

CS for EHB 2611

THE STATE SENATE
Monday, April 10, 2006

Committee Substitute for
ENGROSSED
House Bill No. 2611

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2611 - By: CASE of the House and GARRISON of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2001, Sections 165, as amended by Section 1, Chapter 208, O.S.L. 2005, 339, as last amended by Section 1, Chapter 76, O.S.L. 2005 and 344 (19 O.S. Supp. 2005, Sections 165 and 339), which relate to salaries, expenses and deputies and general provisions for county commissioners; increasing the amount of travel allowance for certain county officers; providing that certain persons are ineligible to receive certain awards; adding location for sale of certain real estate; amending 19 O.S. 2001, Section 527, as amended by Section 1, Chapter 356, O.S.L. 2005 (19 O.S. Supp. 2005, Section 527), which relates to authorization for employment of general counsel; adding county commissioners to officers authorized to employ counsel; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 165, as amended by Section 1, Chapter 208, O.S.L. 2005 (19 O.S. Supp. 2005, Section 165), is amended to read as follows:

Section 165. A. In lieu of reimbursement for traveling expenses within their county each county commissioner and sheriff may receive a monthly travel allowance of Six Hundred Dollars (\$600.00). In lieu of the reimbursement for traveling expenses authorized by law for each county officer, each county assessor may

1 receive a monthly travel allowance of ~~Four Hundred Dollars (\$400.00)~~
2 Five Hundred Dollars (\$500.00), and each county clerk, court clerk
3 and county treasurer may receive a monthly travel allowance of ~~Three~~
4 ~~Hundred Dollars (\$300.00)~~ Four Hundred Dollars (\$400.00). Each such
5 county officer may be subject to the penalty provided by Section 166
6 of this title for failure to attend the meetings specified in that
7 section.

8 B. The provisions of this section and Sections 163 and 164 of
9 this title shall not prevent the emergency use of a county-owned
10 vehicle or county-owned equipment by a county officer when such
11 county officer is acting on behalf of the county or when such use is
12 related to county business. As used in this subsection, "emergency"
13 means an unforeseen combination of circumstances or the resulting
14 state that calls for immediate action.

15 SECTION 2. AMENDATORY 19 O.S. 2001, Section 339, as last
16 amended by Section 1, Chapter 76, O.S.L. 2005 (19 O.S. Supp. 2005,
17 Section 339), is amended to read as follows:

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

19 1. To make all orders respecting the real property of the
20 county, to sell the public grounds of the county and to purchase
21 other grounds in lieu thereof; and for the purpose of carrying out
22 the provisions of this section it shall be sufficient to convey all
23 the interests of the county in those grounds when an order made for

1 the sale and a deed is executed in the name of the county by the
2 chair of the board of county commissioners, reciting the order, and
3 signed by the chair and acknowledged by the county clerk for and on
4 behalf of the county;

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

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

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

1 at the county seat of the county in which the road is located, and
2 if a county line road, may be heard in either county. At the
3 hearing testimony may be taken, and any protests or suggestions
4 shall be received as to the proposed measure, and at the conclusion
5 thereof if the governing board or body shall find that it would be
6 to the best use and interest of the institution, school or
7 department, and the public generally, they may make an appropriate
8 order either vacating, altering or relocating the highway, which
9 order shall be final if approved by the board of county
10 commissioners. The institution, school or department may by
11 agreement share the cost of changing any such road. No property
12 owner shall be denied access to a public highway by the order;

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

19 5. Until January 1, 1983, to furnish necessary blank books,
20 plats, blanks and stationery for the clerk of the district court,
21 county clerk, register of deeds, county treasurer and county judge,
22 sheriff, county surveyor and county attorney, justices of the peace,
23 and constables, to be paid for out of the county treasury; also a

1 fireproof vault sufficient in which to keep all the books, records,
2 vouchers and papers pertaining to the business of the county;

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

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

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

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

18 10. To purchase, rent, or lease-purchase uniforms, safety
19 devices and equipment for the officers and employees of the county
20 and, provide incentive awards for safety-related job performance.
21 However, no employee shall be recognized more than once per calendar
22 year and the award shall not exceed the value of Two Hundred Fifty
23 Dollars (\$250.00); further, no elected official shall be eligible to

1 receive a safety award. The county commissioners may pay for any
2 safety training or safety devices and safety equipment out of the
3 general county funds or any county highway funds available to the
4 county commissioners;

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

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

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

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

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

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

1 streets or roadways of the county. Cooperative agreements may be
2 general in terms of routine maintenance or specific in terms of
3 construction and agreed to and renewed on an annual basis. Work
4 performed pursuant to Section 36-113 of Title 11 of the Oklahoma
5 Statutes shall comply with the provisions of this section;

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

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

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

17 20. To establish by resolution the use of per diem for specific
18 purposes in accordance with the limitations provided by Sections
19 500.8 and 500.9 of Title 74 of the Oklahoma Statutes; ~~and~~

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

1 22. To enter into the National Association of Counties (NACo)
2 Prescription Drug Discount Program.

3 B. The county commissioners of a county or, in counties where
4 there is a county budget board, the county budget board may
5 designate money from general county funds for the designated purpose
6 of drug enforcement and drug abuse prevention programs within the
7 county.

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

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

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

11 SECTION 3. AMENDATORY 19 O.S. 2001, Section 344, is
12 amended to read as follows:

13 Section 344. A. The sale of ~~said~~ the real estate may be by
14 public auction held at the county courthouse or at the site of the
15 real property being sold at the time advertised or by sealed bids.
16 Sealed bids for ~~said~~ the real estate shall be in writing, sealed and
17 delivered to the county clerk of such county. The county clerk
18 shall preserve the bids unopened until the next regular meeting of
19 the board of county commissioners after the expiration of fifteen
20 (15) days from the date of the first publication, at which the ~~said~~
21 board of county commissioners shall open such bids and award the
22 ~~said~~ real estate to the highest and best bidder for the real estate.

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

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

6 SECTION 4. AMENDATORY 19 O.S. 2001, Section 527, as
7 amended by Section 1, Chapter 356, O.S.L. 2005 (19 O.S. Supp. 2005,
8 Section 527), is amended to read as follows:

9 Section 527. The county commissioners, sheriff, treasurer or
10 assessor in a county shall have the authority to employ a general
11 counsel, either in-house as a staff attorney or through an outside
12 law firm, to advise or represent that officer and his or her office
13 in the performance of the official duties of that office. The board
14 of county commissioners shall approve all contracts for outside
15 counsel. A general counsel employed pursuant to this section shall
16 be compensated from the funds of the employing county office.

17 SECTION 5. This act shall become effective November 1, 2006.

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