

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1182

By: Rader

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5
6 AS INTRODUCED

7 An Act relating to counties and county officers;
8 providing certain powers and duties of county
9 commissioners; prohibiting certain actions; providing
10 certain constraints; authorizing certain actions;
11 requiring the district attorney to provide certain
12 services; providing for codification; and providing
13 an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 339.9 of Title 19, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The board of county commissioners in counties with a
19 population of fifty thousand (50,000) or more as determined by the
20 latest Federal Decennial Census shall have the power to:

21 1. Conduct county business, adopt, amend, repeal and enforce
22 rules, regulations, policies, procedures, and codes necessary or
23 proper to carry out the duties, responsibilities and functions of
24 the county which are not otherwise specifically prohibited by any
25 rule or law of this state;

1 2. Prescribe punishment for the enforcement of a violation of
2 an existing and adopted public safety or public nuisance rule, code
3 or regulation pursuant to this subsection and which shall not exceed
4 the maximum limitations for misdemeanors;

5 3. Adopt, amend, repeal, and enforce rules, regulations,
6 policies, resolutions, and codes necessary to establish, discharge,
7 and enforce the administrative, operational, fiscal, and public
8 safety duties and responsibilities of county government as
9 determined by the board of county commissioners not specifically
10 prohibited by any rule or law of this state;

11 4. Adopt, amend, repeal, and enforce rules, regulations,
12 policies, and codes which create and/or authorize programs and
13 services in the elected offices and divisions of county government
14 determined by the board of county commissioners to be the
15 responsibilities of county government and in the best interest,
16 safety and welfare of the citizens of the county, exclusive of
17 matters related to public health, and not specifically prohibited by
18 any rule or law of this state;

19 5. Adopt, amend, or repeal actions which can create and manage
20 boards, authorities, commissions, committees, or trusts deemed
21 necessary to carry out the duties and responsibilities of county
22 government not specifically prohibited by any rule or law of this
23 state; and
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1 6. Expend federal funds made available to the county according
2 to the permissible uses of the applicable federal legislation or
3 guidance issued by any federal agency thereof regardless of any lack
4 of specific state statutory authorization to perform the duties or
5 functions for which the federal government has provided the funds.
6 The expenditure of the funds in accordance with the federal
7 legislation or guidance issued by any federal agency thereof shall
8 be at the discretion of the board of county commissioners of the
9 county.

10 B. No provisions of this section shall authorize a county to
11 adopt or enact any action which regulates the business activity of
12 any legal entity which is subject to the regulatory jurisdiction of
13 any state agency, board, commission, department or other entity of
14 state government including, but not limited to, the Corporation
15 Commission.

16 C. In order for a county to authorize a home rule form of
17 government, the provisions of Section 8.1 et seq. of Title 19 of the
18 Oklahoma Statutes shall be the exclusive method for such
19 authorization. No provisions of this section shall authorize a
20 county to create a home rule form of government for the county.

21 D. A county may enter such contracts, agreements, memoranda of
22 understanding, or execute such other documents, including but not
23 limited to applications, in order to give full effect and
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1 enforcement of any rule, regulation, policy, program, or code
2 adopted pursuant to the authority of this section.

3 E. No provision of this section shall authorize a county to
4 adopt rules, policies, or regulations which would exempt or attempt
5 to exempt the county from being in compliance with any and all
6 rules, regulations, statutes, and policies of financial accounting,
7 financial controls, recordkeeping, and auditing which is required
8 under the authority of the State Auditor and Inspector.

9 F. It shall be the responsibility of the district attorney for
10 the county to provide any legal services necessary in the
11 preparation of any policy, procedure, rule, code, or regulation
12 which the board of county commissioners wants to consider adopting.

13 SECTION 2. This act shall become effective November 1, 2022.

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