

1 **SENATE FLOOR VERSION**

2 February 27, 2020

3 SENATE BILL NO. 1183

By: Matthews of the Senate

4 and

5 Nichols of the House

6  
7  
8 An Act relating to libraries; amending 65 O.S. 2011,  
9 Section 157, which relates to city-county library  
10 budgets; directing certain city-county library income  
11 to be deposited into certain account with certain  
12 bank; removing language restricting use of certain  
13 revolving fund; amending 65 O.S. 2011, Section 158,  
14 which relates to powers and duties of city-county  
15 library commissions; removing language requiring  
16 certain property transactions to occur only after  
17 certain authorization; allowing the commission to  
18 borrow on certain credit for certain time period;  
19 allowing the commission to do certain other necessary  
20 or desirable things; amending 65 O.S. 2011, Section  
21 159, which relates to library contracts; removing  
22 language requiring certain approval to enter into  
23 certain contract; updating statutory language;  
24 providing an effective date; and declaring an  
emergency.

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

SECTION 1. AMENDATORY 65 O.S. 2011, Section 157, is  
amended to read as follows:

Section 157. It shall be the duty of the city-county library  
commission to prepare an annual budget.

1        Each county and city establishing a city-county library system,  
2 as herein provided, at the beginning of each fiscal year or as soon  
3 thereafter as may be practicable, shall agree upon the necessary  
4 contributions to be made by each for the establishment, operation  
5 and maintenance of the city-county library system, appropriate such  
6 funds as may be agreed upon, and combine ~~said~~ the funds with funds  
7 from any other source. Periodically, as may be agreed upon, the  
8 city and county shall contribute their appropriated funds to a  
9 common fund upon claims therefor being filed by the commission with  
10 the governing body of the city and with the board of county  
11 commissioners. The contributions shall be made by warrants, issued  
12 by the appropriate officers and made payable to the city treasurer  
13 or county treasurer, as may be agreed upon by the city and county.  
14 ~~Said~~ The common fund shall be maintained as a depository account  
15 with either the city treasurer or county treasurer, as may be agreed  
16 upon, and shall be disbursed upon vouchers drawn by such officer or  
17 employee of the commission as may be agreed upon by the city and  
18 county. ~~Said~~ The vouchers shall be issued only in payment of claims  
19 which have been executed in the manner prescribed by law for claims  
20 against the county or the city and before delivery to the payee,  
21 shall be registered with the city treasurer or county treasurer, as  
22 the case may be.

23        The officer or employee of the commission designated by the city  
24 and county to draw vouchers in payment of such claims shall be

1 bonded in an amount as may be required by the city and county, but  
2 not less than Twenty Thousand Dollars (\$20,000.00). The designated  
3 officer or employee shall be governed by the same statutory  
4 provisions relating to depository accounts as apply to county  
5 officials generally. Nothing contained herein shall be construed as  
6 exempting from the application of the general statutes relating to  
7 appropriations the funds contributed by the city and county to this  
8 common fund.

9 Income of the city-county library system from fines, fees, sales  
10 of personal property, and other miscellaneous sources, excluding  
11 income from sales of real property, shall not be considered general  
12 revenue of either the city or the county. It shall be deposited  
13 promptly ~~with the city treasurer or the county treasurer, as the~~  
14 ~~case may be, and shall be credited directly to the depository~~  
15 ~~account of the commission without appropriation~~ in a commission  
16 account with a bank whose deposits are insured by the Federal  
17 Deposit Insurance Corporation (FDIC). Income from this source shall  
18 constitute a revolving fund which shall not be subject to fiscal  
19 limitations and which may be expended as directed by the commission  
20 ~~for the replacement or repair of books and other personal property~~  
21 ~~other than motor vehicles.~~

22 In the event funds are made available for library purposes in  
23 the county, pursuant to the provisions of Section 10A of Article X  
24 of the Oklahoma Constitution, all or any part of the cost of

1 establishing, maintaining and operating the city-county library  
2 system as set forth in the powers granted to the commission in  
3 Section 158 of this title, and otherwise, may be paid with such  
4 funds, and the city-county library commission is authorized hereby  
5 to administer the expenditure of such funds ~~in the same manner as~~  
6 ~~herein provided for expenditure of funds appropriated from general~~  
7 ~~revenue for library purposes.~~

8 SECTION 2. AMENDATORY 65 O.S. 2011, Section 158, is  
9 amended to read as follows:

10 Section 158. Every city-county library commission created by  
11 ~~this act~~ Section 151 et seq. of this title shall have all the powers  
12 necessary or convenient for the accomplishment of the purpose and  
13 provisions hereof, including in addition to others herein granted,  
14 the following powers:

15 ~~(a)~~ A. To establish a city-county library system and to adopt  
16 such rules and regulations for the operation thereof as may be  
17 deemed necessary or expedient.

18 ~~(b)~~ B. To purchase, lease, or otherwise acquire land or  
19 buildings or portions of buildings for library purposes.

20 ~~(c)~~ C. To erect, maintain, and operate public library buildings  
21 at one or more places in the county.

22 ~~(d)~~ D. To accept transfer of any existing public library or  
23 libraries by lease or other conveyance.

1       ~~(e)~~ E. To acquire by purchase or otherwise books and other  
2 personal property customarily used in the operation of public  
3 libraries, including necessary motor vehicles.

4       ~~(f)~~ F. To sell and dispose of personal property acquired by  
5 purchase or other means when by proper resolution the commission  
6 finds that ~~said~~ the property is not needed for library purposes.

7       ~~(g)~~ G. To accept, hold, and convey legal title to interests in  
8 real property in the name "City-County Library Commission of \_\_\_\_\_  
9 County" which shall be its official name. Deeds or other  
10 conveyances of ~~said~~ interests in real property shall be executed for  
11 and on behalf of the commission by the ~~chairman~~ chair and shall be  
12 attested by the secretary, ~~only after authorization by resolution of~~  
13 ~~the governing body of the city and the board of county~~  
14 ~~commissioners.~~

15       ~~(h)~~ H. To accept, or in its discretion to decline donations  
16 tendered to the city-county library system.

17       ~~(i)~~ I. To administer the expenditure of any funds which may  
18 become available for library purposes pursuant to the provisions of  
19 Section 10A, Article X of the Constitution of the State of Oklahoma.

20       ~~(j)~~ J. To borrow on the credit of the commission for a period  
21 of time not to exceed one (1) year.

22       K. To enter into agreements with school districts in any area  
23 served by the library upon such terms as may be mutually agreed.  
24 The agreement shall prescribe equitable charges for the cost to

1 serve schools which include on-site costs of library collection and  
2 library automation and the cost of providing assigned staffing which  
3 meets the certification requirements for school library media  
4 programs.

5 L. To do all other things necessary or desirable to carry out  
6 the purposes and provisions of the City-County Library Act.

7 SECTION 3. AMENDATORY 65 O.S. 2011, Section 159, is  
8 amended to read as follows:

9 Section 159. The governing body of any other city or town in  
10 any county is authorized to contract with the city-county library  
11 ~~commission, subject to the approval of the governing body of the~~  
12 ~~city and the board of county commissioners,~~ to bring such other city  
13 or town into the city-county library system, upon such terms as may  
14 be mutually agreed upon, and for that purpose may lease to the city-  
15 county library commission any library facilities or property which  
16 such other city or town may own, may include in its annual budget  
17 appropriations for participation in the city-county library system,  
18 and shall pay over to the city-county library system funds so  
19 appropriated.

20 SECTION 4. This act shall become effective July 1, 2020.

21 SECTION 5. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
23  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT  
4 February 27, 2020 - DO PASS  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24