

1 **SENATE FLOOR VERSION**

2 February 10, 2025

3 SENATE BILL NO. 405

By: Alvord of the Senate

4 and

5 Cantrell of the House

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7  
8 An Act relating to county officers; amending 19 O.S.  
9 2021, Section 339, as last amended by Section 4,  
10 Chapter 452, O.S.L. 2024 (19 O.S. Supp. 2024, Section  
11 339), which relates to the general powers of the  
12 board of county commissioners; authorizing county  
13 commissioners to work with ambulance service  
14 districts for certain purpose; updating statutory  
15 language; and providing an effective date.

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

17 SECTION 1. AMENDATORY 19 O.S. 2021, Section 339, as last  
18 amended by Section 4, Chapter 452, O.S.L. 2024 (19 O.S. Supp. 2024,  
19 Section 339), is amended to read as follows:

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

22 1. To make all orders respecting the real property of the  
23 county, to sell the public grounds of the county and to purchase  
24 other grounds in lieu thereof; and for the purpose of carrying out  
the provisions of this section it shall be sufficient to convey all  
the interests of the county in those grounds when an order made for

1 the sale and a deed is executed in the name of the county by the  
2 chair of the board of county commissioners, reciting the order, and  
3 signed by the chair and acknowledged by the county clerk for and on  
4 behalf of the county;

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

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

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

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

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

18 |       5. To determine the years of service required for full-time  
19 | county employees to qualify for a continuing education program.  
20 | Such programs may consist of courses offered by colleges and  
21 | universities that are members of The Oklahoma State System of Higher  
22 | Education as well as any other in-state or out-of-state programs or  
23 | courses which are relevant to the employee's responsibilities as  
24 | approved by the county commissioners. Such programs shall require

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

24

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~~, and county judge,  
4 sheriff, county surveyor ~~and~~, and county attorney, justices of the  
5 peace, and constables, to be paid for out of the county treasury;  
6 also a fireproof vault sufficient in which to keep all the books,  
7 records, vouchers, and papers pertaining to the business of the  
8 county;

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

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

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

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

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

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

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

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

22        18. To utilize county-owned equipment, labor, and supplies at  
23 their disposal on property owned by the county, public schools, two-  
24 year colleges, or technical branches of colleges that are members of

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

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

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

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

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

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

1 24. To enter into the National Association of Counties (NACo)  
2 ~~Prescription Drug Discount Program~~ Live Healthy Prescription, Health  
3 and Dental Discount Program;

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

6 26. To work with ambulance service districts established under  
7 Section 9C of Article X of the Oklahoma Constitution in an effort to  
8 minimize cost to such entities;

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

13 ~~27.~~ 28. 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. Recognition awards may be  
17 presented at a formal or informal ceremony, banquet, reception, or  
18 luncheon, the cost of which may be expended from monies available in  
19 the county department's or division's operating fund;

20 ~~28.~~ 29. To trade in equipment to a vendor or on statewide  
21 contract by acquiring used equipment values pursuant to subsection B  
22 of Section 421.1 of this title;

23 ~~29.~~ 30. To expend federal funds made available to a county of  
24 the state through the federal Coronavirus Aid, Relief, and Economic



1 Security Act (CARES Act), Pub. L. 116-136, or similar relief funds  
2 according to the permissible uses of the applicable federal  
3 legislation or guidance issued by any federal agency thereof,  
4 regardless of any lack of specific state statutory authorization to  
5 perform the duties or functions for which the federal government has  
6 provided the funds. The expenditure of the funds in accordance with  
7 the federal legislation or guidance issued by any federal agency  
8 thereof shall be at the discretion of the board of county  
9 commissioners.

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

16 ~~30.~~ 31. To enter into intergovernmental cooperative agreements  
17 which shall include shared services, with local governmental units  
18 within this state pursuant to the provisions of the Interlocal  
19 Cooperation Act, Section 1002 et seq. of Title 74 of the Oklahoma  
20 Statutes.

21 B. The county commissioners of a county or, in counties where  
22 there is a county budget board, the county budget board may  
23 designate money from general county funds for the designated purpose  
24

1 of drug enforcement and drug abuse prevention programs within the  
2 county.

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

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

18 E. When the board of county commissioners approves an express  
19 trust, pursuant to Sections 176 through 180.4 of Title 60 of the  
20 Oklahoma Statutes, for the purpose of operating a county jail, the  
21 trustees of the public trust may appoint commissioned peace  
22 officers, certified by the Council on Law Enforcement Education and  
23 Training, to provide security for inmates that are required to be  
24 transported outside of the detention facility, and investigate

1 violations of law within the detention facility. Other personnel  
2 necessary to operate the jail may be employed and trained or  
3 certified as may be required by applicable state or federal law.

4 SECTION 2. This act shall become effective November 1, 2025.

5 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
6 February 10, 2025 - DO PASS  
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