

1 ENGROSSED SENATE  
BILL NO. 776

By: Stewart of the Senate

2  
3 and

4 Cantrell of the House

5  
6 An Act relating to county government; amending 19  
7 O.S. 2021, Section 339, as amended by Section 1,  
8 Chapter 333, O.S.L. 2022 (19 O.S. Supp. 2022, Section  
9 339), which relates to the general powers of  
10 commissioners; modifying certain authority; and  
11 providing an effective date.

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

13 SECTION 1. AMENDATORY 19 O.S. 2021, Section 339, as  
14 amended by Section 1, Chapter 333, O.S.L. 2022 (19 O.S. Supp. 2022,  
15 Section 339), is amended to read as follows:

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

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

1 signed by the chair and acknowledged by the county clerk for and on  
2 behalf of the county;

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

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

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

1 shall be received as to the proposed measure, and at the conclusion  
2 thereof if the governing board or body shall find that it would be  
3 to the best use and interest of the institution, school or  
4 department, and the public generally, they may make an appropriate  
5 order either vacating, altering or relocating the highway, which  
6 order shall be final if approved by the board of county  
7 commissioners. The institution, school or department may by  
8 agreement share the cost of changing any such road. No property  
9 owner shall be denied access to a public highway by the order;

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

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

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

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

1 fireproof vault sufficient in which to keep all the books, records,  
2 vouchers and papers pertaining to the business of the county;

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

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

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

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

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

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

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

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

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

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

1 performed pursuant to Section 36-113 of Title 11 of the Oklahoma  
2 Statutes shall comply with the provisions of this section;

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

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

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

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

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

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

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

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

5       27. To establish a county employee benefit program to encourage  
6 outstanding performance in the workplace. Monies may be expended  
7 for the purchase of recognition awards for presentation to an  
8 employee or members of a work unit. Recognition awards may be  
9 presented at a formal or informal ceremony, banquet, reception or  
10 luncheon, the cost of which may be expended from monies available in  
11 the county department's or division's operating fund;

12       28. To trade in equipment to a vendor or on statewide contract  
13 by acquiring used equipment values pursuant to subsection B of  
14 Section 421.1 of this title; ~~and~~

15       29. To expend federal funds made available to a county of the  
16 state through the federal Coronavirus Aid, Relief, and Economic  
17 Security Act (CARES Act), Pub. L. 116-136, or similar relief funds  
18 according to the permissible uses of the applicable federal  
19 legislation or guidance issued by any federal agency thereof,  
20 regardless of any lack of specific state statutory authorization to  
21 perform the duties or functions for which the federal government has  
22 provided the funds. The expenditure of the funds in accordance with  
23 the federal legislation or guidance issued by any federal agency

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1 thereof shall be at the discretion of the board of county  
2 commissioners.

3 The receipt of funding through the CARES Act or similar relief  
4 funds shall not be considered a supplemental appropriation and shall  
5 be exempt from the requirements of Section 1420 of this title. In  
6 the event the period allotted for expenditure of federal funds  
7 crosses fiscal years, such funds shall not be considered revenue  
8 when setting the county's budget for the next fiscal year; and

9 30. To enter into intergovernmental cooperative agreements,  
10 which shall include shared services, with local governmental units  
11 within this state of pursuant to the provisions of the Interlocal  
12 Cooperation Act, Section 1002 et seq. of Title 74 of the Oklahoma  
13 Statutes.

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

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

23 D. In order to timely comply with the Oklahoma Vehicle License  
24 and Registration Act with regard to county vehicles, the board of

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

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

20 SECTION 2. This act shall become effective November 1, 2023.

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