

EHB 1298

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**THE STATE SENATE**  
**Wednesday, April 6, 2005**

**ENGROSSED**

**House Bill No. 1298**

ENGROSSED HOUSE BILL NO. 1298 - By: BANZ, HILLIARD, HYMAN, ROAN, SHERRER, SHOEMAKE and WALKER of the House and ALDRIDGE and GARRISON of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2001, Section 339, as last amended by Section 5, Chapter 5, O.S.L. 2004 (19 O.S. Supp. 2004, Section 339), which relates to general powers of the board of county commissioners; increasing monetary amount of safety-related incentive awards; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 339, as last amended by Section 5, Chapter 5, O.S.L. 2004 (19 O.S. Supp. 2004, 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~~ 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;

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

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

10           If it should appear that it would be to the best use and  
11 interest of ~~such~~ the institution, school or department to vacate,  
12 alter or relocate such highway, the governing board or body shall  
13 notify the board of county commissioners, in writing, of their  
14 intention to hold a public hearing and determine whether to vacate,  
15 alter or relocate ~~such~~ the highway, setting forth the location and  
16 terminals of the road, and all data concerning the proposed right-  
17 of-way if changed or relocated, and shall give fifteen (15) days'  
18 notice of ~~such~~ the hearing by publication in some newspaper in the  
19 county or counties in which the road is located, and ~~such~~ the  
20 hearing shall be held at the county seat of the county in which the  
21 road is located, and if a county line road, may be heard in either  
22 county. At ~~such~~ the hearing testimony may be taken, and any  
23 protests or suggestions shall be received as to the proposed

1 measure, and at the conclusion thereof if the governing board or  
2 body shall find that it would be to the best use and interest of  
3 ~~such~~ the institution, school or department, and the public  
4 generally, they may make an appropriate order either vacating,  
5 altering or relocating the highway, which order shall be final if  
6 approved by the board of county commissioners. ~~Such~~ The  
7 institution, school or department may by agreement share the cost of  
8 changing any such road. No property owner shall be denied access to  
9 a public highway by ~~such~~ the order;

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

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

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

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

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

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

16          10. To purchase, rent, or lease-purchase uniforms, safety  
17 devices and equipment for the officers and employees of the county  
18 and, provide incentive awards for safety-related job performance.  
19 However, no employee shall be recognized more than once per calendar  
20 year and the award shall not exceed the value of ~~One Hundred Dollars~~  
21 ~~(\$100.00)~~ Two Hundred Fifty Dollars (\$250.00). The county  
22 commissioners may pay for any safety training or safety devices and

1 safety equipment out of the general county funds or any county  
2 highway funds available to the county commissioners;

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

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

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

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

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

14 16. To utilize county-owned equipment, labor and supplies at  
15 their disposal on property owned by the county, public schools, two-  
16 year colleges or technical branches of colleges that are members of  
17 The Oklahoma State System of Higher Education, state and  
18 municipalities with a population less than five thousand (5,000) or  
19 with a population less than fifteen thousand (15,000) if the  
20 municipality has passed a sales tax with the proceeds earmarked for  
21 construction, maintenance, improvement or repair of any of the  
22 streets or roadways of ~~such~~ the county. Cooperative agreements may  
23 be general in terms of routine maintenance or specific in terms of

1 construction and agreed to and renewed on an annual basis. Work  
2 performed pursuant to Section 36-113 of Title 11 of the Oklahoma  
3 Statutes shall comply with the provisions of this section;

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

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

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

15 20. To establish by resolution the use of per diem for specific  
16 purposes in accordance with the limitations provided by Sections  
17 500.8 and 500.9 of Title 74 of the Oklahoma Statutes; and

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

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

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

3 C. When any lease or lease purchase is made on behalf of the  
4 county by the board pursuant to the provisions of this section, the  
5 county shall be allowed to have trade in values for transactions  
6 involving the Oklahoma Central Purchasing Act.

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

18 E. When the board of county commissioners approve an express  
19 trust, pursuant to Sections 176 through 180.3 of Title 60 of the  
20 Oklahoma Statutes, for the purpose of operating a county jail, the  
21 trustees of the public trust may appoint commissioned peace  
22 officers, certified by the Council on Law Enforcement Education and  
23 Training, to provide security for inmates that are required to be

1 transported outside of the detention facility, and investigate  
2 violations of law within the detention facility. Other personnel  
3 necessary to operate the jail may be employed and trained or  
4 certified as may be required by applicable state or federal law.

5 SECTION 2. This act shall become effective November 1, 2005.

6 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 4-4-05 -  
7 DO PASS.