

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 163

By: Matthews

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6 AS INTRODUCED

7 An Act relating to libraries; amending 65 O.S. 2011,
8 Section 155, which relates to library commission
9 officers and meetings; making language gender
10 neutral; modifying frequency of meetings; amending 65
11 O.S. 2011, Section 157, which relates to city-county
12 library budgets; directing certain city-county
13 library income to be deposited into certain account
14 with certain bank; removing language restricting use
15 of certain revolving fund; amending 65 O.S. 2011,
16 Section 158, which relates to powers and duties of
17 city-county library commissions; removing language
18 requiring certain property transactions to occur only
19 after certain authorization; allowing the commission
20 to borrow on certain credit for certain time period;
21 allowing the commission to do certain other necessary
22 or desirable things; amending 65 O.S. 2011, Section
23 159, which relates to library contracts; removing
24 language requiring certain approval to enter into
25 certain contract; updating statutory language;
26 providing an effective date; and declaring an
27 emergency.

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

31 SECTION 1. AMENDATORY 65 O.S. 2011, Section 155, is
32 amended to read as follows:

33 Section 155. The commission shall elect its ~~chairman~~ chair from
34 the appointed members and fill such other offices as its bylaws may
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1 establish. The term of the ~~chairman~~ chair shall be one (1) year.
2 The commission shall ~~hold at least one meeting each month~~ meet as
3 often as is required to transact necessary business, and all
4 meetings shall be open to the public. It shall adopt rules for the
5 transaction of business and keep a record of its functions and
6 activities, which record shall be a public record. Six
7 commissioners shall constitute a quorum for the purpose of
8 conducting business and exercising the powers of the commission.
9 The commission may establish a schedule of fees to cover various
10 services rendered and may also contract with other persons and
11 agencies for such services as it may require, including private
12 legal counsel and private auditing service, within the limits of its
13 appropriations, and may incur necessary expenses. The commission
14 may contract for, receive, and utilize any grants or other financial
15 assistance from the United States or from any other source, public
16 or private, in furtherance of its functions; may incur necessary
17 expenses in obtaining said grants and/or financial assistance,
18 within the limits of its appropriations; and shall receive and
19 disburse such grants and/or other financial assistance in such
20 manner as herein provided.

21 SECTION 2. AMENDATORY 65 O.S. 2011, Section 157, is
22 amended to read as follows:

23 Section 157. It shall be the duty of the city-county library
24 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 3. 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 4. 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 5. This act shall become effective July 1, 2021.

21 SECTION 6. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
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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.

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