

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 458

By: Stewart

AS INTRODUCED

An Act relating to county commissioners; amending 19 O.S. 2021, Section 326, which relates to meetings of the board of county commissioners; making language gender neutral; allowing for certain discussion in certain circumstances; exempting certain discussions from the Oklahoma Open Meeting Act; prohibiting certain board from taking certain action; amending 25 O.S. 2021, Section 304, as last amended by Section 3, Chapter 237, O.S.L. 2024 (25 O.S. Supp. 2024, Section 304), which relates to the Oklahoma Open Meeting Act; modifying definition; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2021, Section 326, is amended to read as follows:

Section 326. A. In addition to the special sessions for equalizing assessments, and all other special sessions now provided by law, the county commissioners shall meet and hold sessions for the transaction of business in the county courthouse, at the county seat, on or before the first Monday of each month, and may remain in session as long as the public business may require, and the passing upon, allowing or rejecting of bills against the county shall be

1 taken up and passed upon by the board in the order in which the  
2 claims have been filed, and in which order such claims must be  
3 entered upon the calendar, except salary, wage and compensation  
4 claims of officers and deputies and employees, which salary, wage  
5 and compensation claims may be considered and paid, on or after the  
6 termination of the service pay period; provided, that such claims by  
7 subordinate deputies and employees be first approved by the officer  
8 having charge of the office or department. The board of county  
9 commissioners may recess or adjourn its meetings within the session,  
10 either from time to time or from day to day, or on call of the  
11 ~~chairman~~ chair; but, if such board does not sooner adjourn its  
12 session for any month, such session shall terminate and be adjourned  
13 by operation of law on the last business day of such month. If the  
14 board shall have adjourned its session before the last business day  
15 of any month, the county clerk shall have power to call special  
16 sessions when the best interests of the county demand it, upon  
17 giving five (5) days' notice of the time and object of calling the  
18 commissioners together, by posting up notices in three public places  
19 in the county, or by publication in some newspaper of general  
20 circulation in the county; provided, that in the case of a vacancy  
21 in the office of county clerk, the ~~chairman~~ chair of the board shall  
22 have power to call a special session for the purpose of filling such  
23 vacancy.

1 B. The board of county commissioners may meet at times and in  
2 places within the county other than the county courthouse if it is  
3 determined that such meetings are beneficial to the general public.  
4 Such meetings shall be in compliance with the Oklahoma Open Meeting  
5 Act.

6 C. County commissioners may discuss administrative,  
7 operational, and procedural matters of the board, even when a quorum  
8 of the board is present, provided that the discussion does not  
9 address the appropriation of county funds, except as provided for in  
10 subsection F of this section, and the board takes no official  
11 action. Such discussion shall not be subject to the provisions of  
12 the Oklahoma Open Meeting Act. Such discussion shall be limited to:

- 13 1. The scheduling of agenda items to be set before the board of  
14 county commissioners for an emergency, regular, or special meeting;
- 15 2. Public and media statements;
- 16 3. Organizational structure;
- 17 4. Internal processes;
- 18 5. Staffing needs; and
- 19 6. The receipt of reports from county employees.

20 D. County commissioners may conduct regular meetings with  
21 county employees which discuss the management of the county. Such  
22 meetings shall not be subject to the provisions of the Oklahoma Open  
23 Meeting Act.

1       E. Any number of county commissioners may attend and  
2 participate in conferences; training; and educational, press, and  
3 social events, even if a quorum is present at such event. The  
4 county commissioners may discuss the business of the county at such  
5 event, provided that the board takes no official action.

6       F. In counties that have a county budget board as provided in  
7 Section 1407 of this title, county commissioners and other elected  
8 officials of the county may discuss budgetary matters, provided that  
9 a quorum of the county budget board is not present and the board  
10 takes no official action.

11       SECTION 2.       AMENDATORY       25 O.S. 2021, Section 304, as last  
12 amended by Section 3, Chapter 237, O.S.L. 2024 (25 O.S. Supp. 2024,  
13 Section 304), is amended to read as follows:

14       Section 304. As used in the Oklahoma Open Meeting Act:

15       1. "Public body" means the governing bodies of all  
16 municipalities located within this state, boards of county  
17 commissioners of the counties in this state, boards of public and  
18 higher education in this state and all boards, bureaus, commissions,  
19 agencies, trusteeships, authorities, councils, committees, public  
20 trusts or any entity created by a public trust including any  
21 committee or subcommittee composed of any of the members of a public  
22 trust or other legal entity receiving funds from the Rural Economic  
23 Action Plan Fund as authorized by Section 2007 of Title 62 of the  
24 Oklahoma Statutes, task forces or study groups in this state

1 supported in whole or in part by public funds or entrusted with the  
2 expending of public funds, or administering public property, and  
3 shall include all committees or subcommittees of any public body.

4 Public body shall not include:

5 a. the state judiciary,

6 b. the Council on Judicial Complaints when conducting,  
7 discussing, or deliberating any matter relating to a  
8 complaint received or filed with the Council,

9 c. the Legislature, ~~or~~

10 d. administrative staffs of public bodies including, but  
11 not limited to, faculty meetings and athletic staff  
12 meetings of institutions of higher education when  
13 those staffs are not meeting with the public body, or  
14 entry-year assistance committees. ~~Furthermore, public~~  
15 ~~body shall not include the,~~

16 e. multidisciplinary teams provided for in Section 1-9-  
17 102 of Title 10A of the Oklahoma Statutes, in Section  
18 10-115 of Title 43A of the Oklahoma Statutes, and in  
19 subsection C of Section 1-502.2 of Title 63 of the  
20 Oklahoma Statutes or any school board meeting for the  
21 sole purpose of considering recommendations of a  
22 multidisciplinary team and deciding the placement of  
23 any child who is the subject of the recommendations.

24 ~~Furthermore, public body shall not include,~~

1           f. meetings conducted by stewards designated by the  
2           Oklahoma Horse Racing Commission pursuant to Section  
3           203.4 of Title 3A of the Oklahoma Statutes when the  
4           stewards are officiating at races or otherwise  
5           enforcing rules of the Commission. ~~Furthermore,~~  
6           ~~public body shall not include,~~

7           g. the board of directors of a Federally Qualified Health  
8           Center or the postadjudication review boards provided  
9           for in Sections 1116.2 and 1116.3 of Title 10 of the  
10          Oklahoma Statutes, or

11          h. boards of county commissioners for the purposes set  
12          forth in Section 326 of Title 19 of the Oklahoma  
13          Statutes;

14          2. "Meeting" means the conduct of business of a public body by  
15          a majority of its members being personally together or, as  
16          authorized by Section 307.1 of this title, together pursuant to a  
17          videoconference. Meeting shall not include informal gatherings of a  
18          majority of the members of the public body when no business of the  
19          public body is discussed;

20          3. "Regularly scheduled meeting" means a meeting at which the  
21          regular business of the public body is conducted;

22          4. "Special meeting" means any meeting of a public body other  
23          than a regularly scheduled meeting or emergency meeting;

1           5. "Emergency meeting" means any meeting called for the purpose  
2 of dealing with an emergency. For purposes of the Oklahoma Open  
3 Meeting Act, an emergency is defined as a situation involving injury  
4 to persons or injury and damage to public or personal property or  
5 immediate financial loss when the time requirements for public  
6 notice of a special meeting would make such procedure impractical  
7 and increase the likelihood of injury or damage or immediate  
8 financial loss;

9           6. "Continued or reconvened meeting" means a meeting which is  
10 assembled for the purpose of finishing business appearing on an  
11 agenda of a previous meeting. For the purposes of the Oklahoma Open  
12 Meeting Act, only matters on the agenda of the previous meeting at  
13 which the announcement of the continuance is made may be discussed  
14 at a continued or reconvened meeting;

15           7. "Videoconference" means a conference among members of a  
16 public body remote from one another who are linked by interactive  
17 telecommunication devices or technology, ~~and/or~~ or technology  
18 permitting both visual and auditory communication between and among  
19 members of the public body ~~and/or~~ or between and among members of  
20 the public body and members of the public. During any  
21 videoconference, both the visual and auditory communications  
22 functions shall attempt to be utilized; and

23           8. "Teleconference" means a conference among members of a  
24 public body remote from one another who are linked by

1 telecommunication devices ~~and/or~~ or technology permitting auditory  
2 communication between and among members of the public body ~~and/or~~ or  
3 between and among members of the public body and members of the  
4 public.

5 SECTION 3. This act shall become effective November 1, 2025.

6  
7 60-1-714 MSBB 1/19/2025 5:36:46 AM  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25