

1 **SENATE FLOOR VERSION**

February 26, 2014

2 **AS AMENDED**

3 SENATE BILL NO. 1989

By: Brooks of the Senate

4 and

5 Johnson of the House

6
7
8 **[federal funding - municipal participation in**
9 **federal programs - powers of county commissioners -**
10 **emergency]**

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 11 O.S. 2011, Section 22-126, is
14 amended to read as follows:

15 Section 22-126. A. The municipal governing body may receive
16 funds for and participate in any federal program, and may cooperate
17 with the United States Government and any agency or instrumentality
18 thereof, in the manner authorized and provided by federal law and
19 regulation. In doing so, a municipality may perform all necessary
20 functions and take all necessary actions for accomplishing such
21 federal purposes and programs, as agent of the federal government,
22 notwithstanding any provisions of state law.

23 B. Municipal governing bodies shall be prohibited from
24 accepting any match of federal monies or partial funding for any

1 project or purpose from the federal government, any nongovernmental
2 organization or any other source without first adopting a financial
3 plan for funding necessary to continue to complete any such project
4 or purpose following the termination of any federal funds or funding
5 from any other source. Meetings related to the adoption of a
6 financial plan as required herein shall be held in public with
7 appropriate public notice as otherwise required for municipal
8 meetings.

9 SECTION 2. AMENDATORY 19 O.S. 2011, Section 339, as last
10 amended by Section 1, Chapter 134, O.S.L. 2013 (19 O.S. Supp. 2013,
11 Section 339), is amended to read as follows:

12 Section 339. A. The board of county commissioners shall have
13 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;

23

24

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 and the Oklahoma
4 State University Center for Local Government Technology together
5 shall establish a system of uniform rates for the leasing of such
6 tools, apparatus, machinery and equipment;

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

9 9. To develop personnel policies for the county with the
10 approval of a majority of all county elected officers, as evidenced
11 in the minutes of a meeting of the board of county commissioners or
12 the county budget board;

13 10. To purchase, rent, or lease-purchase uniforms, safety
14 devices and equipment for the officers and employees of the county.
15 The county commissioners may pay for any safety training or safety
16 devices and safety equipment out of the general county funds or any
17 county highway funds available to the county commissioners;

18 11. To provide incentive awards for safety-related job
19 performance. However, no employee shall be recognized more than
20 once per calendar year and the award shall not exceed the value of
21 Two Hundred Fifty Dollars (\$250.00); further, no elected official
22 shall be eligible to receive a safety award;

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

1 13. 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 14. 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 15. To deposit interest income from highway funds in the
7 general fund of the county;

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

10 17. 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, the state and
14 municipalities according to the provisions of Section 36-113 of
15 Title 11 of the Oklahoma Statutes. Cooperative agreements may be
16 general in terms of routine maintenance or specific in terms of
17 construction and agreed to and renewed on an annual basis. Work
18 performed pursuant to Section 36-113 of Title 11 of the Oklahoma
19 Statutes shall comply with the provisions of this section;

20 18. To enter into intergovernmental cooperative agreements with
21 the federally recognized Indian tribes within this state to address
22 issues of construction and maintenance of streets, roads, bridges
23 and highways exclusive of the provisions of Section 1221 of Title 74
24 of the Oklahoma Statutes;

1 19. To execute hold harmless agreements with the lessor in the
2 manner provided by subsection B of Section 636.5 of Title 69 of the
3 Oklahoma Statutes when leasing or lease-purchasing equipment;

4 20. To accept donations of right-of-way or right-of-way
5 easements pursuant to Section 381 et seq. of Title 60 of the
6 Oklahoma Statutes;

7 21. To establish by resolution the use of per diem for specific
8 purposes in accordance with the limitations provided by Sections
9 500.8 and 500.9 of Title 74 of the Oklahoma Statutes;

10 22. To apply to the Department of Environmental Quality for a
11 waste tire permit to bale waste tires for use in approved
12 engineering projects;

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

15 24. To work with federal, state, municipal, and public school
16 district properties in an effort to minimize cost to such entities;
17 and

18 25. To provide incentive awards to employees for participating
19 in voluntary wellness programs which result in improved health.
20 Incentive awards may be created by the Wellness Council set forth in
21 Section ~~2~~ 1302 of ~~this act~~ Title 19 of the Oklahoma Statutes.

22 B. The county commissioners of a county or, in counties where
23 there is a county budget board, the county budget board may
24 designate money from general county funds for the designated purpose

1 of drug enforcement and drug abuse prevention programs within the
2 county.

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

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

18 E. When the board of county commissioners approves an express
19 trust, pursuant to Sections 176 through 180.4 of Title 60 of the
20 Oklahoma Statutes, for the purpose of operating a county jail, the
21 trustees of the public trust may appoint commissioned peace
22 officers, certified by the Council on Law Enforcement Education and
23 Training, to provide security for inmates that are required to be
24 transported outside of the detention facility, and investigate

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

4 F. Boards of county commissioners shall be prohibited from
5 accepting any match of federal funding or partial funding for any
6 project or purpose from the federal government, any nongovernmental
7 organization or any other source without first adopting a financial
8 plan for funding necessary to continue to complete any such project
9 or purpose following the termination of any such funds. Meetings
10 related to the adoption of a financial plan as required herein shall
11 be held in public with appropriate public notice as otherwise
12 required for meetings of boards of county commissioners.

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

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
18 February 26, 2014 - DO PASS AS AMENDED

19
20
21
22
23
24