

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 2425

By: Glenn of the House

and

Wyrick of the Senate

An Act relating to counties and county officers;
amending 19 O.S. 2001, Section 339, as last amended
by Section 1, Chapter 76, O.S.L. 2005 (19 O.S. Supp.
2005, Section 339), which relates to the general
powers of county commissioners; modifying certain
authorization; and providing an effective date.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause
and entire bill and insert

"An Act relating to counties and county officers;
amending 19 O.S. 2001, Sections 130.2, as amended by
Section 1, Chapter 348, O.S.L. 2002, 130.3, 130.4, as
amended by Section 2, Chapter 348, O.S.L. 2002,
130.5, 130.6, 130.7, and 339, as last amended by
Section 1, Chapter 76, O.S.L. 2005 (19 O.S. Supp.
2005, Sections 130.2, 130.4, and 339), which relate
to duties of the Commission, meetings, advisory
boards, objectives of education and training
programs, support staff, participation in training
programs, and the general powers of county
commissioners; moving certain training for certain
county officers; clarifying language; making language
gender neutral; authorizing the County Training
Program Director of the Cooperative Extension Service
to call certain meetings; modifying certain
authorization; providing an effective date; and
declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 130.2, as
amended by Section 1, Chapter 348, O.S.L. 2002 (19 O.S. Supp. 2005,
Section 130.2), is amended to read as follows:

Section 130.2 The duties of the Commission shall be:

1. To oversee a professional development program for training
Oklahoma county commissioners, county clerks, county treasurers,
county assessors, court clerks, their deputies and employees, county

sheriffs, and other political subdivisions through the ~~Center for Local Government Technology and~~ Cooperative Extension Service at Oklahoma State University;

2. To provide guidance to the ~~Center for Local Government Technology and~~ Cooperative Extension Service in designing curricula to be used in educational programs and materials;

3. To identify needs and set priorities for research to be conducted in cooperation with the ~~Center for Local Government Technology and~~ Cooperative Extension Service in areas relevant to the study and improvement of Oklahoma county government and its functions and to accept gifts and grants for such purposes;

4. To cooperate with the advisory boards authorized in Section 130.4 of this title in determining the educational needs of county officials and their employees so that they can perform their duties and responsibilities efficiently and professionally; and

5. To contract with the ~~Center for Local Government Technology and~~ Cooperative Extension Service at Oklahoma State University to administer personnel education and training for counties and other political subdivisions.

SECTION 2. AMENDATORY 19 O.S. 2001, Section 130.3, is amended to read as follows:

Section 130.3 The Commission shall meet within sixty (60) days after the effective date of this act. The President of Oklahoma State University or his or her designee shall serve as ~~chairman~~ chair of the Commission. After the first meeting, the Commission shall meet as it deems necessary or when called by the ~~chairman~~ chair or by any three members. Three members shall constitute a quorum and no official action shall be taken by the Commission unless there is a quorum present.

The representative of the County Officers Association shall be reimbursed for mileage and per diem in accordance with the State Travel Reimbursement Act when attending Commission meetings or other

activities associated with his or her duties. Other Commission members shall not be reimbursed.

SECTION 3. AMENDATORY 19 O.S. 2001, Section 130.4, as amended by Section 2, Chapter 348, O.S.L. 2002 (19 O.S. Supp. 2005, Section 130.4), is amended to read as follows:

Section 130.4 A. ~~The Center for Local Government Technology and Cooperative Extension Service~~ are is hereby authorized to create advisory boards as they deem necessary. Members of such advisory boards shall be appointed by the ~~Center for Local Government Technology and Cooperative Extension Service~~ and shall include, but shall not be limited to, county government officials and appropriate state agency representatives. Meetings of advisory boards shall be called by the ~~Director of the Center for Local Government Technology~~ County Training Program Director of the Cooperative Extension Service. Such advisory boards shall assist in developing educational programs and materials for training county government officers and their employees.

Advisory board members shall be reimbursed for expenses incurred in the performance of their duties under Sections 130.1 through 130.7 of this title in accordance with the State Travel Reimbursement Act.

B. ~~The Center for Local Government Technology~~ Cooperative Extension Service is authorized to contract with state agencies and private entities to provide training.

SECTION 4. AMENDATORY 19 O.S. 2001, Section 130.5, is amended to read as follows:

Section 130.5 The objectives of each education and training program, as developed by the Commission in consultation with the advisory boards and administered through the ~~Center for Local Government Technology and Cooperative Extension Service~~ at Oklahoma State University, shall include, but shall not be limited to:

1. Encouraging the professional development of the groups of county officials and their employees governed by this act by providing educational programs and reference materials on job-related topics on a timely basis;

2. Improving the efficiency of county government operations by providing technical assistance in the administration of mandated duties;

3. Improving the technical skills of county employees by providing technical training in the operation and maintenance of construction equipment and machinery; and

4. Serving as a reference and resource center for county officials.

SECTION 5. AMENDATORY 19 O.S. 2001, Section 130.6, is amended to read as follows:

Section 130.6 A. 1. Any professional or clerical support staff required by the Commission shall be provided through the ~~Center for Local Government Technology and Cooperative Extension~~ Service.

2. The training programs developed pursuant to Sections 130.1 through 130.7 of this title shall not interfere with or duplicate any other existing training programs for county government personnel.

B. All expenses incurred in the performance of the duties imposed upon the Commission by law shall be paid out of funds appropriated or otherwise made available to the Office of the State Auditor and Inspector.

SECTION 6. AMENDATORY 19 O.S. 2001, Section 130.7, is amended to read as follows:

Section 130.7 Each county commissioner, county clerk, county treasurer, ~~county assessor,~~ and court clerk holding office on the effective date of this act and those elected thereafter and the deputies of such elected county officers shall be required to

participate in the appropriate training programs and educational seminars relevant to their positions and duties conducted pursuant to Sections 130.1 through 130.7 of this title. In addition, county sheriffs and county assessors may ~~be required to~~ attend the training programs specified in this section. ~~Expenses related to attending such activities shall be reimbursed by the Commission.~~

SECTION 7. AMENDATORY 19 O.S. 2001, Section 339, as last amended by Section 1, Chapter 76, O.S.L. 2005 (19 O.S. Supp. 2005, 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 those 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 the 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 the 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 the hearing by publication in some newspaper in the county or counties in which the road is located, and the 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 the 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 the 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. The 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 the 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 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 and⁷ 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 Two Hundred Fifty Dollars (\$250.00). 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 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, two-year colleges or technical branches of colleges that are members of The Oklahoma State System of Higher Education, state and municipalities with a population less than five thousand (5,000) or with a population less than fifteen thousand (15,000) if the municipality or county has passed a sales tax with the proceeds earmarked for construction, maintenance, improvement or repair of any of the streets or roadways ~~of~~ in the county. Cooperative agreements may be general in terms of routine maintenance or specific in terms of construction and agreed to and renewed on an annual basis. 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;

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.

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 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 8. This act shall become effective July 1, 2006.

SECTION 9. 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."

Passed the Senate the 17th day of April, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2006.

Presiding Officer of the House
of Representatives