

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

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

4 HOUSE BILL 1965

                                  By: Nollan

7                                   AS INTRODUCED

8                   An Act relating to counties and county officers;  
9                   amending 19 O.S. 2011, Section 339, as last amended  
10                  by Section 1, Chapter 396, O.S.L. 2019 (19 O.S. Supp.  
11                  2020, Section 339), which relates to general powers  
12                  of commissioners; authorizing commissioners to  
13                  determine years of service that qualify certain  
14                  employees for continuing education programs;  
15                  modifying courses offered; eliminating one-year  
16                  lookback limit for certain disciplinary action as  
17                  certain condition; and providing an effective date.

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

1 the provisions of this section it shall be sufficient to convey all  
2 the interests of the county in those grounds when an order made for  
3 the sale and a deed is executed in the name of the county by the  
4 chair of the board of county commissioners, reciting the order, and  
5 signed by the chair and acknowledged by the county clerk for and on  
6 behalf of the county;

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

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

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

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

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

20 5. To ~~approve~~ determine the years of service required for full-  
21 time county employees to qualify for a continuing education program  
22 ~~for full-time county employees with at least five (5) consecutive~~  
23 ~~years of service to the county.~~ Such programs shall may consist of  
24 courses offered by colleges and universities that are members of The

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

1 employees shall only be eligible to receive tuition reimbursements  
2 in exchange for employment with the county lasting at least one (1)  
3 year;

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

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

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

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

23 10. To develop personnel policies for the county with the  
24 approval of a majority of all county elected officers, as evidenced

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; and

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

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

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

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

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

3 SECTION 2. This act shall become effective November 1, 2021

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5 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,  
6 dated 02/10/2021 - DO PASS.

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