

EHB 2560

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THE STATE SENATE
Thursday, March 23, 2000

ENGROSSED

House Bill No. 2560

ENGROSSED HOUSE BILL NO. 2560 - By: TAYLOR of the House and WEEDN of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 1991, Section 339, as last amended by Section 1, Chapter 76, O.S.L. 1999 (19 O.S. Supp. 1999, Section 339), which relates to general powers of the board of county commissioners; requiring approval of certain order by board of county commissioners; permitting board of county commissioners to execute certain agreements when leasing or lease-purchasing equipment; permitting board of county commissioners to open a petty cash account for motor vehicle registration; requiring funds to be returned to certain account or fund; requiring county purchasing agent to be custodian of petty cash account; providing for audit; amending 19 O.S. 1991, Section 957, which relates to definition of employee; modifying definition; and providing an effective date.

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 76, O.S.L. 1999 (19 O.S. Supp. 1999, 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

1 the sale and a deed is executed in the name of the county by the
2 chair of the board of county commissioners, reciting the order, and
3 signed by the chair and acknowledged by the county clerk for and on
4 behalf of the county;

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

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

15 If it should appear that it would be to the best use and
16 interest of such institution, school or department to vacate, alter
17 or relocate such highway, the governing board or body shall notify
18 the board of county commissioners, in writing, of their intention to
19 hold a public hearing and determine whether to vacate, alter or
20 relocate such highway, setting forth the location and terminals of
21 the road, and all data concerning the proposed right-of-way if
22 changed or relocated, and shall give fifteen (15) days' notice of
23 such hearing by publication in some newspaper in the county or

1 counties in which the road is located, and such hearing shall be
2 held at the county seat of the county in which the road is located,
3 and if a county line road, may be heard in either county. At such
4 hearing testimony may be taken, and any protests or suggestions
5 shall be received as to the proposed measure, and at the conclusion
6 thereof if the governing board or body shall find that it would be
7 to the best use and interest of such institution, school or
8 department, and the public generally, they may make an appropriate
9 order either vacating, altering or relocating the highway, which
10 order shall be final; ~~provided further, that such~~ if approved by the
11 board of county commissioners. Such institution, school or
12 department may by agreement share the cost of changing any such
13 road; ~~and provided further, that no.~~ No property owner shall be
14 denied access to a public highway by such order;

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

22 5. To set off, organize and change the boundaries of townships
23 and to designate and give names therefor: Provided, that the

1 boundaries of no township shall be changed within six (6) months
2 next preceding a general election;

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

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

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

14 9. To purchase, rent, or lease-purchase uniforms, safety
15 devices and equipment for the officers and employees of the county
16 and, provide incentive awards for safety related job performance.
17 However, no employee shall be recognized more than once per calendar
18 year and the award shall not exceed the value of One Hundred Dollars
19 (\$100.00). The county commissioners may pay for any safety training
20 or safety devices and safety equipment out of the general county
21 funds or any county highway funds available to the county
22 commissioners;

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

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

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

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

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

12 15. To utilize county owned equipment, labor and supplies at
13 their disposal on property owned by the county, public schools,
14 state and unincorporated towns and cities with populations less than
15 two thousand five hundred (2,500), the county may be reimbursed
16 expenses related to any particular project upon the development and
17 agreement of the work order; ~~and~~

18 16. To enter into intergovernmental cooperative agreements with
19 the federally recognized Indian tribes within this state to address
20 issues of construction and maintenance of streets, roads, bridges
21 and highways exclusive of the provisions of Section 1221 of Title 74
22 of the Oklahoma Statutes; and

1 17. To execute hold harmless agreements with the lessor in the
2 manner provided by subsection B of Section 636.5 of Title 69 of the
3 Oklahoma Statutes when leasing or lease-purchasing equipment.

4 B. The county commissioners of a county or, in counties where
5 there is a county budget board, the county budget board may
6 designate money from general county funds for the designated purpose
7 of drug enforcement and drug abuse prevention programs within the
8 county.

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

14 D. In order to timely comply with the Oklahoma Vehicle License
15 and Registration Act with regard to county vehicles, the board of
16 county commissioners may, by resolution, create a petty cash
17 account. The board of county commissioners may request a purchase
18 order for petty cash in an amount necessary to pay the expense of
19 license and registration fees for county motor vehicles. Any
20 balance in the petty cash account after the license and registration
21 fees have been paid shall be returned to the account or fund from
22 which the funds originated. The county purchasing agent shall be

1 the custodian of the petty cash account, and the petty cash account
2 shall be subject to audit.

3 SECTION 2. AMENDATORY 19 O.S. 1991, Section 957, is
4 amended to read as follows:

5 Section 957. An "employee", as used Sections 951 through 962 of
6 this title, shall include the elected or appointed salaried
7 officials and regular full-time salaried employees of a county, and
8 shall also include regular full-time employees of the county board
9 of library trustees, county employees whose salaries are paid in
10 whole or in part from the court fund of such county, employees of
11 county circuit engineering districts, and employees of any public
12 trust created pursuant to law in which the county is the sole
13 beneficiary of the public trust, if approved by the board of county
14 commissioners ~~of said county.~~

15 SECTION 3. This act shall become effective November 1, 2000.

16 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 3-20-00
17 - DO PASS.