

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 590 By: Sharp of the Senate  
3 and  
4 Osburn of the House  
5  
6

7 [ counties and county officers - continuing education  
8 program for certain county employees - effective date ]  
9

10 AMENDMENT NO. 1. Delete the stricken title, enacting clause and  
11 entire bill and replace with:  
12

13 "An Act relating to counties and county officers;  
14 amending 19 O.S. 2011, Section 339, as last amended by  
15 Section 1, Chapter 188, O.S.L. 2018 (19 O.S. Supp.  
16 2018, Section 339), which relates to county  
17 commissioner powers; authorizing commissioners to  
18 approve continuing education program for certain county  
19 employees; and providing an effective date.

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

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

24 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 qualify  
5 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 A board of county commissioners shall be authorized to establish a  
22 program requiring a one-year commitment of service to the county  
23 from individuals who participate in such programs. Under such  
24 programs, employees shall only be eligible to receive tuition

1 reimbursements in exchange for employment with the county lasting at  
2 least one (1) year;

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

10 ~~6.~~ 7. To set off, organize and change the boundaries of  
11 townships and to designate and give names therefor; provided, that  
12 the boundaries of no township shall be changed within six (6) months  
13 next preceding a general election;

14 ~~7.~~ 8. To lease tools, apparatus, machinery or equipment of the  
15 county to another political subdivision or a state agency. The  
16 Association of County Commissioners of Oklahoma and the Oklahoma  
17 State University Center for Local Government Technology together  
18 shall establish a system of uniform rates for the leasing of such  
19 tools, apparatus, machinery and equipment;

20 ~~8.~~ 9. To jointly, with other counties, buy heavy equipment and  
21 to loan or lease such equipment across county lines;

22 ~~9.~~ 10. To develop personnel policies for the county with the  
23 approval of a majority of all county elected officers, as evidenced  
24

1 in the minutes of a meeting of the board of county commissioners or  
2 the county budget board;

3 ~~10.~~ 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 ~~11.~~ 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 ~~12.~~ 13. To provide for payment of notary commissions, filing  
14 fees, and the cost of notary seals and bonds;

15 ~~13.~~ 14. To do and perform other duties and acts that the board  
16 of county commissioners may be required by law to do and perform;

17 ~~14.~~ 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 ~~15.~~ 16. To deposit interest income from highway funds in the  
21 general fund of the county;

22 ~~16.~~ 17. To submit sealed bids for the purchase of equipment  
23 from this state, or any agency or political subdivision of this  
24 state;

1       ~~17.~~ 18. To utilize county-owned equipment, labor and supplies  
2 at their disposal on property owned by the county, public schools,  
3 two-year colleges or technical branches of colleges that are members  
4 of 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       ~~18.~~ 19. To enter into intergovernmental cooperative agreements  
12 with the federally recognized Indian tribes within this state to  
13 address issues of construction and maintenance of streets, roads,  
14 bridges and highways exclusive of the provisions of Section 1221 of  
15 Title 74 of the Oklahoma Statutes;

16       ~~19.~~ 20. To execute hold harmless agreements with the lessor in  
17 the manner provided by subsection B of Section 636.5 of Title 69 of  
18 the Oklahoma Statutes when leasing or lease-purchasing equipment;

19       ~~20.~~ 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       ~~21.~~ 22. To establish by resolution the use of per diem for  
23 specific purposes in accordance with the limitations provided by  
24 Sections 500.8 and 500.9 of Title 74 of the Oklahoma Statutes;

1       ~~22.~~ 23. To apply to the Department of Environmental Quality for  
2 a waste tire permit to bale waste tires for use in approved  
3 engineering projects;

4       ~~23.~~ 24. To enter into the National Association of Counties  
5 (NACo) Prescription Drug Discount Program;

6       ~~24.~~ 25. To work with federal, state, municipal, and public  
7 school district properties in an effort to minimize cost to such  
8 entities;

9       ~~25.~~ 26. To provide incentive awards to employees for  
10 participating in voluntary wellness programs which result in  
11 improved health. Incentive awards may be created by the Wellness  
12 Council set forth in Section 1302 of this title; and

13       ~~26.~~ 27. To establish a county employee benefit program to  
14 encourage outstanding performance in the workplace. Monies may be  
15 expended for the purchase of recognition awards for presentation to  
16 an employee or members of a work unit.

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

22       C. When any lease or lease purchase is made on behalf of the  
23 county by the board pursuant to the provisions of this section, the  
24



1 county shall be allowed to have trade in values for transactions  
2 involving The Oklahoma Central Purchasing Act.

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

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

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



1 ENGROSSED SENATE  
BILL NO. 590

By: Sharp of the Senate

and

Osburn of the House

[ counties and county officers - continuing education  
program for certain county employees - effective date ]

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

10 SECTION 3. AMENDATORY 19 O.S. 2011, Section 339, as last  
11 amended by Section 1, Chapter 188, O.S.L. 2018 (19 O.S. Supp. 2018,  
12 Section 339), is amended to read as follows:

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

15 1. To make all orders respecting the real property of the  
16 county, to sell the public grounds of the county and to purchase  
17 other grounds in lieu thereof; and for the purpose of carrying out  
18 the provisions of this section it shall be sufficient to convey all  
19 the interests of the county in those grounds when an order made for  
20 the sale and a deed is executed in the name of the county by the  
21 chair of the board of county commissioners, reciting the order, and  
22 signed by the chair and acknowledged by the county clerk for and on  
23 behalf of the county;

24

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

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

10           If it should appear that it would be to the best use and  
11 interest of the institution, school or department to vacate, alter  
12 or relocate such highway, the governing board or body shall notify  
13 the board of county commissioners, in writing, of their intention to  
14 hold a public hearing and determine whether to vacate, alter or  
15 relocate the highway, setting forth the location and terminals of  
16 the road, and all data concerning the proposed right-of-way if  
17 changed or relocated, and shall give fifteen (15) days' notice of  
18 the hearing by publication in some newspaper in the county or  
19 counties in which the road is located, and the hearing shall be held  
20 at the county seat of the county in which the road is located, and  
21 if a county line road, may be heard in either county. At the  
22 hearing testimony may be taken, and any protests or suggestions  
23 shall be received as to the proposed measure, and at the conclusion  
24 thereof if the governing board or body shall find that it would be

1 to the best use and interest of the institution, school or  
2 department, and the public generally, they may make an appropriate  
3 order either vacating, altering or relocating the highway, which  
4 order shall be final if approved by the board of county  
5 commissioners. The institution, school or department may by  
6 agreement share the cost of changing any such road. No property  
7 owner shall be denied access to a public highway by the order;

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

14 5. To approve a continuing education program for full-time  
15 county employees with at least five (5) consecutive years of service  
16 to the county. Such programs shall consist of courses offered by  
17 colleges and universities that are members of The Oklahoma State  
18 System of Higher Education. Such programs shall require that  
19 employees maintain at least an "A" or "B" average in order to  
20 qualify for one hundred percent (100%) reimbursement. Employees who  
21 maintain passing or satisfactory grades shall qualify for seventy  
22 five percent (75%) reimbursement under such programs. Such programs  
23 shall require that documentation from colleges and universities  
24 regarding courses completed, credits earned, and tuition charged be

1 submitted to a Board of County Commissioners within ninety (90) days  
2 after the completion of courses. General applications and request  
3 forms for such programs shall be submitted to a Board of County  
4 Commissioners or an appropriate human resources department prior to  
5 the conclusion of a county's current fiscal year. Employees who  
6 elect to participate in such programs shall continue to meet the  
7 full responsibilities of their positions, and participation shall  
8 not interfere with availability for scheduled work or negatively  
9 affect work performance. In order to be eligible for participation  
10 in such programs, employees shall not have been formally disciplined  
11 within one (1) year prior to submitting their program application.  
12 A Board of County Commissioners shall be authorized to establish a  
13 program requiring a one-year commitment of service to the county  
14 from individuals who participate in such programs. Under such  
15 programs, employees shall only be eligible to receive tuition  
16 reimbursements in exchange for employment with the county lasting at  
17 least one (1) year.

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

1       ~~6.~~ 7. To set off, organize and change the boundaries of  
2 townships and to designate and give names therefor; provided, that  
3 the boundaries of no township shall be changed within six (6) months  
4 next preceding a general election;

5       ~~7.~~ 8. To lease tools, apparatus, machinery or equipment of the  
6 county to another political subdivision or a state agency. The  
7 Association of County Commissioners of Oklahoma and the Oklahoma  
8 State University Center for Local Government Technology together  
9 shall establish a system of uniform rates for the leasing of such  
10 tools, apparatus, machinery and equipment;

11       ~~8.~~ 9. To jointly, with other counties, buy heavy equipment and  
12 to loan or lease such equipment across county lines;

13       ~~9.~~ 10. To develop personnel policies for the county with the  
14 approval of a majority of all county elected officers, as evidenced  
15 in the minutes of a meeting of the board of county commissioners or  
16 the county budget board;

17       ~~10.~~ 11. To purchase, rent, or lease-purchase uniforms, safety  
18 devices and equipment for the officers and employees of the county.  
19 The county commissioners may pay for any safety training or safety  
20 devices and safety equipment out of the general county funds or any  
21 county highway funds available to the county commissioners;

22       ~~11.~~ 12. To provide incentive awards for safety-related job  
23 performance. However, no employee shall be recognized more than  
24 once per calendar year and the award shall not exceed the value of

1 Two Hundred Fifty Dollars (\$250.00); further, no elected official  
2 shall be eligible to receive a safety award;

3 ~~12.~~ 13. To provide for payment of notary commissions, filing  
4 fees, and the cost of notary seals and bonds;

5 ~~13.~~ 14. To do and perform other duties and acts that the board  
6 of county commissioners may be required by law to do and perform;

7 ~~14.~~ 15. To make purchases at a public auction pursuant to the  
8 county purchasing procedures in subsection D of Section 1505 of this  
9 title;

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

12 ~~16.~~ 17. To submit sealed bids for the purchase of equipment  
13 from this state, or any agency or political subdivision of this  
14 state;

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



1       ~~18.~~ 19. To enter into intergovernmental cooperative agreements  
2 with the federally recognized Indian tribes within this state to  
3 address issues of construction and maintenance of streets, roads,  
4 bridges and highways exclusive of the provisions of Section 1221 of  
5 Title 74 of the Oklahoma Statutes;

6       ~~19.~~ 20. To execute hold harmless agreements with the lessor in  
7 the manner provided by subsection B of Section 636.5 of Title 69 of  
8 the Oklahoma Statutes when leasing or lease-purchasing equipment;

9       ~~20.~~ 21. To accept donations of right-of-way or right-of-way  
10 easements pursuant to Section 381 et seq. of Title 60 of the  
11 Oklahoma Statutes;

12       ~~21.~~ 22. To establish by resolution the use of per diem for  
13 specific purposes in accordance with the limitations provided by  
14 Sections 500.8 and 500.9 of Title 74 of the Oklahoma Statutes;

15       ~~22.~~ 23. To apply to the Department of Environmental Quality for  
16 a waste tire permit to bale waste tires for use in approved  
17 engineering projects;

18       ~~23.~~ 24. To enter into the National Association of Counties  
19 (NACo) Prescription Drug Discount Program;

20       ~~24.~~ 25. To work with federal, state, municipal, and public  
21 school district properties in an effort to minimize cost to such  
22 entities;

23       ~~25.~~ 26. To provide incentive awards to employees for  
24 participating in voluntary wellness programs which result in

1 improved health. Incentive awards may be created by the Wellness  
2 Council set forth in Section 1302 of this title; and

3 ~~26.~~ 27. To establish a county employee benefit program to  
4 encourage outstanding performance in the workplace. Monies may be  
5 expended for the purchase of recognition awards for presentation to  
6 an employee or members of a work unit.

7 B. The county commissioners of a county or, in counties where  
8 there is a county budget board, the county budget board may  
9 designate money from general county funds for the designated purpose  
10 of drug enforcement and drug abuse prevention programs within the  
11 county.

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

16 D. In order to timely comply with the Oklahoma Vehicle License  
17 and Registration Act with regard to county vehicles, the board of  
18 county commissioners may, by resolution, create a petty cash  
19 account. The board of county commissioners may request a purchase  
20 order for petty cash in an amount necessary to pay the expense of  
21 license and registration fees for county motor vehicles. Any  
22 balance in the petty cash account after the license and registration  
23 fees have been paid shall be returned to the account or fund from  
24 which the funds originated. The county purchasing agent shall be

1 the custodian of the petty cash account, and the petty cash account  
2 shall be subject to audit.

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

13 SECTION 4. This act shall become effective November 1, 2019.

14 Passed the Senate the 12th day of March, 2019.

15  
16 \_\_\_\_\_  
17 Presiding Officer of the Senate

18 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
19 2019.

20  
21 \_\_\_\_\_  
22 Presiding Officer of the House  
23 of Representatives  
24