

1 **SENATE FLOOR VERSION**

2 February 20, 2014

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1357

By: Ballenger of the Senate

and

6 Enns of the House

7
8
9 [firearm carry by county commissioners - certain
10 training - effective date]
11

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

13 SECTION 1. AMENDATORY 19 O.S. 2011, Section 339, as last
14 amended by Section 1, Chapter 134, O.S.L. 2013 (19 O.S. Supp. 2013,
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. Until January 1, 1983, to furnish necessary blank books,
17 plats, blanks and stationery for the clerk of the district court,
18 county clerk, register of deeds, county treasurer and county judge,
19 sheriff, county surveyor and county attorney, justices of the peace,
20 and constables, to be paid for out of the county treasury; also a
21 fireproof vault sufficient in which to keep all the books, records,
22 vouchers and papers pertaining to the business of the county;

23 6. To set off, organize and change the boundaries of townships
24 and to designate and give names therefor; provided, that the

1 boundaries of no township shall be changed within six (6) months
2 next preceding a general election;

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

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

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

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

20 11. To provide incentive awards for safety-related job
21 performance. However, no employee shall be recognized more than
22 once per calendar year and the award shall not exceed the value of
23 Two Hundred Fifty Dollars (\$250.00); further, no elected official
24 shall be eligible to receive a safety award;

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

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

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

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

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

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

22 18. To enter into intergovernmental cooperative agreements with
23 the federally recognized Indian tribes within this state to address
24 issues of construction and maintenance of streets, roads, bridges

1 and highways exclusive of the provisions of Section 1221 of Title 74
2 of the Oklahoma Statutes;

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

6 20. To accept donations of right-of-way or right-of-way
7 easements pursuant to Section 381 et seq. of Title 60 of the
8 Oklahoma Statutes;

9 21. To establish by resolution the use of per diem for specific
10 purposes in accordance with the limitations provided by Sections
11 500.8 and 500.9 of Title 74 of the Oklahoma Statutes;

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

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

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

20 25. To provide incentive awards to employees for participating
21 in voluntary wellness programs which result in improved health.
22 Incentive awards may be created by the Wellness Council set forth in
23 ~~Section 2 of this act~~ Section 1302 of this title.
24

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

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

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

21 E. When the board of county commissioners approves an express
22 trust, pursuant to Sections 176 through 180.4 of Title 60 of the
23 Oklahoma Statutes, for the purpose of operating a county jail, the
24 trustees of the public trust may appoint commissioned peace

1 officers, certified by the Council on Law Enforcement Education and
2 Training, to provide security for inmates that are required to be
3 transported outside of the detention facility, and investigate
4 violations of law within the detention facility. Other personnel
5 necessary to operate the jail may be employed and trained or
6 certified as may be required by applicable state or federal law.

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
20 February 20, 2014 - DO PASS AS AMENDED
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