

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 590

By: Sharp of the Senate

and

Osburn of the House

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10                                   COMMITTEE SUBSTITUTE

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

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

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

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

24                   1. To make all orders respecting the real property of the  
                  county, to sell the public grounds of the county and to purchase

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

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

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

17       If it should appear that it would be to the best use and  
18 interest of the institution, school or department to vacate, alter  
19 or relocate such highway, the governing board or body shall notify  
20 the board of county commissioners, in writing, of their intention to  
21 hold a public hearing and determine whether to vacate, alter or  
22 relocate the highway, setting forth the location and terminals of  
23 the road, and all data concerning the proposed right-of-way if  
24 changed or relocated, and shall give fifteen (15) days' notice of

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

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

21 5. To approve a continuing education program for full-time  
22 county employees with at least five (5) consecutive years of service  
23 to the county. Such programs shall consist of courses offered by  
24 colleges and universities that are members of The Oklahoma State

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

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

8        ~~6.~~ 7. To set off, organize and change the boundaries of  
9 townships and to designate and give names therefor; provided, that  
10 the boundaries of no township shall be changed within six (6) months  
11 next preceding a general election;

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

18        ~~8.~~ 9. To jointly, with other counties, buy heavy equipment and  
19 to loan or lease such equipment across county lines;

20        ~~9.~~ 10. To develop personnel policies for the county with the  
21 approval of a majority of all county elected officers, as evidenced  
22 in the minutes of a meeting of the board of county commissioners or  
23 the county budget board;

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1       ~~10.~~ 11. To purchase, rent, or lease-purchase uniforms, safety  
2 devices and equipment for the officers and employees of the county.  
3 The county commissioners may pay for any safety training or safety  
4 devices and safety equipment out of the general county funds or any  
5 county highway funds available to the county commissioners;

6       ~~11.~~ 12. To provide incentive awards for safety-related job  
7 performance. However, no employee shall be recognized more than  
8 once per calendar year and the award shall not exceed the value of  
9 Two Hundred Fifty Dollars (\$250.00); further, no elected official  
10 shall be eligible to receive a safety award;

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

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

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

18       ~~15.~~ 16. To deposit interest income from highway funds in the  
19 general fund of the county;

20       ~~16.~~ 17. To submit sealed bids for the purchase of equipment  
21 from this state, or any agency or political subdivision of this  
22 state;

23       ~~17.~~ 18. To utilize county-owned equipment, labor and supplies  
24 at their disposal on property owned by the county, public schools,

1 two-year colleges or technical branches of colleges that are members  
2 of The Oklahoma State System of Higher Education, the state and  
3 municipalities according to the provisions of Section 36-113 of  
4 Title 11 of the Oklahoma Statutes. Cooperative agreements may be  
5 general in terms of routine maintenance or specific in terms of  
6 construction and agreed to and renewed on an annual basis. Work  
7 performed pursuant to Section 36-113 of Title 11 of the Oklahoma  
8 Statutes shall comply with the provisions of this section;

9 ~~18.~~ 19. To enter into intergovernmental cooperative agreements  
10 with the federally recognized Indian tribes within this state to  
11 address issues of construction and maintenance of streets, roads,  
12 bridges and highways exclusive of the provisions of Section 1221 of  
13 Title 74 of the Oklahoma Statutes;

14 ~~19.~~ 20. To execute hold harmless agreements with the lessor in  
15 the manner provided by subsection B of Section 636.5 of Title 69 of  
16 the Oklahoma Statutes when leasing or lease-purchasing equipment;

17 ~~20.~~ 21. To accept donations of right-of-way or right-of-way  
18 easements pursuant to Section 381 et seq. of Title 60 of the  
19 Oklahoma Statutes;

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

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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  
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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.

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

COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,  
dated 03/28/2019 - DO PASS, As Amended.

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