies, operating supplies and repair and maintenance supplies, and all items of expense to any persons, firm or corporation rendering a service in connection with repair, sale or trade of such articles or commodities, such as services or charges for communications, transportation, advertising, printing or binding, insurance, public utility services, repairs and maintenance, rentals, miscellaneous items and all items of operating expense to any person, firm or corporation rendering such services;

4. Other services and charges, which may include all current expenses other than those listed in paragraphs 1, 2, 3, 5 or 6 of this section;

5. Capital outlays, which may include outlays which result in acquisition of or additions to fixed assets purchased by the district, including land, buildings, improvements other than buildings, and all construction, reconstruction, appurtenances or

improvements to real property accomplished according to the conditions of a contract, machinery and equipment, furniture and autos and trucks; and

6. Debt service, which may include outlays in the form of debt principal payments, periodic interest payments, paying agent's fees, or related service charges for benefits received in part in prior fiscal periods as well as in current and future fiscal periods.

Added by Laws 1986, c. 145, § 19, eff. June 1, 1986.

§19-1720. Transfer of unexpended or unencumbered appropriation or funds in special fund.

The board may transfer any unexpended and unencumbered appropriation or any portion thereof from one account to another within the same department or from one department to another within the same fund; except that no appropriation for debt service or other appropriation required by law may be reduced below the minimums required.

Whenever the necessity for maintaining any special fund of a district has ceased to exist and a balance remains in the fund, the board may authorize the transfer of the balance to the general fund. Applicable law shall govern the use or transfer of balance in any debt service or special revenue fund.

Added by Laws 1986, c. 145, § 20, eff. June 1, 1986.

§19-1721. Amendment of budget.

A. The board may amend the budget to make supplemental appropriations to any fund up to the amount of additional revenues which are available for current expenses as shown by a fund balance for the fund due to:

1. Revenues received from sources not anticipated in the budget for that year;

2. Revenues received from anticipated sources but in excess of the budget estimates therefor; or

3. Unexpended unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget. Any appropriation authorizing the creating of an indebtedness shall be governed by the applicable provisions of Article X of the Constitution of the State of Oklahoma.

B. If at any time during the budget year it appears probable that revenues available will be insufficient to meet the amount appropriated, or that due to unforeseen emergencies there is temporarily insufficient money in a particular fund to meet the requirements of appropriation for the fund, the board shall take action as it deems necessary. For that purpose, it may amend the budget to reduce one or more appropriations, but no appropriation for debt service may be reduced and no appropriation may be reduced by more than the amount of the unencumbered and unexpended balance

thereof. No transfer shall be made from the debt service fund to any other fund except as may be permitted by the terms of the bond issue or applicable law.

C. A budget amendment as provided in this section authorizing supplemental appropriations or a decrease or change in appropriation or funds shall be adopted at a meeting of the board and filed with the district, the county excise board of each county in which the district is located and the State Auditor and Inspector.
Added by Laws 1986, c. 145, § 21, eff. June 1, 1986. Amended by Laws 1989, c. 14, § 6, operative July 1, 1989.

§19-1722. Rules and regulations - Forms.

For the purpose of carrying into effect the provisions of this act, and for its proper administration, the State Auditor and Inspector is hereby empowered to promulgate and enforce such rules and regulations as may be necessary but not inconsistent herewith, and he shall prescribe all the forms of whatsoever nature referred to in this act including but not necessarily limited to budget forms, supporting schedule forms and all other accounting stationery required, desired or needed under the provisions of this act.
Added by Laws 1986, c. 145, § 22, eff. June 1, 1986.

§19-1723. Purchases by board - Process.

Purchases by any board of trustees of any emergency medical service district shall be made in accordance with the bidding requirements as provided in Sections 1501 and 1505 of this title.
Added by Laws 1986, c. 145, § 23, eff. June 1, 1986. Amended by Laws 1995, c. 7, § 1, eff. Nov. 1, 1995; Laws 1999, c. 245, § 3, eff. July 1, 1999; Laws 2012, c. 167, § 1, eff. July 1, 2012.

§19-1801. Reverse auction bidding.

A. A county of the state is authorized to use a reverse auction bidding procedure to obtain bids for the purchase of goods or services of any type or kind. The reverse auction shall be a real-time bidding process taking place at a previously scheduled time and Internet location and for a previously established duration, in which multiple suppliers, anonymous to each other, submit bids to provide the goods or services. The reverse auction procedure may be used as an alternative to any state law applicable to the purchase of the goods or services.

B. The procedure shall provide:

1. A bid opening and bid closure. At the opening date and time, the county shall begin accepting reverse auction electronic bids. Reverse auction bids shall be accepted until the bid closure, except as provided by paragraph 6 of this subsection, unless the county determines it is in the best interest of the county to extend the closing time and notifies the reverse auction bidders of the

extended closing time by public announcement at the Internet location at least fifteen (15) minutes prior to the original closing time;

2. The posting of all reverse auction bids electronically and updating of bids on a real-time basis by the county;

3. The authorization for the county to require bidders to register before the opening date and time and, as part of that registration, require bidders to agree to any terms, conditions or other requirements of the solicitation or applicable acts;

4. The authorization for the county to also require potential bidders to prequalify as bidders and to restrict solicitations to prequalified online and reverse auction bidders;

5. The retention of the authority of the county to determine the criteria that will be used as the basis for making awards; and

6. The authorization for the county to determine it is in the best interest of the county to allow it to accept an electronic bid after the specified official closing date and time, in the event the county determines that a significant error or event occurred that affected the electronic receipt of any reverse auction bid by the county.

C. All bids submitted electronically through the reverse auction bidding process pursuant to this section are subject to the same public disclosure laws that govern bids received pursuant to any other law of this state governing procurement procedures for a county.

D. All remedies available to the county and suppliers through a bid process pursuant to any other law of this state are also available to the county reverse auction bidders in a reverse auction bidding process.

Added by Laws 2010, c. 42, § 1, eff. Nov. 1, 2010.