

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3253

By: Nollan

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5
6 AS INTRODUCED

7 An Act relating to counties and county officers;
8 amending 19 O.S. 2011, Section 339, as last amended
9 by Section 1, Chapter 396, O.S.L. 2019 (19 O.S. Supp.
10 2019, Section 339), which relates to general powers
11 of commissioners; authorizing commissioners to
12 determine years of service that qualify certain
13 employees for continuing education programs;
14 eliminating one-year lookback limit for certain
15 disciplinary action as certain condition; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 19 O.S. 2011, Section 339, as last
19 amended by Section 1, Chapter 396, O.S.L. 2019 (19 O.S. Supp. 2019,
20 Section 339), is amended to read as follows:

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

23 1. To make all orders respecting the real property of the
24 county, to sell the public grounds of the county and to purchase
other grounds in lieu thereof; and for the purpose of carrying out
the provisions of this section it shall be sufficient to convey all

1 the interests of the county in those grounds when an order made for
2 the sale and a deed is executed in the name of the county by the
3 chair of the board of county commissioners, reciting the order, and
4 signed by the chair and acknowledged by the county clerk for and on
5 behalf of the county;

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

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

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

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

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

19 5. To ~~approve~~ determine the years of service required for full-
20 time county employees to qualify for a continuing education program
21 ~~for full-time county employees with at least five (5) consecutive~~
22 ~~years of service to the county.~~ Such programs shall consist of
23 courses offered by colleges and universities that are members of The
24 Oklahoma State System of Higher Education. Such programs shall

1 require that employees maintain at least an A or B average in order
2 to qualify for one hundred percent (100%) reimbursement. Employees
3 who maintain passing or satisfactory grades shall qualify for
4 seventy-five percent (75%) reimbursement under such programs. Such
5 programs shall require that documentation from colleges and
6 universities regarding courses completed, credits earned and tuition
7 charged be submitted to a board of county commissioners within
8 ninety (90) days after the completion of courses. General
9 applications and request forms for such programs shall be submitted
10 to a board of county commissioners or an appropriate human resources
11 department prior to the conclusion of a county's current fiscal
12 year. Employees who elect to participate in such programs shall
13 continue to meet the full responsibilities of their positions, and
14 participation shall not interfere with availability for scheduled
15 work or negatively affect work performance. In order to be eligible
16 for participation in such programs, employees shall not have been
17 formally disciplined ~~within one (1) year~~ prior to submitting their
18 program application. A board of county commissioners shall be
19 authorized to establish a program requiring a one-year commitment of
20 service to the county from individuals who participate in such
21 programs. Under such programs, employees shall only be eligible to
22 receive tuition reimbursements in exchange for employment with the
23 county lasting at least one (1) year;

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

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

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

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

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

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1 11. To purchase, rent, or lease-purchase uniforms, safety
2 devices and equipment for the officers and employees of the county.
3 The county commissioners may pay for any safety training or safety
4 devices and safety equipment out of the general county funds or any
5 county highway funds available to the county commissioners;

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

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

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

15 15. To make purchases at a public auction pursuant to the
16 county purchasing procedures in subsection D of Section 1505 of this
17 title;

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

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

22 18. To utilize county-owned equipment, labor and supplies at
23 their disposal on property owned by the county, public schools, two-
24 year colleges or technical branches of colleges that are members of

1 The Oklahoma State System of Higher Education, the state and
2 municipalities according to the provisions of Section 36-113 of
3 Title 11 of the Oklahoma Statutes. Cooperative agreements may be
4 general in terms of routine maintenance or specific in terms of
5 construction and agreed to and renewed on an annual basis. Work
6 performed pursuant to Section 36-113 of Title 11 of the Oklahoma
7 Statutes shall comply with the provisions of this section;

8 19. 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 20. 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 21. 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 22. 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 23. 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 24. To enter into the National Association of Counties (NACo)
2 Prescription Drug Discount Program;

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

5 26. To provide incentive awards to employees for participating
6 in voluntary wellness programs which result in improved health.

7 Incentive awards may be created by the Wellness Council set forth in
8 Section 1302 of this title;

9 27. To establish a county employee benefit program to encourage
10 outstanding performance in the workplace. Monies may be expended
11 for the purchase of recognition awards for presentation to an
12 employee or members of a work unit; and

13 28. To trade in equipment to a vendor or on statewide contract
14 by acquiring used equipment values pursuant to subsection B of
15 Section 421.1 of this title.

16 B. The county commissioners of a county or, in counties where
17 there is a county budget board, the county budget board may
18 designate money from general county funds for the designated purpose
19 of drug enforcement and drug abuse prevention programs within the
20 county.

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

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

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

22 SECTION 2. This act shall become effective November 1, 2020.
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24 57-2-9354 AMM 12/23/19