

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2233

By: Sims

7
8 COMMITTEE SUBSTITUTE

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

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

17 SECTION 1. AMENDATORY 19 O.S. 2011, Section 339, as last
18 amended by Section 1, Chapter 396, O.S.L. 2019 (19 O.S. Supp. 2020,
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

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 a continuing education program for full-time
20 county employees with at least five (5) consecutive years of service
21 to the county. Such programs shall consist of courses offered by
22 colleges and universities that are members of The Oklahoma State
23 System of Higher Education. Such programs shall require that
24 employees maintain at least an A or B average in order to qualify

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

23 6. 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 7. 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 8. 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 9. To jointly, with other counties, buy heavy equipment and to
17 loan or lease such equipment across county lines;

18 10. 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 11. 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 12. 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 13. To provide for payment of notary commissions, filing fees,
9 and the cost of notary seals and bonds;

10 14. 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 15. 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 16. To deposit interest income from highway funds in the
16 general fund of the county;

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

19 18. 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. Work
3 performed pursuant to Section 36-113 of Title 11 of the Oklahoma
4 Statutes shall comply with the provisions of this section;

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

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

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

16 22. To establish by resolution the use of per diem for specific
17 purposes in accordance with the limitations provided by Sections
18 500.8 and 500.9 of Title 74 of the Oklahoma Statutes;

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

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

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

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

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

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

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

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

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

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

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

16 D. In order to timely comply with the Oklahoma Vehicle License
17 and Registration Act with regard to county vehicles, the board of
18 county commissioners may, by resolution, create a petty cash
19 account. The board of county commissioners may request a purchase
20 order for petty cash in an amount necessary to pay the expense of
21 license and registration fees for county motor vehicles. Any
22 balance in the petty cash account after the license and registration
23 fees have been paid shall be returned to the account or fund from
24 which the funds originated. The county purchasing agent shall be

1 the custodian of the petty cash account, and the petty cash account
2 shall be subject to audit.

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

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

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18 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
19 dated 02/23/2021 - DO PASS, As Amended.
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