

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 858 By: Dugger of the Senate
3 and
4 Talley of the House
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7 An Act relating to counties and county officers;
8 requiring that a county clerk and a county treasurer
9 shall keep the personal information of law
10 enforcement officers confidential; defining term;
11 requiring law enforcement official to obtain an order
12 of a court to keep personal information confidential;
13 directing the office upon receipt of the order to
14 keep information confidential and not to disclose
15 unless under certain circumstances; amending Section
16 1, Chapter 219, O.S.L. 2019 (68 O.S. Supp. 2020,
17 Section 2899.1), which relates to requests from law
18 enforcement organizations to keep personal
19 information confidential; removing certain
20 limitation; providing for codification; and providing
21 an effective date.

22 AUTHOR: Add the following House Coauthor: Manger

23 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
24 and replace with:

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

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

2 SECTION 1. AMENDATORY 19 O.S. 2011, Section 339, as last
3 amended by Section 1, Chapter 396, O.S.L. 2019 (19 O.S. Supp. 2020,
4 Section 339), is amended to read as follows:

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

7 1. To make all orders respecting the real property of the
8 county, to sell the public grounds of the county and to purchase
9 other grounds in lieu thereof; and for the purpose of carrying out
10 the provisions of this section it shall be sufficient to convey all
11 the interests of the county in those grounds when an order made for
12 the sale and a deed is executed in the name of the county by the
13 chair of the board of county commissioners, reciting the order, and
14 signed by the chair and acknowledged by the county clerk for and on
15 behalf of the county;

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

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

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

23 4. To recommend or sponsor an employee or prospective employee
24 for job-related training and certification in an area that may

1 require training or certification to comply with state or federal
2 law as such training or certification is provided by the Department
3 of Transportation, the Federal Highway Administration, or any other
4 state agency, technology center school, or university;

5 5. To approve a continuing education program for full-time
6 county employees with at least five (5) consecutive years of service
7 to the county. Such programs shall consist of courses offered by
8 colleges and universities that are members of The Oklahoma State
9 System of Higher Education. Such programs shall require that
10 employees maintain at least an A or B average in order to qualify
11 for one hundred percent (100%) reimbursement. Employees who
12 maintain passing or satisfactory grades shall qualify for seventy-
13 five percent (75%) reimbursement under such programs. Such programs
14 shall require that documentation from colleges and universities
15 regarding courses completed, credits earned and tuition charged be
16 submitted to a board of county commissioners within ninety (90) days
17 after the completion of courses. General applications and request
18 forms for such programs shall be submitted to a board of county
19 commissioners or an appropriate human resources department prior to
20 the conclusion of a county's current fiscal year. Employees who
21 elect to participate in such programs shall continue to meet the
22 full responsibilities of their positions, and participation shall
23 not interfere with availability for scheduled work or negatively
24 affect work performance. In order to be eligible for participation

1 in such programs, employees shall not have been formally disciplined
2 within one (1) year prior to submitting their program application.
3 A board of county commissioners shall be authorized to establish a
4 program requiring a one-year commitment of service to the county
5 from individuals who participate in such programs. Under such
6 programs, employees shall only be eligible to receive tuition
7 reimbursements in exchange for employment with the county lasting at
8 least one (1) year;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 22. To establish by resolution the use of per diem for specific
8 purposes in accordance with the limitations provided by Sections
9 500.8 and 500.9 of Title 74 of the Oklahoma Statutes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 Passed the House of Representatives the 21st day of April, 2021.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2021.

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Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 858

By: Dugger of the Senate

3 and

4 Talley of the House

5
6 An Act relating to counties and county officers;
7 requiring that a county clerk and a county treasurer
8 shall keep the personal information of law
9 enforcement officers confidential; defining term;
10 requiring law enforcement official to obtain an order
11 of a court to keep personal information confidential;
12 directing the office upon receipt of the order to
13 keep information confidential and not to disclose
14 unless under certain circumstances; amending Section
15 1, Chapter 219, O.S.L. 2019 (68 O.S. Supp. 2020,
16 Section 2899.1), which relates to requests from law
17 enforcement organizations to keep personal
18 information confidential; removing certain
19 limitation; providing for codification; and providing
20 an effective date.

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

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 243.1 of Title 19, unless there
24 is created a duplication in numbering, reads as follows:

A. All law enforcement organizations in this state shall be
permitted to request to a county clerk that personal information
regarding law enforcement officers not be made publicly available on
the Internet, but instead kept in a secure location at a county

1 clerk's office where it may be made available to the authorized
2 persons pursuant to law.

3 B. For purposes of this section, "personal information" shall
4 mean:

5 1. The home address of a person;

6 2. The home address of the spouse, domestic partner or minor
7 child of a person; and

8 3. Any telephone number or electronic mail address of a person.

9 C. Any law enforcement official who wishes to have the personal
10 information of an officer that is contained in the records of a
11 county clerk be kept confidential must obtain an order of a court
12 that requires the county clerk to maintain the personal information
13 of the person or entity in a confidential manner. Such an order
14 must be based on a sworn affidavit by the law enforcement official,
15 which affidavit:

16 1. States that the individual whose information is to be kept
17 confidential is an officer; and

18 2. Sets forth sufficient justification for the request for
19 confidentiality.

20 Upon receipt of such an order, a county clerk shall keep such
21 information confidential and shall not disclose the confidential
22 information to anyone not specifically authorized by law to view the
23 information, unless disclosure is specifically authorized in writing
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1 by that person or the affiant. A county clerk shall not post such
2 confidential information on the Internet.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 625.1 of Title 19, unless there
5 is created a duplication in numbering, reads as follows:

6 A. All law enforcement organizations in this state shall be
7 permitted to request to a county treasurer that personal information
8 regarding law enforcement officers not be made publicly available on
9 the Internet, but instead kept in a secure location at a county
10 treasurer's office where it may be made available to the authorized
11 persons pursuant to law.

12 B. For purposes of this section, "personal information" shall
13 mean:

14 1. The home address of a person;

15 2. The home address of the spouse, domestic partner or minor
16 child of a person; and

17 3. Any telephone number or electronic mail address of a person.

18 C. Any law enforcement official who wishes to have the personal
19 information of an officer that is contained in the records of a
20 county treasurer be kept confidential must obtain an order of a
21 court that requires the county treasurer to maintain the personal
22 information of the person or entity in a confidential manner. Such
23 an order must be based on a sworn affidavit by the law enforcement
24 official, which affidavit:

1 1. States that the individual whose information is to be kept
2 confidential is an officer; and

3 2. Sets forth sufficient justification for the request for
4 confidentiality.

5 Upon receipt of such an order, a county treasurer shall keep
6 such information confidential and shall not disclose the
7 confidential information to anyone not specifically authorized by
8 law to view the information, unless disclosure is specifically
9 authorized in writing by that person or the affiant. A county
10 treasurer shall not post such confidential information on the
11 Internet.

12 SECTION 5. AMENDATORY Section 1, Chapter 219, O.S.L.
13 2019 (68 O.S. Supp. 2020, Section 2899.1), is amended to read as
14 follows:

15 Section 2899.1. A. All law enforcement organizations in ~~the~~
16 this state of Oklahoma shall be permitted to request to a county
17 assessor that personal information regarding ~~undercover or covert~~
18 law enforcement officers not be made publicly available on the
19 Internet, but instead kept in a secure location at a county
20 assessor's office where it may be made available to authorized
21 persons pursuant to law.

22 B. For purposes of this section, "personal information" shall
23 mean:

24 1. The home address of a person;

1 2. The home address of the spouse, domestic partner or minor
2 child of a person; and

3 3. Any telephone number or electronic mail address of a person.

4 C. Any law enforcement official who wishes to have the personal
5 information of an ~~undercover or covert~~ officer that is contained in
6 the records of a county assessor be kept confidential must obtain an
7 order of a court that requires the county assessor to maintain the
8 personal information of the person or entity in a confidential
9 manner. Such an order must be based on a sworn affidavit by the law
10 enforcement official, which affidavit:

11 1. States that the individual whose information is to be kept
12 confidential is an ~~undercover or covert~~ officer; and

13 2. Sets forth sufficient justification for the request for
14 confidentiality.

15 Upon receipt of such an order, a county assessor shall keep such
16 information confidential and shall not disclose the confidential
17 information to anyone not specifically authorized by law to view the
18 information, unless disclosure is specifically authorized in writing
19 by that person or the affiant. A county assessor shall not post
20 such confidential information on the Internet.

21 SECTION 6. This act shall become effective November 1, 2021.

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1 Passed the Senate the 4th day of March, 2021.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2021.

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9 Presiding Officer of the House
10 of Representatives