

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE

4 FOR

SENATE BILL 1357

By: Ballenger of the Senate

5 and

6 Enns of the House

7
8 COMMITTEE SUBSTITUTE

9
10 An Act relating to firearm carry by county
11 commissioners; amending 19 O.S. 2011, Section 339, as
12 last amended by Section 1, Chapter 134, O.S.L. 2013
13 (19 O.S. Supp. 2013, Section 339), which relates to
14 the general powers of county commissioners;
15 authorizing a county commissioner to carry a firearm
16 throughout the state in certain places for certain
17 purpose; requiring certain training to carry; and
18 providing an effective date.

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

20 SECTION 1. AMENDATORY 19 O.S. 2011, Section 339, as last
21 amended by Section 1, Chapter 134, O.S.L. 2013 (19 O.S. Supp. 2013,
22 Section 339), is amended to read as follows:

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

25 1. To make all orders respecting the real property of the
26 county, to sell the public grounds of the county and to purchase
27 other grounds in lieu thereof; and for the purpose of carrying out

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

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

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

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

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

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

20 5. 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 6. 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 7. 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 8. To jointly, with other counties, buy heavy equipment and to
14 loan or lease such equipment across county lines;

15 9. 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 10. 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;

1 11. 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 12. To provide for payment of notary commissions, filing fees,
7 and the cost of notary seals and bonds;

8 13. 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 14. 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 15. To deposit interest income from highway funds in the
14 general fund of the county;

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

17 17. 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 18. 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 19. 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 20. 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 21. 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 22. 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 23. To enter into the National Association of Counties (NACo)
21 Prescription Drug Discount Program;

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

1 25. 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 2 of this act~~ Section 1302 of this title.

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

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

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

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

11 F. Notwithstanding the provisions of paragraph 1 of subsection
12 B of Section 1277 of Title 21 of the Oklahoma Statutes, for the
13 purpose of conducting business of the public, a county commissioner
14 may carry a firearm on his or her person for personal protection
15 only in any structure, building or office space which is owned or
16 leased by a city, town or county governmental authority, except for
17 courthouses, courtrooms and public meetings. A county commissioner
18 shall successfully complete an approved course of firearm training
19 conducted by a state-certified firearms instructor which meets the
20 minimum requirements for firearms training pursuant to the Council
21 on Law Enforcement Education and Training to carry such a firearm.

22 SECTION 2. This act shall become effective November 1, 2014.
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