

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1033

By: Taylor

COMMITTEE SUBSTITUTE

An Act relating to counties and county officers; amending 19 O.S. 1991, Section 339, as last amended by Section 1, Chapter 200, O.S.L. 2000 (19 O.S. Supp. 2000, Section 339), which relates to general powers of the board of county commissioners; adding to powers; authorizing county commissioners to use county funds and resources for environmental remediation; requiring a remediation plan; providing for reimbursement; amending 68 O.S. 1991, Section 53002, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 11, Chapter 1, O.S.L. 1999 (27A O.S. Supp. 2000, Section 2-11-402), which relates to the Waste Tire Recycling Indemnity Fund; modifying definitions; providing for permits for baling waste tires; authorizing compensation from the Waste Tire Recycling Indemnity Fund under certain circumstances; prohibiting the acquisition of tires from certain persons or entities; requiring promulgation of rules; 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, Chapter 200, O.S.L. 2000 (19 O.S. Supp. 2000, 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 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. 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 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;

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;

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

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

16. 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~~

17. 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; and

18. 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.

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 68 O.S. 1991, Section 53002, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 11, Chapter 1, O.S.L. 1999 (27A O.S. Supp. 2000, Section 2-11-402), is amended to read as follows:

Section 2-11-402. As used in the Oklahoma Waste Tire Recycling Act:

1. "Department" means the Department of Environmental Quality;
2. "Priority cleanup list" means a list of unpermitted waste dumps which:
 - a. did not exist when the owner took possession of the property where the tires are located, and were created without the consent of or benefit to the owner of the property, and
 - b. such other tire dumps designated by the Department pursuant to Section 2-11-406 of this title;
3. "Tire" means any solid or air-filled covering for motor vehicle wheels;
4. "Tire dealer" means any person engaged in the business of selling new and used tires to final consumers, not for resale;
5. "Waste tire facility" means any place which is permitted as a solid waste disposal site, in accordance with the Oklahoma Solid Waste Management Act, at which waste tires are collected or deposited for waste tire processing by shredding or other technology, ~~except~~ including baling only as provided for in

paragraph 6 of this section, which alters the form of at least one-half of the tires collected, for the purpose of facilitating the future extraction of useful materials for recycling, reuse or energy recovery; and

6. "Waste tire processing" means the preparation of waste tires to facilitate use for recycling, reuse or energy recovery, or the proper installation of tires in a project as authorized by Section 2-11-407.1 of this title or baling tires as authorized by Section 3 of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-11-407.2 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Any unit of local or county government may apply to the Department of Environmental Quality for a waste tire processing permit to bale waste tires for use in approved engineering projects.

B. Any unit of local or county government that obtains a permit and performs processing by baling shall be eligible for, and the Oklahoma Tax Commission shall provide, compensation from the Waste Tire Recycling Indemnity Fund at the rate of fifty cents (\$0.50) per tire, subject to the same application, documentation and fund availability conditions specified in subsection B and paragraph 1 of subsection C of Section 2-11-407.1 and subsection B of Section 2-11-408 of Title 27A of the Oklahoma Statutes.

C. Waste tires processed by baling pursuant to this section cannot be obtained from tire manufacturers, retailers, wholesalers, retreaders, or parts dismantlers.

D. The Environmental Quality Board shall promulgate rules necessary to implement the use of baled tires in accordance with the provisions of this section.

SECTION 5. This act shall become effective November 1, 2001.

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