

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 2990

By: Bush

AS INTRODUCED

An Act relating to counties and county officers; authorizing counties to adopt, amend, repeal and enforce rules, regulations, policies and codes; authorizing punishment for violation; authorizing expenditure of federal funds; imposing restrictions related to certain business activity; providing for applicability of home rule provisions; authorizing execution of certain documents; providing for effect of rules, policies or regulations with respect to State Auditor and Inspector; requiring district attorney to provide certain legal services; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 339.9 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. The board of county commissioners shall have the power to:

1. In the conduct of county business, adopt, amend, repeal, and enforce rules, regulations, policies, procedures and codes necessary or proper to carry out the duties, responsibilities and functions of the county which are not otherwise specifically prohibited by any rule or law of this state;

1 2. Prescribe punishment for the enforcement of a violation of
2 an existing and/or adopted public safety and/or public nuisance
3 rule, code or regulation adopted pursuant to this subsection and
4 which shall not exceed the maximum limitations for misdemeanors;

5 3. Adopt, amend, repeal, and enforce rules, regulations,
6 policies, resolutions and codes necessary to establish, discharge
7 and enforce the administrative, operational, fiscal, and public
8 safety duties and responsibilities of county government as
9 determined by the board of county commissioners not specifically
10 prohibited by any rule or law of this state;

11 4. Adopt, amend, repeal and enforce rules, regulations,
12 policies, and codes which create and/or authorize to create programs
13 and services in the elected offices and divisions of county
14 government determined by the board of county commissioners to be the
15 responsibilities of county government and in the best interest,
16 safety and welfare of the citizens of the county, exclusive of
17 matters related to public health, and not specifically prohibited by
18 any rule or law of this state;

19 5. Create or authorize to be created or presented to the voters
20 of the county the establishment of assessment districts, economic
21 development initiatives, sales and/or property tax incentive zones
22 and capital improvement projects and initiatives not specifically
23 prohibited by any rule or law of this state;

1 6. Adopt, amend or repeal actions which can create and manage
2 boards, authorities, commissions, committees or trusts deemed
3 necessary to carry out the duties and responsibilities of county
4 government not specifically prohibited by any rule or law of this
5 state; and

6 7. Expend federal funds made available to the county of the
7 state according to the permissible uses of the applicable federal
8 legislation or guidance issued by any federal agency thereof
9 regardless of any lack of specific state statutory authorization to
10 perform the duties or functions for which the federal government has
11 provided the funds. The expenditure of the funds in accordance with
12 the federal legislation or guidance issued by any federal agency
13 thereof shall be at the discretion of the board of county
14 commissioners of the county.

15 B. No provisions of this section shall authorize a county to
16 adopt or enact any action which regulates the business activity of
17 any legal entity which is subject to the regulatory jurisdiction of
18 any state agency, board, commission, department or other entity of
19 state government, including, but not limited to, the Oklahoma
20 Corporation Commission.

21 C. In order for a county to authorize a home rule form of
22 government, the provisions of Section 8.1 et seq. of Title 19 of the
23 Oklahoma Statutes shall be the exclusive method for such
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1 authorization. No provisions of this section shall authorize a
2 county to create a home rule form of government for the county.

3 D. A county may enter such contracts, agreements, memoranda of
4 understanding, or execute such other documents, including, but not
5 limited to, applications, in order to give full effect and
6 enforcement of any rule, regulation, policy, program or code adopted
7 pursuant to the authority of this section.

8 E. No provision of this section shall authorize a county to
9 adopt rules, policies or regulations which would exempt or attempt
10 to exempt the county from being in compliance with any and all
11 rules, regulations, statutes, and policies of financial accounting,
12 financial controls, recordkeeping, and auditing which is required
13 under the authority of the State Auditor and Inspector.

14 F. It shall be the responsibility of the district attorney for
15 the county to provide any and all legal services necessary in the
16 preparation of any policy, procedure, rule, code or regulation which
17 the board of county commissioners wants to consider adopting.

18 SECTION 2. This act shall become effective November 1, 2022.
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