

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
HOUSE BILL NO. 1033

By: Taylor and Maddux of the
House

and

Littlefield of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to counties and county officers; amending 19 O.S. 1991, Sections 339, as last amended by Section 1 of Enrolled House Bill No. 1376 of the 1st Session of the 48th Oklahoma Legislature and 344, which relate to powers of the board of county commissioners; adding to powers; modifying and adding certain powers of the board of county commissioners; requiring execution of cooperative agreement; stating requirements of cooperative agreement; authorizing county commissioners to use county funds and resources for environmental remediation; requiring a remediation plan; providing for reimbursement; providing for sale of real property by public auction; providing for deposit of proceeds; amending 60 O.S. 1991, Sections 381 and 382, which relate to gifts of property to the state and subdivisions; adding certain rights-of-way to legal capacity to accept and tax exemption requirements; repealing 19 O.S. 1991, Section 339, as last amended by Section 2 of Enrolled Senate Bill No. 346 of the 1st Session of the 48th Oklahoma Legislature, which is a duplicate section; providing for codification; 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 of Enrolled House Bill No. 1376 of the 1st Session of the 48th Oklahoma Legislature, 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 the highway adjoining the 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 if approved by the board of county commissioners. Such institution, school or department may by agreement share the cost of changing any such road. No property owner shall be denied access to a public highway by such order;

4. To recommend or sponsor an employee or prospective employee for job-related training and certification in an area that may require training or certification to comply with state or federal law as such training or certification is provided by the Oklahoma Department of Transportation, the Federal Highway Administration, or any other state agency, technology center school, or university;

5. 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;

6. 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;

7. 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;

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

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

10. To purchase, rent, or lease-purchase uniforms, safety devices and equipment for the officers and employees of the county and, provide incentive awards for safety related job performance. However, no employee shall be recognized more than once per calendar year and the award shall not exceed the value of One Hundred Dollars (\$100.00). 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;

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

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

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

14. To deposit interest income from highway funds in the general fund of the county;

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

16. To utilize county owned equipment, labor and supplies at their disposal on property owned by the county, public schools, state and municipalities with ~~populations~~ a population less than five thousand (5,000), ~~provided a.~~ A cooperative agreement is entered into by the governing boards as provided by law shall be executed and approved by the district attorney prior to work being performed, except when a state of emergency has been declared. The cooperative agreement shall contain a work schedule and assign cost

responsibilities for the work being performed. Work performed pursuant to Section 36-113 of Title 11 of the Oklahoma Statutes shall comply with the provisions of this section;

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

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

19. To accept donations of right-of-way or right-of-way easements pursuant to Section 381 et seq. of Title 60 of the Oklahoma Statutes;

20. To establish by resolution the use of per diem for specific purposes in accordance with the limitations provided by Sections 500.8 and 500.9 of Title 74 of the Oklahoma Statutes; and

21. To apply to the Department of Environmental Quality for a waste tire permit to bale waste tires for use in approved engineering projects.

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.

D. In order to timely comply with the Oklahoma Vehicle License and Registration Act with regard to county vehicles, the board of

county commissioners may, by resolution, create a petty cash account. The board of county commissioners may request a purchase order for petty cash in an amount necessary to pay the expense of license and registration fees for county motor vehicles. Any balance in the petty cash account after the license and registration fees have been paid shall be returned to the account or fund from which the funds originated. The county purchasing agent shall be the custodian of the petty cash account, and the petty cash account shall be subject to audit.

E. When the board of county commissioners approve an express trust, pursuant to Sections 176 through 180.3 of Title 60 of the Oklahoma Statutes, for the purpose ~~to operate~~ of operating a county jail, the trustees of the public trust may appoint commissioned peace officers, certified by the Council on Law Enforcement Education and Training, to provide security for inmates that are required to be transported outside of the detention facility, and investigate violations of law within the detention facility. Other personnel necessary to operate the jail may be employed and trained or certified as may be required by applicable state or federal law.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 339.4 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. County commissioners may use county funds and resources for environmental remediation of land, including land owned by public trust authorities, if the Department of Environmental Quality certifies, in writing, that the property is polluted or contaminated to such degree that remediation is necessary to restore the environment. Remediation of the contamination or pollution shall be pursuant to a remediation plan approved by the Department of Environmental Quality.

B. Unless the Department of Environmental Quality determines that it is unnecessary under the circumstances, the remediation plan

shall include a component describing erosion control and revegetation measures to be implemented. The remediation plan shall not be approved until the erosion control and revegetation measures have been certified as appropriate by the local conservation district.

C. The county may seek reimbursement for its remediation costs and expenses from state or federal monies or other sources, if any are authorized and available for such purpose.

SECTION 3. AMENDATORY 19 O.S. 1991, Section 344, is amended to read as follows:

Section 344. ~~Bids~~ A. The sale of said real estate may be by public auction held at the county courthouse at the time advertised or by sealed bids. Sealed bids for said real estate shall be in writing, sealed and delivered to the county clerk of such county, and by him preserved. The county clerk shall preserve the bids unopened until the next regular meeting of the board of county commissioners after the expiration of fifteen (15) days from the date of the first publication, at which the said board of county commissioners shall open such bids and award the said real estate to the highest and best bidder for the same. Provided, that such real estate.

B. The real estate shall not be sold for less than eighty percent (80%) of its appraised value, and the boards of county commissioners shall have the power to reject any and all bids.

C. Proceeds from the sale of said property shall be deposited to the account from which the property was purchased.

SECTION 4. AMENDATORY 60 O.S. 1991, Section 381, is amended to read as follows:

Section 381. The legal capacity of the State of Oklahoma, and of each county, city, town and school district in the state, to take title or any interest therein including, but not limited to, right-of-way or right-of-way easements in the case of a county, legal,

equitable, or both, to any property, real, personal or mixed, by gift, testamentary or otherwise, as well as by purchase, is hereby specifically approved and affirmed.

SECTION 5. AMENDATORY 60 O.S. 1991, Section 382, is amended to read as follows:

Section 382. No gift, testamentary or otherwise, of any property, real or personal or both, or any interest therein including, but not limited to, right-of-way or right-of-way easements in the case of a county, to the State of Oklahoma, or to any county, city, town, or school district in the state, or to any combination thereof, if accepted upon behalf of the state, county, city, town, or school district, by the officer, proper governing board or commission thereof, nor the transfer of title thereto in accordance with such gift, or the will or other instrument by which such gift is made, nor the privilege of making or receiving such a gift, nor any income or profits derived by such state, county, city, town or school district from any such property or its use or disposition thereof, shall be subject to any form of tax.

SECTION 6. REPEALER 19 O.S. 1991, Section 339, as last amended by Section 2 of Enrolled Senate Bill No. 346 of the 1st Session of the 48th Oklahoma Legislature, is hereby repealed.

SECTION 7. This act shall become effective November 1, 2001.

48-1-7171 KSM 6/12/15