

SB 736

THE STATE SENATE  
Monday, February 23, 2009

Senate Bill No. 736  
As Amended

SENATE BILL NO. 736 - By: Ballenger of the Senate and Jackson of the House.

[ roads, bridges and ferries - circuit engineering districts  
- effective date -  
emergency ]

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

SECTION 1. AMENDATORY 69 O.S. 2001, Section 687.1, as amended by Section 1, Chapter 113, O.S.L. 2007 (69 O.S. Supp. 2008, 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. 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;

- 1           2. To provide research and research support to county  
2 government;
- 3           3. To provide assistance to county governments in performing  
4 the functions delegated by law including, but not limited to, the  
5 operation of road maintenance, construction, inspection, and  
6 equipment purchases and management;
- 7           4. To conduct public discussion groups, forums, panels,  
8 lectures, and other similar programs;
- 9           5. To present courses of instruction and education;
- 10          6. To obtain, develop and present scientific and all other  
11 types of information relative to the operation of the public  
12 transportation system in this state;
- 13          7. For long-range planning and growth of the transportation  
14 system within the circuit engineering district and other circuit  
15 engineering districts within this state; and
- 16          8. To provide services to counties in a coordinated manner that  
17 will improve the quality of the transportation system and be cost  
18 effective.
- 19          B. The authority of the circuit engineering district shall be  
20 as follows:
- 21           1. To comply with and carry out the provisions of the  
22 Interlocal Cooperation Act;

- 1           2. To advise and assist its members with how to implement and  
2 make an effective transportation plan for the best interest of each  
3 member of the circuit engineering district;
- 4           3. To prepare such programs of research as may be necessary and  
5 advisable in carrying out its purposes;
- 6           4. To contract for services with persons, firms or units of  
7 government to carry out the purposes of the circuit engineering  
8 district;
- 9           5. To provide periodic reports for the circuit engineering  
10 district or for its members as may be required by federal or state  
11 legislation or regulations pertaining thereto, and as are within the  
12 scope and range of the purpose of the circuit engineering district;
- 13          6. To acquire and hold property for its use and to incur  
14 expenses to carry out its functions;
- 15          7. To receive gifts, contributions and donations to carry out  
16 the purposes for which it is formed;
- 17          8. To assess its members for the services rendered in carrying  
18 out its functions;
- 19          9. To apply for, contract for, administer, receive and expend  
20 funds or grants from any participating member, the State of  
21 Oklahoma, the federal government, or any other source; and

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

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

9           D. The circuit engineering district may, from time to time, as  
10 its board of directors deems necessary, cause to be formed legal  
11 trusts which shall be formed to promote and develop specific  
12 projects. The primary goal of each trust created pursuant to this  
13 subsection shall be the economic growth and development within the  
14 district. However, the trust shall be limited to functions within  
15 the category for which it is specifically organized. The trust  
16 shall be totally responsible for its contractual obligations and  
17 holdings, holding the circuit engineering district harmless for  
18 claims or liabilities created by the trust.

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

1 shall report all actions to the board of directors of the circuit  
2 engineering district.

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

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

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

21 I. Circuit engineering districts may participate in the County  
22 Road Machinery and Equipment Revolving Fund pursuant to the  
23 provisions of Section 302.1 of this title.

1 J. Circuit engineering districts are authorized to organize a  
2 statewide board consisting of the chairpersons duly elected by each  
3 of their respective circuit engineering districts. The statewide  
4 board organized pursuant to this section shall:

5 1. Have the power to conduct business, including the  
6 development of policies and procedures, incur expenses, and contract  
7 for services so long as such business furthers the provisions of  
8 this act;

9 2. Coordinate activities between circuit engineering districts;

10 3. Administer the Statewide Circuit Engineering District  
11 Revolving Fund, created pursuant to Section 687.2 of this title and  
12 administer the Emergency and Transportation Revolving Fund created  
13 pursuant to Section 687.3 of this title; and

14 4. Have authority to promulgate rules to carry out the  
15 provisions of this act.

16 SECTION 2. This act shall become effective July 1, 2009.

17 SECTION 3. It being immediately necessary for the preservation  
18 of the public peace, health and safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-18-09 - DO  
22 PASS, As Amended and Coauthored.