

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 858

By: Dugger of the Senate

and

Talley of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to counties and county officers;
12 amending 19 O.S. 2011, Section 339, as last amended
13 by Section 1, Chapter 396, O.S.L. 2019 (19 O.S. Supp.
14 2020, Section 339), which relates to powers of county
15 commissioners; authorizing expenditures of certain
16 federal funding; construing language; and declaring
17 an emergency.

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

19 SECTION 1. AMENDATORY 19 O.S. 2011, Section 339, as last
20 amended by Section 1, Chapter 396, O.S.L. 2019 (19 O.S. Supp. 2020,
21 Section 339), is amended to read as follows:

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

24 1. To make all orders respecting the real property of the
 county, to sell the public grounds of the county and to purchase

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

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

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

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

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

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

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

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

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;

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; and

16 29. To expend federal funds made available to a county of the
17 state through the federal Coronavirus Aid, Relief, and Economic
18 Security Act (CARES Act), Pub.L. 116-136, or similar relief funds
19 according to the permissible uses of the applicable federal
20 legislation or guidance issued by any federal agency thereof,
21 regardless of any lack of specific state statutory authorization to
22 perform the duties or functions for which the federal government has
23 provided the funds. The expenditure of the funds in accordance with
24 the federal legislation or guidance issued by any federal agency

1 thereof shall be at the discretion of the board of county
2 commissioners of the county.

3 The receipt of funding through the CARES Act or similar relief
4 funds shall not be considered a supplemental appropriation and shall
5 be exempt from the requirements of Section 1420 of this title. In
6 the event the period allotted for expenditure of federal funds
7 crosses fiscal years, said funds shall not be considered revenue
8 when setting the county's budget for the next fiscal year.

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

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

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

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

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

15 SECTION 2. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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20 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
21 dated 04/07/2021 - DO PASS, As Amended.
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