

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)
2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1152

By: Long of the Senate

and

Satterfield of the House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to counties and county officers; amending 19 O.S. 1991, Section 547, as last amended by Section 4, Chapter 109, O.S.L. 1996 (19 O.S. Supp. 1997, Section 547), which relates to deputizing certain persons; providing for mutual aid agreements; allowing certain persons to have certain authority; requiring the employing governmental unit to retain responsibilities for certain mutual aid agreements; requiring notice of certain agreements be sent to the State Tribal Relations Committee upon approval of the governing body of the political subdivision; providing time for the State Tribal Relations Committee to disapprove; providing certain agreements to become effective unless disapproved; requiring the employing governmental unit to retain responsibilities for certain mutual aid agreements; amending 74 O.S. 1991, Sections 1003, as amended by Section 2, Chapter 85, O.S.L. 1995, and 1221, as amended by Section 73, Chapter 290, O.S.L. 1994 (74 O.S. Supp. 1997, Sections 1003 and 1221), which relate to public agencies and governmental agreement; adding definition; making language gender neutral; requiring notice of certain agreements to be sent to the State Tribal Relations Committee upon approval by the board of county commissioners; providing time for the State Tribal Relations Committee to disapprove; providing certain agreements to become effective unless disapproved; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 547, as last amended by Section 4, Chapter 109, O.S.L. 1996 (19 O.S. Supp. 1997, Section 547), is amended to read as follows:

Section 547. 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. 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. The sheriff may pay reserve force deputies for travel expenses pursuant to the State Travel Reimbursement Act. 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 as an individual reserve deputy. The sheriff may pay for additional training courses attended by reserve force deputies.

C. 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.

D. A political subdivision of the state upon the approval of the governing body of the political subdivision may enter into mutual aid agreements under the Interlocal Cooperation Act to assist or provide law enforcement services to any town, city or county. The employing governmental unit shall remain responsible for their officers or deputies pursuant to any mutual aid agreement.

E. 1. A political subdivision of the state upon the approval of the governing body of the political subdivision may enter into mutual aid agreements under the Interlocal Cooperation Act to assist or provide law enforcement services to any federally recognized Indian tribe within the state.

2. The political subdivision shall deliver notice of any agreement relating to law enforcement services and a copy of the agreement to the State Tribal Relations Committee and the Governor within ten (10) days of approval of the agreement by the governing body of the subdivision. Unless the State Tribal Relations Committee or the Governor disapproves the agreement within sixty (60) days after the delivery of the notice and agreement, the agreement shall become effective.

3. The employing governmental unit shall remain responsible for their officers or deputies pursuant to any mutual aid agreement.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 1003, as amended by Section 2, Chapter 85, O.S.L. 1995 (74 O.S. Supp. 1997, Section 1003), is amended to read as follows:

Section 1003. A. For the purposes of Section 1001 et seq. of this title, the term "public agency" shall mean:

1. Any political subdivision of this state;
2. Any agency of the state government or of the United States;
3. Each and every public trust of this state regardless of whether the beneficiary of such trust is a municipality, a county, or the State of Oklahoma, except the Oklahoma Ordnance Works Authority;
4. Any corporation organized not for profit pursuant to the provisions of the Oklahoma General Corporation Act, Section 1001 et seq. of Title 18 of the Oklahoma Statutes, for the primary purpose of developing and providing rural water supply and sewage disposal facilities to serve rural residents or to provide community-based services or assistance to clients of the Department of Mental Health and Substance Abuse Services as

provided in Section 2-106 of Title 43A of the Oklahoma Statutes;
~~and~~

5. Any political subdivision of another state; and

6. Any federally recognized Indian tribe of this state.

B. The term "state" shall mean a state of the United States and the District of Columbia.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 1221, as amended by Section 73, Chapter 290, O.S.L. 1994 (74 O.S. Supp. 1997, Section 1221), is amended to read as follows:

Section 1221. A. The State of Oklahoma acknowledges federal recognition of Indian Tribes recognized by the Department of Interior, Bureau of Indian Affairs.

B. The State of Oklahoma recognizes the unique status of Indian Tribes within the federal government and shall work in a spirit of cooperation with all federally recognized Indian Tribes in furtherance of federal policy for the benefit of both the State of Oklahoma and Tribal Governments.

C. The Governor, or ~~his~~ named designee, is authorized to negotiate and enter into cooperative agreements on behalf of this state with federally recognized Indian Tribal Governments within this state to address issues of mutual interest. Such agreements shall become effective upon approval by the Joint Committee on State-Tribal Relations. If such agreements involve trust responsibilities, approval by the Secretary of the Interior or ~~his~~ named designee shall be required.

D. The governing board of ~~the~~ a political subdivision of this state is authorized to negotiate and enter into intergovernmental cooperative agreements in behalf of the political subdivision, with the federally recognized Indian Tribal Governments within this state to address issues of mutual interest. Such agreements shall be effective upon approval by the Joint Committee on State-Tribal Relations and the Governor, or ~~his~~ named designee; ~~provided, agreements.~~ Agreements for juvenile detention facilities made pursuant to Section ~~1108~~ 7304-1.3 of Title 10 of the Oklahoma Statutes shall become effective upon approval by the board of county commissioners.

E. An executed original of every agreement approved pursuant to this section shall be filed with the Secretary of State.

F. The board of county commissioners shall deliver notice of any agreement relating to the maintenance and construction of county roads and bridges and a copy of the agreement to the State Tribal Relations Committee and the Governor within ten (10) days of approval of the agreement by the board. Unless the State Tribal Relations Committee or the Governor disapproves the agreement within sixty (60) days after delivery of the notice and agreement, the agreement shall become effective.

SECTION 4. This act shall become effective November 1, 1998.

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