

1 ENGROSSED SENATE
2 BILL NO. 1998

By: Newberry and Ballenger of
the Senate

3 and

4 Jordan of the House

5
6
7 [counties - general powers of the commissioners -
8 population limits]
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 19 O.S. 2001, Section 339, as last
13 amended by Section 2, Chapter 255, O.S.L. 2006 (19 O.S. Supp. 2009,
14 Section 339), is amended to read as follows:

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

16 1. To make all orders respecting the real property of the
17 county, to sell the public grounds of the county and to purchase
18 other grounds in lieu thereof; and for the purpose of carrying out
19 the provisions of this section it shall be sufficient to convey all
20 the interests of the county in those grounds when an order made for
21 the sale and a deed is executed in the name of the county by the
22 chair of the board of county commissioners, reciting the order, and
23 signed by the chair and acknowledged by the county clerk for and on
24 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 institution,
6 school or department shall own, lease or otherwise control land on
7 both sides of any established highway, the governing board or body
8 of the same shall have the power to vacate, alter or relocate the
9 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
24 thereof if the governing board or body shall find that it would be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 agreements at a minimum shall contain a provision that specifies the
2 assets to be utilized and/or amounts. The provision shall also
3 state that either party may immediately terminate the agreement if
4 either party is unwilling or unable to meet the obligations of the
5 agreement, unless the terms are changed and consented to by both
6 parties. Work performed pursuant to Section 36-113 of Title 11 of
7 the Oklahoma Statutes shall comply with the provisions of this
8 section;

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

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

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

20 20. To establish by resolution the use of per diem for specific
21 purposes in accordance with the limitations provided by Sections
22 500.8 and 500.9 of Title 74 of the Oklahoma Statutes;

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

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

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

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

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

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1 the custodian of the petty cash account, and the petty cash account
2 shall be subject to audit.

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

13 SECTION 2. AMENDATORY 11 O.S. 2001, Section 36-113, as
14 amended by Section 1, Chapter 387, O.S.L. 2003 (11 O.S. Supp. 2009,
15 Section 36-113), is amended to read as follows:

16 Section 36-113. A. The Department of Transportation may, or
17 the board of county commissioners of any county or federally
18 recognized tribal government shall, by agreement with the governing
19 body of a municipality ~~having a population less than five thousand~~
20 ~~(5,000)~~ meeting the population requirement specified in paragraph 16
21 of subsection A of Section 339 of Title 19 of the Oklahoma Statutes,
22 construct, improve, repair or maintain any of the streets of the
23 municipality.

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1 B. Subject to the provisions of Section 339 of Title 19 of the
2 Oklahoma Statutes, the board of county commissioners may construct,
3 improve, repair, or maintain any of the streets of a municipality
4 ~~having a population of less than five thousand (5,000)~~ meeting the
5 population requirement specified in paragraph 16 of subsection A of
6 Section 339 of Title 19 of the Oklahoma Statutes.

7 C. Subject to the provisions of Section 339 of Title 19 of the
8 Oklahoma Statutes, the board of county commissioners may construct,
9 improve, repair or maintain any of the streets of a municipality
10 ~~having a population of less than fifteen thousand (15,000) if the~~
11 ~~county has passed a sales tax with the proceeds earmarked to~~
12 ~~construct, improve, repair or maintain any of the streets or~~
13 ~~roadways of such county~~ meeting the population requirement specified
14 in paragraph 16 of subsection A of Section 339 of Title 19 of the
15 Oklahoma Statutes.

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