

ENGROSSED HOUSE
BILL NO. 3275

By: Tyler, Covey, Ferguson,
Gilbert, Hiett, Maddux,
Miller, Mitchell, Ramsey
and Turner of the House

and

Stipe of the Senate

An Act relating to roads, bridges and ferries;
amending Section 12, Chapter 80, O.S.L. 1992 (69
O.S. Supp. 1997, Section 687.1), which relates to
circuit engineering districts; deleting circuit
engineer and duties thereof; deleting district
board of directors; establishing objectives of
circuit engineering district; creating authority of
circuit engineering districts; permitting circuit
engineering district to form certain legal trusts;
setting forth goal of trust; authorizing election
of liaison officer and setting forth certain
duties; providing for an independent audit;
permitting the board of directors to hire an
attorney; authorizing State Auditor and Inspector
to prescribe rules, forms and procedures for
certain purchases; permitting pool purchasing based
on certain rules, forms and procedures; authorizing
counties to participate in pool purchasing;
providing an effective date; and declaring an
emergency.

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

SECTION 1. AMENDATORY Section 12, Chapter 80, O.S.L. 1992 (69 O.S. Supp. 1997, Section 687.1), is amended to read as follows:

Section 687.1 A. The board of county commissioners of any county in this state may create a circuit engineering district with any other county or counties located within its Association of County Commissioners of Oklahoma district ~~to employ one circuit engineer to assist the counties in carrying out the day-to-day operations of road maintenance, construction and inspection.~~

~~B. The salary of the circuit engineer and the operational costs and expenses of the district shall be shared by the participating counties in a manner as proposed by the Association of County Commissioners of Oklahoma and approved by the participating counties. In addition, policies and procedures relating to the administration and operation of the district shall be proposed by the Association of County Commissioners of Oklahoma and approved by the participating counties.~~

~~C. The district shall be governed by a board of directors which is composed of one person appointed by a majority of the board of county commissioners of each county participating in the district. The board shall establish a budget and determine the salaries, staff size, space requirements, supplies, duties, obligations and priorities for the operation of the district. Upon the request of the board, the Department of Transportation may assist in the formation of such district.~~

~~D. The district board shall employ the circuit engineer for the district. The circuit engineer may be terminated by a majority vote of the district board. All meetings of the district board shall be subject to the provisions of the Oklahoma Open Meeting Law. The objectives of the circuit engineering district shall be:~~

1. To allow county governments to make the most efficient use of their powers by enabling them to cooperate with each other and other units of government on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of county government;

2. To provide research and research support to county government;

3. To provide assistance to county governments in performing the functions delegated by law including, but not limited to, the operation of road maintenance, construction, inspection, and equipment purchases and management;

4. To conduct public discussion groups, forums, panels, lectures, and other similar programs;

5. To present courses of instruction and education;

6. To obtain, develop and present scientific and all other types of information relative to the operation of the public transportation system in this state;

7. For long-range planning and growth of the transportation system within the circuit engineering district and other circuit engineering districts within this state; and

8. To provide services to counties in a coordinated manner that will improve the quality of the transportation system and be cost effective.

B. The authority of the circuit engineering district shall be as follows:

1. To comply with and carry out the provisions of the Interlocal Cooperation Act;

2. To advise and assist its members with how to implement and make an effective transportation plan for the best interest of each member of the circuit engineering district;

3. To prepare such programs of research as may be necessary and advisable in carrying out its purposes;

4. To contract for services with persons, firms or units of government to carry out the purposes of the circuit engineering district;

5. To provide periodic reports for the circuit engineering district or for its members as may be required by federal or state legislation or regulations pertaining thereto, and as are within the scope and range of the purpose of the circuit engineering district;

6. To acquire and hold property for its use and to incur expenses to carry out its functions;

7. To receive gifts, contributions and donations to carry out the purposes for which it is formed;

8. To assess its members for the services rendered in carrying out its functions;

9. To apply for, contract for, administer, receive and expend funds or grants from any participating member, the State of Oklahoma, the federal government, or any other source; and

10. To publish studies in connection with its work which may be of benefit to its members or other agencies within and outside of the circuit engineering district.

C. Circuit engineering districts may, by affirmative vote of their board, determine that the association representing the county commissioners of Oklahoma be designated to negotiate for services, required by law or necessity, on behalf of the circuit engineering districts.

D. The circuit engineering district may, from time to time, as its board of directors deems necessary, cause to be formed legal trusts which shall be formed to promote and develop specific projects. The primary goal of each trust created pursuant to this subsection shall be the economic growth and development within the district. However, the trust shall be limited to functions within

the category for which it is specifically organized. The trust shall be totally responsible for its contractual obligations and holdings, holding the circuit engineering district harmless for claims or liabilities created by the trust.

E. The board of directors of the circuit engineering district shall elect a liaison officer. The liaison officer shall be a nonvoting member of each trust formed pursuant to subsection D of this section. The liaison shall be permitted to attend all meetings and enter into all discussions of the trust's board of trustees, and shall report all actions to the board of directors of the circuit engineering district.

F. The circuit engineering district shall conduct an independent audit upon completion of each fiscal year.

G. The board of directors may employ an attorney to provide legal research, advice and opinions on contracts and other matters which may come before the board of directors.

H. The State Auditor and Inspector shall prescribe the necessary rules, forms and procedures to provide for the efficient and timely means by which the pool purchase of supplies and equipment may be accomplished on behalf of the participating counties. The rules, forms and procedures developed by the State Auditor and Inspector for pool purchasing may be utilized by the Oklahoma Department of Transportation County Advisory Board in coordination with the circuit engineering districts for the purpose of pool purchasing utilizing funds from the County Road Machinery and Equipment Revolving Fund. For the purpose of obtaining access to pricing and bids available on a national level, counties shall be eligible to participate in such pool purchasing in a manner as determined by the State Auditor and Inspector.

SECTION 2. This act shall become effective July 1, 1998.

SECTION 3. 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 House of Representatives the 9th day of March, 1998.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1998.

President of the Senate