

ENGROSSED SENATE
BILL NO. 737

BY: WRIGHT of the SENATE

and

JOHNSON (Rob) of the HOUSE

[MUNICIPALITIES AND COUNTIES - AMENDING 11 O.S.,
SECTIONS 22-101, 28-106 AND 34-103 AND 19 O.S.,
SECTIONS 1 AND 547 - POWERS OF MUNICIPALITIES AND
COUNTIES -

EMERGENCY]

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 22-101, is amended to read as follows:

Section 22-101. All incorporated municipalities shall be bodies corporate and politic, and shall have the powers to:

1. Sue and be sued;
2. Purchase and hold real and personal property for the use of the municipality;
3. Sell and convey any real or personal property owned by the municipality and make orders respecting the same as may be conducive to the best interests of the municipality;
4. Make all contracts and do all other acts in relation to the property and affairs of the municipality, necessary to the good government of the municipality, and to the exercise of its corporate and administrative powers; ~~and~~

5. Enter into agreements with the board of county commissioners of the county within which such municipality is located to combine the law enforcement and jail functions of the municipality and the county in an effort to provide more efficient law enforcement services for the citizens of both the municipality and county; and

~~5.~~ 6. Exercise such other powers as are or may be conferred by law.

SECTION 2. AMENDATORY 11 O.S. 1991, Section 28-106, is amended to read as follows:

Section 28-106. The clerk of the municipal criminal court of record shall keep and preserve the records of all proceedings had in the court, shall keep a docket, and shall collect and receive all fines, costs, bond forfeitures and other monies properly receivable by him and shall account for the same to the city governing body.

~~He~~ The governing body may authorize the appropriate finance official of the city by ordinance to collect and receive all fines, costs, bond forfeitures and other monies properly received by the clerk.

When the clerk collects and receives such monies, the clerk shall pay all such sums of money to the ~~city treasurer or commissioner of~~ appropriate finance official of the city as the ~~city~~ governing body may prescribe. It shall be the duty of the clerk to certify and authenticate all transcripts, cases and other records of the court and the certificate of the clerk shall be prima facie proof of the correctness of the copy of the document or record authenticated.

SECTION 3. AMENDATORY 11 O.S. 1991, Section 34-103, is amended to read as follows:

Section 34-103. A. Members of the regular police department of any municipality, upon request of the mayor or his designee, or chief of police or his designee, of any other municipality, may serve as police officers in the municipality requesting their assistance upon approval of the governing body of the municipality where such officers are regularly employed. While so serving in

another municipality, such police officers shall have the same powers and duties as though employed by the municipality where such duties are performed; except that salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

B. Members of the regular police department of any municipality, upon request of a county sheriff or his designee, or upon request by a member of the Oklahoma Highway Patrol, may serve as law enforcement officers for the sheriff's office or the Oklahoma Highway Patrol, respectively, if such service has been authorized by prior resolution by the governing body of the municipality where such officers are regularly employed. While so serving, such police officers 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; except that salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

C. Members of the regular police department of any municipality may be deputized by the county sheriff or his designee 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.

SECTION 4. AMENDATORY 19 O.S. 1991, Section 1, is amended to read as follows:

Section 1. 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 enter into agreements with the governing body of any municipality located within the county to combine the law enforcement and jail functions of the municipality and the county in an effort to provide more efficient law enforcement services for the citizens of both the municipality and the county; and

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

SECTION 5. AMENDATORY 19 O.S. 1991, Section 547, is amended to read as follows:

Section 547. A. The sheriff shall be responsible for the official acts of his undersheriff and deputy sheriffs, and may revoke such appointments at his pleasure. 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. A sheriff or salaried 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 one-hundred-twenty-hour basic police course. Reserve force deputies may receive compensation for their services. Such reserve deputy sheriffs shall complete a one-hundred-twenty-hour basic police course within twelve (12) months after they have been commissioned to be paid by the county ~~or~~ as an individual reserve deputy.

C. The sheriff or his designee may depute 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.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 11th day of March, 1992.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1992.

Speaker of the House of Representatives