

1 **SENATE FLOOR VERSION**

2 February 28, 2019

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 590

6 By: Sharp

7 An Act relating to counties and county officers;
8 amending 19 O.S. 2011, Section 339, as last amended
9 by Section 1, Chapter 188, O.S.L. 2018 (19 O.S. Supp.
10 2018, Section 339), which relates to Boards of County
11 Commissioners; authorizing optional continuing
12 education program for certain county employees;
13 providing certain conditions for eligibility;
14 specifying educational institutions qualified for
15 participation; establishing guidelines for tuition
16 reimbursement; requiring submission of certain
17 documentation for work completed; requiring
18 applications to be submitted in certain time period;
19 establishing that participation may not interfere
20 with work responsibilities; establishing that
21 employees formally disciplined within certain period
22 shall not be eligible; and providing an effective
23 date.

24 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.

19 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
20 February 28, 2019 - DO PASS AS AMENDED
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