

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 590

6 By: Kidd

7 COMMITTEE SUBSTITUTE

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 188, O.S.L. 2018 (19 O.S. Supp.  
11 2018, Section 339), which relates to Boards of County  
12 Commissioners; authorizing optional continuing  
13 education program for certain county employees;  
14 providing certain conditions for eligibility;  
15 specifying educational institutions qualified for  
16 participation; establishing guidelines for tuition  
17 reimbursement; requiring submission of certain  
18 documentation for work completed; requiring  
19 applications to be submitted in certain time period;  
20 establishing that participation may not interfere  
21 with work responsibilities; establishing that  
22 employees formally disciplined within certain period  
23 shall not be eligible; and providing an effective  
24 date.

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 339, as last  
amended by Section 1, Chapter 188, O.S.L. 2018 (19 O.S. Supp. 2018,  
Section 339), is amended to read as follows:

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

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

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

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

19           If it should appear that it would be to the best use and  
20 interest of the institution, school or department to vacate, alter  
21 or relocate such highway, the governing board or body shall notify  
22 the board of county commissioners, in writing, of their intention to  
23 hold a public hearing and determine whether to vacate, alter or  
24 relocate the highway, setting forth the location and terminals of

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

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

23 5. To approve a continuing education program for full-time  
24 county employees with at least five (5) consecutive years of service

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

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

1 and constables, to be paid for out of the county treasury; also a  
2 fireproof vault sufficient in which to keep all the books, records,  
3 vouchers and papers pertaining to the business of the county;

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

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

14 ~~8.~~ 9. To jointly, with other counties, buy heavy equipment and  
15 to loan or lease such equipment across county lines;

16 ~~9.~~ 10. To develop personnel policies for the county with the  
17 approval of a majority of all county elected officers, as evidenced  
18 in the minutes of a meeting of the board of county commissioners or  
19 the county budget board;

20 ~~10.~~ 11. To purchase, rent, or lease-purchase uniforms, safety  
21 devices and equipment for the officers and employees of the county.  
22 The county commissioners may pay for any safety training or safety  
23 devices and safety equipment out of the general county funds or any  
24 county highway funds available to the county commissioners;

1       ~~11.~~ 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       ~~12.~~ 13. To provide for payment of notary commissions, filing  
7 fees, and the cost of notary seals and bonds;

8       ~~13.~~ 14. To do and perform other duties and acts that the board  
9 of county commissioners may be required by law to do and perform;

10       ~~14.~~ 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       ~~15.~~ 16. To deposit interest income from highway funds in the  
14 general fund of the county;

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

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

1 construction and agreed to and renewed on an annual basis. Work  
2 performed pursuant to Section 36-113 of Title 11 of the Oklahoma  
3 Statutes shall comply with the provisions of this section;

4 ~~18.~~ 19. To enter into intergovernmental cooperative agreements  
5 with the federally recognized Indian tribes within this state to  
6 address issues of construction and maintenance of streets, roads,  
7 bridges and highways exclusive of the provisions of Section 1221 of  
8 Title 74 of the Oklahoma Statutes;

9 ~~19.~~ 20. To execute hold harmless agreements with the lessor in  
10 the manner provided by subsection B of Section 636.5 of Title 69 of  
11 the Oklahoma Statutes when leasing or lease-purchasing equipment;

12 ~~20.~~ 21. To accept donations of right-of-way or right-of-way  
13 easements pursuant to Section 381 et seq. of Title 60 of the  
14 Oklahoma Statutes;

15 ~~21.~~ 22. To establish by resolution the use of per diem for  
16 specific purposes in accordance with the limitations provided by  
17 Sections 500.8 and 500.9 of Title 74 of the Oklahoma Statutes;

18 ~~22.~~ 23. To apply to the Department of Environmental Quality for  
19 a waste tire permit to bale waste tires for use in approved  
20 engineering projects;

21 ~~23.~~ 24. To enter into the National Association of Counties  
22 (NACo) Prescription Drug Discount Program;

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1       ~~24.~~ 25. To work with federal, state, municipal, and public  
2 school district properties in an effort to minimize cost to such  
3 entities;

4       ~~25.~~ 26. To provide incentive awards to employees for  
5 participating in voluntary wellness programs which result in  
6 improved health. Incentive awards may be created by the Wellness  
7 Council set forth in Section 1302 of this title; and

8       ~~26.~~ 27. To establish a county employee benefit program to  
9 encourage outstanding performance in the workplace. Monies may be  
10 expended for the purchase of recognition awards for presentation to  
11 an employee or members of a work unit.

12       B. The county commissioners of a county or, in counties where  
13 there is a county budget board, the county budget board may  
14 designate money from general county funds for the designated purpose  
15 of drug enforcement and drug abuse prevention programs within the  
16 county.

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

21       D. In order to timely comply with the Oklahoma Vehicle License  
22 and Registration Act with regard to county vehicles, the board of  
23 county commissioners may, by resolution, create a petty cash  
24 account. The board of county commissioners may request a purchase



1 order for petty cash in an amount necessary to pay the expense of  
2 license and registration fees for county motor vehicles. Any  
3 balance in the petty cash account after the license and registration  
4 fees have been paid shall be returned to the account or fund from  
5 which the funds originated. The county purchasing agent shall be  
6 the custodian of the petty cash account, and the petty cash account  
7 shall be subject to audit.

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

18 SECTION 2. This act shall become effective November 1, 2019.  
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