

SHORT TITLE: Counties and county officers; providing for deputization; providing mutual aid agreements; allowing cross-deputization. Effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1152

By: Long

AS INTRODUCED

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; amending 74 O.S.  
1991, Sections 1003, as amended by Section 2,  
Chapter 85, O.S.L. 1995, 1004 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; adding Indian tribal government  
to definition; specifying terms; allowing cross-  
deputization between certain entities; 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. The sheriff may enter into mutual aid agreements under the Local Cooperation Act to assist or provide law enforcement services to any town, city, county, or Indian tribe 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.

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 Indian tribal government.

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 1004, is amended to read as follows:

Section 1004. ~~(a)~~ A. Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state, and jointly with any public agency of any other state or of the United States to the extent that laws of

such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a public agency.

~~(b)~~ B. Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this act.

Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

~~(c)~~ C. Any such agreement shall specify the following:

1. Its duration~~;~~;
2. The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created~~;~~;
3. Its purpose or purposes~~;~~;
4. The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor~~;~~;
5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination~~;~~; and
6. Any other necessary and proper matters.

~~(d)~~ D. In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items 1, 3, 4, 5 and 6 enumerated in subdivision ~~(c)~~ C hereof, contain the following:

1. Provisions for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case

of a joint board, public agencies party to the agreement shall be represented; and

2. The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking.

~~(e)~~ E. No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law unless specifically set forth in the terms of the agreement, except that, to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performance may be offered in satisfaction of the obligation or responsibility.

~~(f)~~ F. Every agreement made hereunder shall, prior to and as a condition precedent to its entry into force, be submitted to the Attorney General who shall determine whether the agreement is in proper form and compatible with the laws of this state. The Attorney General shall approve any agreement submitted ~~to him~~ hereunder unless ~~he~~ the Attorney General shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within sixty (60) days of its submission shall constitute approval thereof.

~~(g)~~ G. Financing of joint projects by agreements shall be as provided by law.

SECTION 4. 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~~ 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. Cross-deputization law enforcement agreements between political subdivisions of this state, and federal agencies or Indian Tribes or both, shall not require approval of either the Governor, or named designee, or the Joint Committee on State-Tribal Relations, but shall become effective upon approval of the governing body of the political subdivision.

SECTION 5. This act shall become effective November 1, 1998.

46-2-2043

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