

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB386 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Josh Cockroft _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 PROPOSED
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 386

By: Sparks and Pittman of the
Senate

and

Cockroft of the House

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8
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10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to counties; amending 19 O.S. 2011,
12 Section 339, as last amended by Section 1, Chapter
13 134, O.S.L. 2013 (19 O.S. Supp. 2014, Section 339),
14 which relates to county commissioners; modifying
15 general powers of the board of county commissioners;
16 amending 19 O.S. 2011, Section 941, which relates to
17 county parking lots; modifying population restriction
18 to allow for installation and operation of county-
19 owned parking lots; providing an effective date; and
20 declaring an emergency.

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

22 SECTION 1. AMENDATORY 19 O.S. 2011, Section 339, as last
23 amended by Section 1, Chapter 134, O.S.L. 2013 (19 O.S. Supp. 2014,
24 Section 339), is amended to read as follows:

Section 339. A. The board of county commissioners shall have
power:

1 1. To make all orders respecting the real property of the
2 county, to sell the public grounds of the county and to purchase
3 other grounds in lieu thereof; and for the purpose of carrying out
4 the provisions of this section it shall be sufficient to convey all
5 the interests of the county in those grounds when an order made for
6 the sale and a deed is executed in the name of the county by the
7 chair of the board of county commissioners, reciting the order, and
8 signed by the chair and acknowledged by the county clerk for and on
9 behalf of the county;

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

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

19 If it should appear that it would be to the best use and
20 interest of the institution, school or department to vacate, alter
21 or relocate such highway, the governing board or body shall notify
22 the board of county commissioners, in writing, of their intention to
23 hold a public hearing and determine whether to vacate, alter or
24 relocate the highway, setting forth the location and terminals of

1 the road, and all data concerning the proposed right-of-way if
2 changed or relocated, and shall give fifteen (15) days' notice of
3 the hearing by publication in some newspaper in the county or
4 counties in which the road is located, and the hearing shall be held
5 at the county seat of the county in which the road is located, and
6 if a county line road, may be heard in either county. At the
7 hearing testimony may be taken, and any protests or suggestions
8 shall be received as to the proposed measure, and at the conclusion
9 thereof if the governing board or body shall find that it would be
10 to the best use and interest of the institution, school or
11 department, and the public generally, they may make an appropriate
12 order either vacating, altering or relocating the highway, which
13 order shall be final if approved by the board of county
14 commissioners. The institution, school or department may by
15 agreement share the cost of changing any such road. No property
16 owner shall be denied access to a public highway by the order;

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

23 5. Until January 1, 1983, to furnish necessary blank books,
24 plats, blanks and stationery for the clerk of the district court,

1 county clerk, register of deeds, county treasurer and county judge,
2 sheriff, county surveyor and county attorney, justices of the peace,
3 and constables, to be paid for out of the county treasury; also a
4 fireproof vault sufficient in which to keep all the books, records,
5 vouchers and papers pertaining to the business of the county;

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

10 7. To lease tools, apparatus, machinery or equipment of the
11 county to another political subdivision or a state agency. The
12 Association of County Commissioners of Oklahoma and the Oklahoma
13 State University Center for Local Government Technology together
14 shall establish a system of uniform rates for the leasing of such
15 tools, apparatus, machinery and equipment;

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

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

22 10. To purchase, rent, or lease-purchase uniforms, safety
23 devices and equipment for the officers and employees of the county.
24 The county commissioners may pay for any safety training or safety

1 devices and safety equipment out of the general county funds or any
2 county highway funds available to the county commissioners;

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

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

10 13. To do and perform other duties and acts that the board of
11 county commissioners may be required by law to do and perform;

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

15 15. To deposit interest income from highway funds in the
16 general fund of the county;

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

19 17. To utilize county-owned equipment, labor and supplies at
20 their disposal on property owned by the county, public schools, two-
21 year colleges or technical branches of colleges that are members of
22 The Oklahoma State System of Higher Education, the state and
23 municipalities according to the provisions of Section 36-113 of
24 Title 11 of the Oklahoma Statutes. Cooperative agreements may be

1 general in terms of routine maintenance or specific in terms of
2 construction and agreed to and renewed on an annual basis. The
3 county commissioners may pay for improvements out of the general
4 county funds or any county highway funds available to the county
5 commissioners. Work performed pursuant to Section 36-113 of Title
6 11 of the Oklahoma Statutes shall comply with the provisions of this
7 section;

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

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

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

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

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

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

3 24. To work with federal, state, municipal, and public school
4 district properties in an effort to minimize cost to such entities;
5 and

6 25. To provide incentive awards to employees for participating
7 in voluntary wellness programs which result in improved health.
8 Incentive awards may be created by the Wellness Council set forth in
9 Section 2 of this act.

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

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

19 D. In order to timely comply with the Oklahoma Vehicle License
20 and Registration Act with regard to county vehicles, the board of
21 county commissioners may, by resolution, create a petty cash
22 account. The board of county commissioners may request a purchase
23 order for petty cash in an amount necessary to pay the expense of
24 license and registration fees for county motor vehicles. Any

1 balance in the petty cash account after the license and registration
2 fees have been paid shall be returned to the account or fund from
3 which the funds originated. The county purchasing agent shall be
4 the custodian of the petty cash account, and the petty cash account
5 shall be subject to audit.

6 E. When the board of county commissioners approves an express
7 trust, pursuant to Sections 176 through 180.4 of Title 60 of the
8 Oklahoma Statutes, for the purpose of operating a county jail, the
9 trustees of the public trust may appoint commissioned peace
10 officers, certified by the Council on Law Enforcement Education and
11 Training, to provide security for inmates that are required to be
12 transported outside of the detention facility, and investigate
13 violations of law within the detention facility. Other personnel
14 necessary to operate the jail may be employed and trained or
15 certified as may be required by applicable state or federal law.

16 SECTION 2. AMENDATORY 19 O.S. 2011, Section 941, is
17 amended to read as follows:

18 Section 941. In any county in the State of Oklahoma having a
19 population of more than ~~three hundred thousand (300,000)~~ one hundred
20 fifty thousand (150,000), the board of commissioners of each county
21 of the state is hereby authorized in its discretion, by the adoption
22 of a resolution to set forth in its minutes, to install and operate
23 on any tract of land of the county not needed or used for other
24 county purposes county parking lots on which motor and other

1 vehicles may be parked, and may charge parking fees therefor, and
2 may install parking meters or other parking control devices, all as
3 provided for and fixed in said resolution.

4 SECTION 3. This act shall become effective July 1, 2015.

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

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10 55-1-7240 LRB 03/30/15