

1 **SENATE FLOOR VERSION**

2 February 9, 2023

3 SENATE BILL NO. 775

By: Stewart of the Senate

4 and

5 Cantrell of the House

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8 An Act relating to counties and county officers;
9 amending 19 O.S. 2021, Section 339, as amended by
10 Section 1, Chapter 333, O.S.L. 2022 (19 O.S. Supp.
11 2022, Section 339), which relates to general powers
12 of county commissioners; authorizing commissioners to
13 determine years of service for certain employees for
14 continuing education programs; expanding courses
15 offered; and providing an effective date.

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

17 SECTION 1. AMENDATORY 19 O.S. 2021, Section 339, as
18 amended by Section 1, Chapter 333, O.S.L. 2022 (19 O.S. Supp. 2022,
19 Section 339), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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1 in exchange for employment with the county lasting at least one (1)
2 year;

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

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

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

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

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

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

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

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

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

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

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

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

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1 18. To utilize county-owned equipment, labor and supplies at
2 their disposal on property owned by the county, public schools, two-
3 year colleges or technical branches of colleges that are members of
4 The Oklahoma State System of Higher Education, the state and
5 municipalities according to the provisions of Section 36-113 of
6 Title 11 of the Oklahoma Statutes. Cooperative agreements may be
7 general in terms of routine maintenance or specific in terms of
8 construction and agreed to and renewed on an annual basis. Work
9 performed pursuant to Section 36-113 of Title 11 of the Oklahoma
10 Statutes shall comply with the provisions of this section;

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

16 20. To execute hold harmless agreements with the lessor in the
17 manner provided by subsection B of Section 636.5 of Title 69 of the
18 Oklahoma Statutes when leasing or lease-purchasing equipment;

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

22 22. To establish by resolution the use of per diem for specific
23 purposes in accordance with the limitations provided by Sections
24 500.8 and 500.9 of Title 74 of the Oklahoma Statutes;

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

4 24. To enter into the National Association of Counties (NACo)
5 Prescription Drug Discount Program;

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

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

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

12 27. To establish a county employee benefit program to encourage
13 outstanding performance in the workplace. Monies may be expended
14 for the purchase of recognition awards for presentation to an
15 employee or members of a work unit. Recognition awards may be
16 presented at a formal or informal ceremony, banquet, reception or
17 luncheon, the cost of which may be expended from monies available in
18 the county department's or division's operating fund;

19 28. To trade in equipment to a vendor or on statewide contract
20 by acquiring used equipment values pursuant to subsection B of
21 Section 421.1 of this title; and

22 29. To expend federal funds made available to a county of the
23 state through the federal Coronavirus Aid, Relief, and Economic
24 Security Act (CARES Act), Pub. L. 116-136, or similar relief funds

1 according to the permissible uses of the applicable federal
2 legislation or guidance issued by any federal agency thereof,
3 regardless of any lack of specific state statutory authorization to
4 perform the duties or functions for which the federal government has
5 provided the funds. The expenditure of the funds in accordance with
6 the federal legislation or guidance issued by any federal agency
7 thereof shall be at the discretion of the board of county
8 commissioners.

9 The receipt of funding through the CARES Act or similar relief
10 funds shall not be considered a supplemental appropriation and shall
11 be exempt from the requirements of Section 1420 of this title. In
12 the event the period allotted for expenditure of federal funds
13 crosses fiscal years, such funds shall not be considered revenue
14 when setting the county's budget for the next fiscal year.

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

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

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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, 2023.

23 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
24 February 9, 2023 - DO PASS