

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2646

By: Jordan

6 COMMITTEE SUBSTITUTE

7 An Act relating to local transportation funding;  
8 amending 11 O.S. 2001, Section 36-113, as amended by  
9 Section 1, Chapter 387, O.S.L. 2003 (11 O.S. Supp.  
10 2009, Section 36-113), which relates to certain  
11 agreements between the Department of Transportation  
12 and municipalities; modifying provisions related to  
13 construction or improvement of municipal streets or  
14 roads; providing for construction, improvement,  
15 repair or maintenance of certain municipal streets by  
16 counties; prescribing conditions related to municipal  
17 populations; providing certain mileage not to be used  
18 for formula; amending 19 O.S. 2001, Section 339, as  
19 last amended by Section 2, Chapter 255, O.S.L. 2006  
20 (19 O.S. Supp. 2009, Section 339), which relates to  
21 powers of county commissioners; modifying provisions  
22 related to use of county-owned equipment; deleting  
23 reference to population limit; amending 69 O.S. 2001,  
24 Section 603, which relates to certain contracts;  
authorizing contracts related to municipal streets  
based on certain agreement; and declaring an  
emergency.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 36-113, as  
amended by Section 1, Chapter 387, O.S.L. 2003 (11 O.S. Supp. 2009,  
Section 36-113), is amended to read as follows:

1 Section 36-113. A. The Department of Transportation may, or  
2 the board of county commissioners of any county or federally  
3 recognized tribal government shall, by agreement with the governing  
4 body of a municipality having a population less than five thousand  
5 (5,000), construct, improve, repair or maintain any of the streets  
6 of the municipality.

7 ~~B. Subject to the provisions of Section 339 of Title 19 of the~~  
8 ~~Oklahoma Statutes, the~~ The board of county commissioners may  
9 construct, improve, repair, or maintain any of the streets of a  
10 municipality having a population of less than five thousand (5,000)  
11 persons subject to agreement between the governing bodies of the  
12 county and the municipality without regard to whether the  
13 municipality has passed a sales tax with proceeds earmarked to  
14 construct, improve, repair or maintain any of the streets or  
15 roadways of such municipality.

16 ~~C. Subject to the provisions of Section 339 of Title 19 of the~~  
17 ~~Oklahoma Statutes, the~~ The board of county commissioners may  
18 construct, improve, repair or maintain any of the streets of a  
19 municipality having a population of greater than five thousand  
20 (5,000) persons but less than fifteen thousand (15,000) persons if  
21 the ~~county~~ municipality has passed a sales tax with the proceeds  
22 earmarked to construct, improve, repair or maintain any of the  
23 streets or roadways of such ~~county~~ municipality.

24

1       D. The board of county commissioners may construct, improve,  
2 repair, or maintain any of the streets of a municipality having a  
3 population in excess of fifteen thousand (15,000) persons if there  
4 are at least three municipalities located within the county and if  
5 each municipality has a population in excess of fifteen thousand  
6 (15,000) persons. The agreements entered into pursuant to the  
7 provisions of this subsection may be performed without regard to  
8 whether the municipality has passed a sales tax with proceeds  
9 earmarked to construct, improve, repair or maintain any of the  
10 streets or roadways of such municipality.

11       E. If a county constructs, improves, repairs or maintains any  
12 municipal street or road pursuant to the provisions of this section,  
13 such municipal road mileage shall not be included in the computation  
14 of mileage for purposes of any state tax revenues apportioned to the  
15 county.

16       SECTION 2.       AMENDATORY       19 O.S. 2001, Section 339, as last  
17 amended by Section 2, Chapter 255, O.S.L. 2006 (19 O.S. Supp. 2009,  
18 Section 339), is amended to read as follows:

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

20       1. To make all orders respecting the real property of the  
21 county, to sell the public grounds of the county and to purchase  
22 other grounds in lieu thereof; and for the purpose of carrying out  
23 the provisions of this section it shall be sufficient to convey all  
24 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, however, that when any state institution,  
10 school or department shall own, lease or otherwise control land on  
11 both sides of any established highway, the governing board or body  
12 of the same shall have the power to vacate, alter or relocate the  
13 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  
24 at the county seat of the county in which the road is located, and

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

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

18 | 5. Until January 1, 1983, to furnish necessary blank books,  
19 | plats, blanks and stationery for the clerk of the district court,  
20 | county clerk, register of deeds, county treasurer and county judge,  
21 | sheriff, county surveyor and county attorney, justices of the peace,  
22 | and constables, to be paid for out of the county treasury; also a  
23 | fireproof vault sufficient in which to keep all the books, records,  
24 | 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 Two Hundred Fifty  
21 Dollars (\$250.00); further, no elected official shall be eligible to  
22 receive a safety award. The county commissioners may pay for any  
23 safety training or safety devices and safety equipment out of the  
24

1 general county funds or any county highway funds available to the  
2 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 other duties and acts that the board of  
6 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, the 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 or county has passed a sales tax with the proceeds~~  
21 ~~earmarked for construction, maintenance, improvement or repair of~~  
22 ~~any of the streets or roadways in the county according to the~~  
23 provisions of Section 36-113 of Title 11 of the Oklahoma Statutes.

24 Cooperative agreements may be general in terms of routine

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

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

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

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

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

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

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

24

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 an express  
22 trust, pursuant to Sections 176 through 180.3 of Title 60 of the  
23 Oklahoma Statutes, for the purpose of operating a county jail, the  
24 trustees of the public trust may appoint commissioned peace

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

7 SECTION 3. AMENDATORY 69 O.S. 2001, Section 603, is  
8 amended to read as follows:

9 Section 603. The board of county commissioners of any county  
10 may, under the direction of the Commission, contract for grading,  
11 draining or hardsurfacing any street within any municipality where  
12 such street is a continuation of or a connecting link in the State  
13 or county Highway System or if the county and the municipality have  
14 entered into an agreement pursuant to Section 36-113 of Title 11 of  
15 the Oklahoma Statutes for the construction, improvement, repair or  
16 maintenance of municipal streets.

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

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22 52-2-10166 CJB 02/25/10

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