

1 **SENATE FLOOR VERSION**

2 April 11, 2022

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2233

By: Sims of the House

and

Haste of the Senate

6
7
8 An Act relating to counties and county officers;
9 amending 19 O.S. 2021, Section 339, which relates to
10 powers of county commissioners; expanding powers of
11 the county commissioners; construing language; and
12 declaring an emergency.

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

14 SECTION 1. AMENDATORY 19 O.S. 2021, Section 339, is
15 amended to read as follows:

16 Section 339. A. The board of county commissioners shall have
17 power:

18 1. To make all orders respecting the real property of the
19 county, to sell the public grounds of the county and to purchase
20 other grounds in lieu thereof; and for the purpose of carrying out
21 the provisions of this section it shall be sufficient to convey all
22 the interests of the county in those grounds when an order made for
23 the sale and a deed is executed in the name of the county by the
24 chair of the board of county commissioners, reciting the order, and

1 signed by the chair and acknowledged by the county clerk for and on
2 behalf of the county;

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

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

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

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

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

16 5. To approve a continuing education program for full-time
17 county employees with at least five (5) consecutive years of service
18 to the county. Such programs shall consist of courses offered by
19 colleges and universities that are members of The Oklahoma State
20 System of Higher Education. Such programs shall require that
21 employees maintain at least an A or B average in order to qualify
22 for one hundred percent (100%) reimbursement. Employees who
23 maintain passing or satisfactory grades shall qualify for seventy-
24 five percent (75%) reimbursement under such programs. Such programs

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

20 6. Until January 1, 1983, to furnish necessary blank books,
21 plats, blanks and stationery for the clerk of the district court,
22 county clerk, register of deeds, county treasurer and county judge,
23 sheriff, county surveyor and county attorney, justices of the peace,
24 and constables, to be paid for out of the county treasury; also a

1 fireproof vault sufficient in which to keep all the books, records,
2 vouchers and papers pertaining to the business of the county;

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

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

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

15 10. To develop personnel policies for the county with the
16 approval of a majority of all county elected officers, as evidenced
17 in the minutes of a meeting of the board of county commissioners or
18 the county budget board;

19 11. To purchase, rent, or lease-purchase uniforms, safety
20 devices and equipment for the officers and employees of the county.
21 The county commissioners may pay for any safety training or safety
22 devices and safety equipment out of the general county funds or any
23 county highway funds available to the county commissioners;

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

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

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

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

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

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

17 18. To utilize county-owned equipment, labor and supplies at
18 their disposal on property owned by the county, public schools, two-
19 year colleges or technical branches of colleges that are members of
20 The Oklahoma State System of Higher Education, the state and
21 municipalities according to the provisions of Section 36-113 of
22 Title 11 of the Oklahoma Statutes. Cooperative agreements may be
23 general in terms of routine maintenance or specific in terms of
24 construction and agreed to and renewed on an annual basis. Work

1 performed pursuant to Section 36-113 of Title 11 of the Oklahoma
2 Statutes shall comply with the provisions of this section;

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

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

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

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

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

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

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

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1 26. To provide incentive awards to employees for participating
2 in voluntary wellness programs which result in improved health.
3 Incentive awards may be created by the Wellness Council set forth in
4 Section 1302 of this title;

5 27. To establish a county employee benefit program to encourage
6 outstanding performance in the workplace. Monies may be expended
7 for the purchase of recognition awards for presentation to an
8 employee or members of a work unit. Recognition awards may be
9 presented at a formal or informal ceremony, banquet, reception or
10 luncheon, the cost of which may be expended from monies available in
11 the county department's or division's operating fund; ~~and~~

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

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

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

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, such funds shall not be considered revenue
8 when setting the county's budget for the next fiscal year;

9 30. In the conduct of county business, to adopt, amend, repeal,
10 and enforce administrative and operational policies and procedures
11 necessary or proper to carry out the administrative, operational,
12 and fiscal duties, responsibilities, and functions of the county as
13 determined by the board of county commissioners;

14 31. In the conduct of county business, to adopt, amend, repeal,
15 and enforce policies and procedures which create or authorize to be
16 created programs and services that are recommended to the board of
17 county commissioners and are in the best interest, safety, and
18 welfare of the citizens of the county; and

19 32. To enter into such contracts, agreements, and memoranda of
20 understanding or execute such other documents in order to give full
21 effect and enforcement to any policy or procedure adopted pursuant
22 to the authority of this section.

23 B. The county commissioners of a county or, in counties where
24 there is a county budget board, the county budget board may

1 designate money from general county funds for the designated purpose
2 of drug enforcement and drug abuse prevention programs within the
3 county.

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

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

19 E. When the board of county commissioners approves an express
20 trust, pursuant to Sections 176 through 180.4 of Title 60 of the
21 Oklahoma Statutes, for the purpose of operating a county jail, the
22 trustees of the public trust may appoint commissioned peace
23 officers, certified by the Council on Law Enforcement Education and
24 Training, to provide security for inmates that are required to be

1 transported outside of the detention facility, and investigate
2 violations of law within the detention facility. Other personnel
3 necessary to operate the jail may be employed and trained or
4 certified as may be required by applicable state or federal law.

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

9 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
10 April 11, 2022 - DO PASS AS AMENDED

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