

1 ENGROSSED SENATE
2 BILL NO. 1357

By: Ballenger of the Senate

3 and

4 Enns of the House
5

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

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

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

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

21 1. To make all orders respecting the real property of the
22 county, to sell the public grounds of the county and to purchase
23 other grounds in lieu thereof; and for the purpose of carrying out
24 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
the sale and a deed is executed in the name of the county by the

1 chair of the board of county commissioners, reciting the order, and
2 signed by the chair and acknowledged by the county clerk for and on
3 behalf of the county;

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

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

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

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

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

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

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

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

11 8. To jointly, with other counties, buy heavy equipment and to
12 loan or lease such equipment across county lines;

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

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

22 11. To provide incentive awards for safety-related job
23 performance. However, no employee shall be recognized more than
24 once per calendar year and the award shall not exceed the value of

1 Two Hundred Fifty Dollars (\$250.00); further, no elected official
2 shall be eligible to receive a safety award;

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

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

7 14. To make purchases at a public auction pursuant to the
8 county purchasing procedures in subsection D of Section 1505 of this
9 title;

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

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

14 17. To utilize county-owned equipment, labor and supplies at
15 their disposal on property owned by the county, public schools, two-
16 year colleges or technical branches of colleges that are members of
17 The Oklahoma State System of Higher Education, the state and
18 municipalities according to the provisions of Section 36-113 of
19 Title 11 of the Oklahoma Statutes. Cooperative agreements may be
20 general in terms of routine maintenance or specific in terms of
21 construction and agreed to and renewed on an annual basis. Work
22 performed pursuant to Section 36-113 of Title 11 of the Oklahoma
23 Statutes shall comply with the provisions of this section;
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1 18. To enter into intergovernmental cooperative agreements with
2 the federally recognized Indian tribes within this state to address
3 issues of construction and maintenance of streets, roads, bridges
4 and highways exclusive of the provisions of Section 1221 of Title 74
5 of the Oklahoma Statutes;

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

9 20. To accept donations of right-of-way or right-of-way
10 easements pursuant to Section 381 et seq. of Title 60 of the
11 Oklahoma Statutes;

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

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

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

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

23 25. To provide incentive awards to employees for participating
24 in voluntary wellness programs which result in improved health.

1 Incentive awards may be created by the Wellness Council set forth in
2 ~~Section 2 of this act~~ Section 1302 of this title.

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

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

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

23 E. When the board of county commissioners approves an express
24 trust, pursuant to Sections 176 through 180.4 of Title 60 of the

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

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

21 SECTION 2. This act shall become effective November 1, 2014.
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1 Passed the Senate the 10th day of March, 2014.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2014.

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8 _____
9 Presiding Officer of the House
10 of Representatives