An Act

ENROLLED SENATE
BILL NO. 776

By: Stewart of the Senate

and

Cantrell of the House

An Act relating to county government; amending 19 O.S. 2021, Section 339, as amended by Section 1, Chapter 333, O.S.L. 2022 (19 O.S. Supp. 2022, Section 339), which relates to the general powers of commissioners; modifying certain authority; and providing an effective date.

SUBJECT: County commissioners general powers

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

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

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

1. To make all orders respecting the real property of the county, to sell the public grounds of the county and to purchase 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 the sale and a deed is executed in the name of the county by the chair of the board of county commissioners, reciting the order, and signed by the chair and acknowledged by the county clerk for and on behalf of the county;

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

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

If it should appear that it would be to the best use and interest of the institution, school or department to vacate, alter or relocate such highway, the governing board or body shall notify the board of county commissioners, in writing, of their intention to hold a public hearing and determine whether to vacate, alter or relocate the highway, setting forth the location and terminals of the road, and all data concerning the proposed right-of-way if changed or relocated, and shall give fifteen (15) days' notice of the hearing by publication in some newspaper in the county or counties in which the road is located, and the hearing shall be held at the county seat of the county in which the road is located, and if a county line road, may be heard in either county. At the hearing testimony may be taken, and any protests or suggestions shall be received as to the proposed measure, and at the conclusion thereof if the governing board or body shall find that it would be to the best use and interest of the institution, school or department, and the public generally, they may make an appropriate order either vacating, altering or relocating the highway, which order shall be final if approved by the board of county commissioners. The institution, school or department may by agreement share the cost of changing any such road. No property owner shall be denied access to a public highway by the order;

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

5. To approve a continuing education program for full-time county employees with at least five (5) consecutive years of service to the county. Such programs shall consist of courses offered by colleges and universities that are members of The Oklahoma State System of Higher Education. Such programs shall require that employees maintain at least an A or B average in order to qualify for one hundred percent (100%) reimbursement. Employees who maintain passing or satisfactory grades shall qualify for seventy-five percent (75%) reimbursement under such programs. Such programs shall require that documentation from colleges and universities regarding courses completed, credits earned and tuition charged be submitted to a board of county commissioners within ninety (90) days after the completion of courses. General applications and request forms for such programs shall be submitted to a board of county commissioners or an appropriate human resources department prior to the conclusion of a county's current fiscal year. Employees who elect to participate in such programs shall continue to meet the full responsibilities of their positions, and participation shall not interfere with availability for scheduled work or negatively affect work performance. In order to be eligible for participation in such programs, employees shall not have been formally disciplined within one (1) year prior to submitting their program application. A board of county commissioners shall be authorized to establish a program requiring a one-year commitment of service to the county from individuals who participate in such programs. Under such programs, employees shall only be eligible to receive tuition reimbursements in exchange for employment with the county lasting at least one (1) year;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30. To enter into intergovernmental cooperative agreements, which shall include shared services, with local governmental units within this state of pursuant to the provisions of the Interlocal Cooperation Act, Section 1002 et seq. of Title 74 of the Oklahoma Statutes.

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

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

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

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

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

SECTION 2. This act shall become effective November 1, 2023.

Passed the Senate the 21st day of February, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 18th day of April, 2023.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 19th day of April, 20 23, at 3:22 o'clock p. M.

By: Sumer Curry

Approved by the Governor of the State of Oklahoma this 20th day of April, 20 23, at 2:01 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 20th day of April, 20 23, at 2:47 o'clock P M.

By: Brian Bingman