

3 Senate Bill No. 1763  
4 As Amended

5 SENATE BILL NO. 1763 - By: LAMB of the Senate and COVEY of the  
6 House.

7 [ counties and county officers - modifying duties -  
8 effective date ]

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

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

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

14 1. To make all orders respecting the real property of the  
15 county, to sell the public grounds of the county and to purchase  
16 other grounds in lieu thereof; and for the purpose of carrying out  
17 the provisions of this section it shall be sufficient to convey all  
18 the interests of the county in those grounds when an order made for  
19 the sale and a deed is executed in the name of the county by the  
20 chair of the board of county commissioners, reciting the order, and  
21 signed by the chair and acknowledged by the county clerk for and on  
22 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~~; 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 the institution, school or department to vacate, alter  
12 or relocate such highway, the governing board or body shall notify  
13 the board of county commissioners, in writing, of their intention to  
14 hold a public hearing and determine whether to vacate, alter or  
15 relocate the highway, setting forth the location and terminals of  
16 the road, and all data concerning the proposed right-of-way if  
17 changed or relocated, and shall give fifteen (15) days' notice of  
18 the hearing by publication in some newspaper in the county or  
19 counties in which the road is located, and the hearing shall be held  
20 at the county seat of the county in which the road is located, and  
21 if a county line road, may be heard in either county. At the  
22 hearing testimony may be taken, and any protests or suggestions  
23 shall be received as to the proposed measure, and at the conclusion

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

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

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

22 6. To set off, organize and change the boundaries of townships  
23 and to designate and give names therefor; ~~Provided,~~ provided that

1 the boundaries of no township shall be changed within six (6) months  
2 next preceding a general election;

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

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

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

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

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

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

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

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

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

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

1 performed pursuant to Section 36-113 of Title 11 of the Oklahoma  
2 Statutes shall comply with the provisions of this section;

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

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

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

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

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

20 22. To enter into and utilize the National Association of  
21 County Officers (NACO) Prescription Drug Discount Card Program and  
22 to receive, issue and use any discount cards pursuant to the terms  
23 of said program.

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

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

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

21       E. When the board of county commissioners ~~approve~~ approves an  
22 express trust, pursuant to Sections 176 through 180.3 of Title 60 of  
23 the Oklahoma Statutes, for the purpose of operating a county jail,

1 the trustees of the public trust may appoint commissioned peace  
2 officers, certified by the Council on Law Enforcement Education and  
3 Training, to provide security for inmates that are required to be  
4 transported outside of the detention facility, and investigate  
5 violations of law within the detention facility. Other personnel  
6 necessary to operate the jail may be employed and trained or  
7 certified as may be required by applicable state or federal law.

8 SECTION 2. AMENDATORY 19 O.S. 2001, Section 344, is  
9 amended to read as follows:

10 Section 344. A. The sale of ~~said~~ real estate may be by public  
11 auction held at the county courthouse or at the site of the real  
12 property being sold at the time advertised or by sealed bids.

13 Sealed bids for ~~said~~ real estate shall be in writing, sealed and  
14 delivered to the county clerk of such county. The county clerk  
15 shall preserve the bids unopened until the next regular meeting of  
16 the board of county commissioners after the expiration of fifteen  
17 (15) days from the date of the first publication, at which the ~~said~~  
18 board of county commissioners shall open such bids and award the  
19 ~~said~~ real estate to the highest and best bidder for the real estate.

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

1 C. Proceeds from the sale of ~~said~~ such property shall be  
2 deposited to the account from which the property was purchased.

3 SECTION 3. This act shall become effective November 1, 2006.

4 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-13-06  
5 - DO PASS, As Amended and Coauthored.