

CS for EHB 2425

1 THE STATE SENATE
2 Monday, April 10, 2006

3 Committee Substitute for
4 ENGROSSED

5 House Bill No. 2425

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2425 - By: GLENN
7 of the House and WYRICK of the Senate.

8 [counties and county officers - moving certain training for
9 certain county officers - effective date]

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

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

14 Section 130.2 The duties of the Commission shall be:

15 1. To oversee a professional development program for training
16 Oklahoma county commissioners, county clerks, county treasurers,
17 county assessors, court clerks, their deputies and employees, county
18 sheriffs, and other political subdivisions through the ~~Center for~~
19 ~~Local Government Technology and Cooperative Extension Service at~~
20 Oklahoma State University;

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

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

6 4. To cooperate with the advisory boards authorized in Section
7 130.4 of this title in determining the educational needs of county
8 officials and their employees so that they can perform their duties
9 and responsibilities efficiently and professionally; and

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

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

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

1 The representative of the County Officers Association shall be
2 reimbursed for mileage and per diem in accordance with the State
3 Travel Reimbursement Act when attending Commission meetings or other
4 activities associated with his or her duties. Other Commission
5 members shall not be reimbursed.

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

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

21 Advisory board members shall be reimbursed for expenses incurred
22 in the performance of their duties under Sections 130.1 through

1 130.7 of this title in accordance with the State Travel
2 Reimbursement Act.

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

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

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

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

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

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

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

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

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

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

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

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

19 Section 130.7 Each county commissioner, county clerk, county
20 treasurer, ~~county assessor,~~ and court clerk holding office on the
21 effective date of this act and those elected thereafter and the
22 deputies of such elected county officers shall be required to
23 participate in the appropriate training programs and educational

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

6 SECTION 7. AMENDATORY 19 O.S. 2001, Section 339, as last
7 amended by Section 1, Chapter 76, O.S.L. 2005 (19 O.S. Supp. 2005,
8 Section 339), is amended to read as follows:

9 Section 339. A. The county commissioners shall have power:

10 1. To make all orders respecting the real property of the
11 county, to sell the public grounds of the county and to purchase
12 other grounds in lieu thereof; and for the purpose of carrying out
13 the provisions of this section it shall be sufficient to convey all
14 the interests of the county in those grounds when an order made for
15 the sale and a deed is executed in the name of the county by the
16 chair of the board of county commissioners, reciting the order, and
17 signed by the chair and acknowledged by the county clerk for and on
18 behalf of the county;

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

22 3. To construct and repair bridges and to open, lay out and
23 vacate highways: Provided, however, that when any state

1 institution, school or department shall own, lease or otherwise
2 control land on both sides of any established highway, the governing
3 board or body of the same shall have the power to vacate, alter or
4 relocate the highway adjoining the property in the following manner:

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

1 commissioners. The institution, school or department may by
2 agreement share the cost of changing any such road. No property
3 owner shall be denied access to a public highway by the order;

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

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

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

21 7. To lease tools, apparatus, machinery or equipment of the
22 county to another political subdivision or a state agency. The
23 Association of County Commissioners of Oklahoma, the Oklahoma State

1 University Center for Local Government Technology and the Office of
2 the State Auditor and Inspector, together, shall establish a system
3 of uniform rates for the leasing of such tools, apparatus, machinery
4 and equipment;

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

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

9 10. To purchase, rent, or lease-purchase uniforms, safety
10 devices and equipment for the officers and employees of the county
11 and, provide incentive awards for safety-related job performance.
12 However, no employee shall be recognized more than once per calendar
13 year and the award shall not exceed the value of Two Hundred Fifty
14 Dollars (\$250.00). The county commissioners may pay for any safety
15 training or safety devices and safety equipment out of the general
16 county funds or any county highway funds available to the county
17 commissioners;

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

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

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

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

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

8 16. To utilize county-owned equipment, labor and supplies at
9 their disposal on property owned by the county, public schools, two-
10 year colleges or technical branches of colleges that are members of
11 The Oklahoma State System of Higher Education, state and
12 municipalities with a population less than five thousand (5,000) or
13 with a population less than fifteen thousand (15,000) if the
14 municipality or county has passed a sales tax with the proceeds
15 earmarked for construction, maintenance, improvement or repair of
16 any of the streets or roadways ~~of~~ in the county. Cooperative
17 agreements may be general in terms of routine maintenance or
18 specific in terms of construction and agreed to and renewed on an
19 annual basis. Work performed pursuant to Section 36-113 of Title 11
20 of the Oklahoma Statutes shall comply with the provisions of this
21 section;

22 17. To enter into intergovernmental cooperative agreements with
23 the federally recognized Indian tribes within this state to address

1 issues of construction and maintenance of streets, roads, bridges
2 and highways exclusive of the provisions of Section 1221 of Title 74
3 of the Oklahoma Statutes;

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

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

10 20. To establish by resolution the use of per diem for specific
11 purposes in accordance with the limitations provided by Sections
12 500.8 and 500.9 of Title 74 of the Oklahoma Statutes; and

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

16 B. The county commissioners of a county or, in counties where
17 there is a county budget board, the county budget board may
18 designate money from general county funds for the designated purpose
19 of drug enforcement and drug abuse prevention programs within the
20 county.

21 C. When any lease or lease purchase is made on behalf of the
22 county by the board pursuant to the provisions of this section, the

1 county shall be allowed to have trade in values for transactions
2 involving the Oklahoma Central Purchasing Act.

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

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

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

2 SECTION 9. It being immediately necessary for the preservation
3 of the public peace, health and safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

6 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 4-3-06 -
7 DO PASS, As Amended.