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SHORT TITLE: Counties and county officers; authorizing the county commissioners to determine which railroad crossings are extra hazardous; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 63

By: Roberts

AS INTRODUCED

An Act relating to the Corporation Commission and counties and county officers; amending 19 O.S. 1991, Section 339, as last amended by Section 1, Chapter 45, O.S.L. 1996 (19 O.S. Supp. 1996, Section 339), which relates to general powers of the board; authorizing the board of county commissioners to determine which railroad crossings are extra hazardous; authorizing commissioners to require certain equipment and allocate cost; repealing 17 O.S. 1991, Section 86, which relates to extra hazardous railroad crossings; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 339, as last amended by Section 1, Chapter 45, O.S.L. 1996 (19 O.S. Supp. 1996, Section 339), is amended to read as follows:

Section 339. A. The county commissioners shall have power:

1. To make all orders respecting the real property of the county, to sell the public grounds of the county and to purchase other grounds in lieu thereof; and for the purpose of carrying out the provisions of this section it shall be sufficient to convey all the interests of the county in such grounds when an order made for the sale and a deed is executed in the name of the county by the

chair of the board of county commissioners, reciting the order, and signed by the chair and acknowledged by the county clerk for and on behalf of the county;

2. To audit the accounts of all officers having the care, management, collection or disbursement of any money belonging to the county or appropriated for its benefit;

3. To construct and repair bridges and to open, lay out and vacate highways: Provided, however, that when any state institution, school or department shall own, lease or otherwise control land on both sides of any established highway, the governing board or body of the same shall have the power to vacate, alter or relocate said highway adjoining said property in the following manner:

If it should appear that it would be to the best use and interest of such institution, school or department to vacate, alter or relocate such highway, the governing board or body shall notify the board of county commissioners, in writing, of their intention to hold a public hearing and determine whether to vacate, alter or relocate such highway, setting forth the location and terminals of the road, and all data concerning the proposed right-of-way if changed or relocated, and shall give fifteen (15) days' notice of such hearing by publication in some newspaper in the county or counties in which the road is located, and such hearing shall be held at the county seat of the county in which the road is located, and if a county line road, may be heard in either county. At such hearing testimony may be taken, and any protests or suggestions shall be received as to the proposed measure, and at the conclusion thereof if the governing board or body shall find that it would be to the best use and interest of such institution, school or department, and the public generally, they may make an appropriate order either vacating, altering or relocating the highway, which order shall be final; provided further, that such institution,

school or department may by agreement share the cost of changing any such road; and provided further, that no property owner shall be denied access to a public highway by such order;

4. Until January 1, 1983, to furnish necessary blank books, plats, blanks and stationery for the clerk of the district court, county clerk, register of deeds, county treasurer and county judge, sheriff, county surveyor and county attorney, justices of the peace, and constables, to be paid for out of the county treasury; also a fireproof vault sufficient in which to keep all the books, records, vouchers and papers pertaining to the business of the county;

5. To set off, organize and change the boundaries of townships and to designate and give names therefor: Provided, that the boundaries of no township shall be changed within six (6) months next preceding a general election;

6. To lease tools, apparatus, machinery or equipment of the county to another political subdivision or a state agency. The Association of County Commissioners of Oklahoma, the Oklahoma State University Center for Local Government Technology and the Office of the State Auditor and Inspector, together, shall establish a system of uniform rates for the leasing of such tools, apparatus, machinery and equipment;

7. To jointly, with other counties, buy heavy equipment and to loan or lease such equipment across county lines;

8. To develop minimum personnel policies for the county with the approval of a majority of all county elected officers;

9. To purchase, rent, or lease-purchase uniforms, safety devices and equipment for the officers and employees of the county. The county commissioners may pay for any safety training or safety devices and safety equipment out of the general county funds or any county highway funds available to the county commissioners;

10. To provide for payment of notary commissions, filing fees, and the cost of notary seals and bonds;

11. To do and perform such other duties and acts that the board of county commissioners may be required by law to do and perform;

12. To make purchases at a public auction pursuant to the county purchasing procedures in subsection D of Section 1505 of this title;

13. To deposit interest income from highway funds in the general fund of the county; ~~and~~

14. To submit sealed bids for the purchase of equipment from this state, or any agency or political subdivision of this state; and

15. After having made proper investigations, to designate those railroad crossings which are extra hazardous. At all such crossings so designated, the Corporation Commission, county commissioners or city council shall have the authority to order the installation of appropriate protective devices. All such installations shall be performed by the railroad. The Corporation Commission, county commissioners or city council shall have the authority to determine the number, type, and location of such signs, signals, gates or other protective devices, which shall conform as near as possible with generally recognized national standards, and the Corporation Commission, county commissioners or city council shall have authority to prescribe the division of the cost of the installation of such signs, signals, gates or other protective devices between the railroad corporation and the state or its political subdivisions; provided, however, that the cost to the utility shall be not less than ten percent (10%) or more than twenty-five percent (25%) of the total costs. The railroads shall be responsible for all subsequent maintenance and cost thereof.

B. The county commissioners of a county or, in counties where there is a county budget board, the county budget board may designate money from general county funds for the designated purpose

of drug enforcement and drug abuse prevention programs within the county.

C. When any lease or lease purchase is made on behalf of the county by the board pursuant to the provisions of this section, the county shall be allowed to have trade in values for transactions involving the Oklahoma Central Purchasing Act, Section 85.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 2. REPEALER 17 O.S. 1991, Section 86, is hereby repealed.

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.

46-1-0443

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