

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1277

By: Ballenger

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5
6 AS INTRODUCED

7 An Act relating to counties; amending 19 O.S. 2001,
8 Section 339, as last amended by Section 2, Chapter
9 255, O.S.L. 2006 (19 O.S. Supp. 2009, Section 339),
10 which relates to general powers of the commissioners;
11 modifying certain population limits; amending 11 O.S.
12 2001, Section 36-113, as amended by Section 1,
13 Chapter 387, O.S.L. 2003 (11 O.S. Supp. 2009, Section
14 36-113), which relates to municipal powers; modifying
15 certain population limits; and declaring an
16 emergency.

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

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

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

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

1 chair of the board of county commissioners, reciting the order, and
2 signed by the chair and acknowledged by the county clerk for and on
3 behalf of the county;

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

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

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

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

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

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

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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
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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, state and
18 municipalities with a population less than ~~five thousand (5,000)~~
19 seven thousand five hundred (7,500) or with a population less than
20 fifteen thousand (15,000) if the municipality or county has passed a
21 sales tax with the proceeds earmarked for construction, maintenance,
22 improvement or repair of any of the streets or roadways in the
23 county. Cooperative agreements may be general in terms of routine
24 maintenance or specific in terms of construction and agreed to and

1 renewed on an annual basis. Work performed pursuant to Section 36-
2 113 of Title 11 of the Oklahoma Statutes shall comply with the
3 provisions of this section;

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

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

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

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

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

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

23 B. The county commissioners of a county or, in counties where
24 there is a county budget board, the county budget board may

1 designate money from general county funds for the designated purpose
2 of drug enforcement and drug abuse prevention programs within the
3 county.

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

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

19 E. When the board of county commissioners approve an express
20 trust, pursuant to Sections 176 through 180.3 of Title 60 of the
21 Oklahoma Statutes, for the purpose of operating a county jail, the
22 trustees of the public trust may appoint commissioned peace
23 officers, certified by the Council on Law Enforcement Education and
24 Training, to provide security for inmates that are required to be

1 transported outside of the detention facility, and investigate
2 violations of law within the detention facility. Other personnel
3 necessary to operate the jail may be employed and trained or
4 certified as may be required by applicable state or federal law.

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

8 Section 36-113. A. The Department of Transportation may, or
9 the board of county commissioners of any county or federally
10 recognized tribal government shall, by agreement with the governing
11 body of a municipality having a population less than ~~five thousand~~
12 ~~(5,000)~~ seven thousand five hundred (7,500), construct, improve,
13 repair or maintain any of the streets of the municipality.

14 B. Subject to the provisions of Section 339 of Title 19 of the
15 Oklahoma Statutes, the board of county commissioners may construct,
16 improve, repair, or maintain any of the streets of a municipality
17 having a population of less than ~~five thousand (5,000)~~ seven
18 thousand five hundred (7,500).

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

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

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