

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 34

By: Justice

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6 AS INTRODUCED

7 An Act relating to the Oklahoma Historical Society;
8 amending 53 O.S. 2011, Section 1.4, which relates to
9 powers and duties of the agency; providing exemption
10 for agency from certain motor vehicle purchasing and
11 management regulation; amending 74 O.S. 2011, Section
12 78, as amended by Section 748, Chapter 304, O.S.L.
13 2012 (74 O.S. Supp. 2012, Section 78), which relates
14 to Fleet Management Division; providing exemption for
15 certain agency from vehicle purchasing regulation;
16 and providing effective date.

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

18 SECTION 1. AMENDATORY 53 O.S. 2011, Section 1.4, is
19 amended to read as follows:

20 Section 1.4. A. In addition to other powers and duties
21 specified by law, the Oklahoma Historical Society shall have the
22 power and duty to:

23 1. Acquire by gift, devise, purchase or otherwise, absolutely
24 or in trust, and to hold any real property or real estate or other
interest therein as may be necessary in carrying into effect the
purpose of the Oklahoma Historical Preservation Act.

1 2. Enter into contracts and to execute all instruments
2 necessary to fulfill its duties, respecting the protection,
3 preservation, maintenance and operation of such historic buildings,
4 sites and/or objects as it may select.

5 3. Correlate and preserve drawings, plans, photographs and
6 other data of historic and archaeological sites, buildings and
7 objects.

8 4. Make surveys of historic and archaeological sites, buildings
9 and objects for the purpose of determining which possesses
10 exceptional value as commemorating or relating to the history of
11 Oklahoma.

12 5. Make necessary investigations and research in Oklahoma
13 relating to particular sites, buildings or objects to obtain true
14 and accurate historical and archaeological facts and information
15 concerning such sites, buildings or objects.

16 6. Contract and make cooperative agreements with
17 municipalities, corporations, associations and individuals, with
18 proper bond where deemed advisable to protect, preserve, maintain or
19 operate any historic or archaeological building, site, object or
20 property used in connection therewith for public use, regardless
21 whether the title thereto is in the State of Oklahoma. No contract
22 or cooperative agreement shall be made or entered into which will
23 obligate the General Revenue Fund of the State Treasury unless or
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1 until the Legislature has appropriated sufficient monies for such
2 purpose.

3 7. Restore, reconstruct, rehabilitate, preserve and maintain
4 historic or prehistoric sites, buildings, objects and properties of
5 historical and archaeological significance and where deemed
6 desirable establish and maintain museums in connection therewith.

7 8. Operate and manage historic and archaeologic sites,
8 buildings and properties acquired under the provisions of the
9 Oklahoma Historical Preservation Act, together with lands and
10 subordinate buildings for the benefit of the public, such authority
11 to include the power to charge reasonable visitation fees and grant
12 concessions, leases or permits for the use of land, building space,
13 roads or trails when necessary or desirable either to accommodate
14 the public or to facilitate administration; provided, that such
15 concessions, leases or permits shall be granted only after
16 competitive bids to the person making the highest and best bid.

17 9. Organize a corporation under the laws of this state when it
18 would be administratively burdensome to restore, reconstruct,
19 operate or maintain any particular historic or archaeologic site,
20 building or property donated to the state.

21 B. The Oklahoma Historical Society is authorized to make
22 exchanges of duplicates held by it for matters of historical
23 importance which are of the same approximate value as determined by
24 professional appraisal.

1 C. The Oklahoma Historical Society is authorized to purchase
2 and manage ownership of motor vehicles as deemed necessary using
3 appropriated or other funds available and shall not be subject to
4 the provisions of Section 78 et seq. of Title 74 of the Oklahoma
5 Statutes or requirements of the Fleet Management Division of the
6 Office of Management and Enterprise Services.

7 SECTION 2. AMENDATORY 74 O.S. 2011, Section 78, as
8 amended by Section 728, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
9 2012, Section 78), is amended to read as follows:

10 Section 78. A. There is hereby created and established within
11 the Office of Management and Enterprise Services, the Fleet
12 Management Division. The Division shall provide oversight of and
13 advice to state agencies that own, operate and utilize motor
14 vehicles, except for the Department of Public Safety, the Department
15 of Transportation, the Oklahoma State Bureau of Narcotics and
16 Dangerous Drugs Control, the Oklahoma State Bureau of Investigation,
17 the Oklahoma Historical Society, and The Oklahoma State System of
18 Higher Education.

19 B. The Director of the Office of Management and Enterprise
20 Services shall:

- 21 1. Appoint and fix duties and compensation for a Fleet Manager
22 who shall serve as the administrative head of the division;
- 23 2. Hire personnel as necessary to provide fleet services;
- 24 3. Acquire facilities to maintain vehicles;

1 4. Construct, install, acquire, operate and provide alternative
2 fueling infrastructure for use by state agencies and political
3 subdivisions of the state or for leasing and transferring to
4 political subdivisions;

5 5. Promulgate rules for efficient and economical operations to
6 provide fleet services; and

7 6. Report to the Governor, Speaker of the House of
8 Representatives, and President Pro Tempore of the Senate those
9 agencies that fail to comply with the provisions of law and the
10 rules of the Fleet Management Division regarding submission of
11 reports, vehicle use, and vehicle maintenance.

12 C. The rules shall include provisions to:

13 1. Establish uniform written vehicle acquisition, leasing,
14 maintenance, repairs, and disposal standards for use by all state
15 agencies to justify actual need for vehicles;

16 2. Establish standards for routine vehicle inspection and
17 maintenance;

18 3. Provide standards and forms for recordkeeping of fleet
19 operation, maintenance, and repair costs for mandatory use by all
20 state agencies to report the data to the Fleet Management Division
21 on a monthly basis;

22 4. Provide standards and utilize methods for disposal of
23 vehicles pursuant to the Oklahoma Surplus Property Act and any other
24 applicable state laws;

1 5. Establish mandatory maintenance contracts throughout the
2 state for all agencies to access for vehicle repairs and service at
3 discounted rates and parts;

4 6. Require all agencies with in-house repair and service
5 facilities to assign a value to the preventive maintenance services,
6 track those services with a dollar value, and report costs to the
7 Fleet Manager for the prior month no later than the twentieth day
8 following the close of each month;

9 7. Promulgate rules requiring all state-owned motor vehicles to
10 be marked in a uniform, highly visible manner, except for certain
11 vehicles driven by law enforcement agencies or other agencies
12 requiring confidentiality;

13 8. Require agencies to produce and maintain written
14 justification for any vehicle that travels fewer than twelve
15 thousand (12,000) miles annually and report to the Fleet Manager
16 such information by October 1 of each year; and

17 9. Address any other matter or practice which relates to the
18 responsibilities of the Director of the Office of Management and
19 Enterprise Services.

20 D. The Fleet Manager shall:

21 1. Develop specifications for contracts for vehicle maintenance
22 for state vehicles not serviced or maintained by state agencies;

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1 2. Conduct on-site inspections to verify state agency or
2 supplier compliance with Division standards for inspections,
3 maintenance and recordkeeping;

4 3. Assess state agency needs for vehicles and types of
5 vehicles;

6 4. Assign, transfer or lease vehicles to a state agency to meet
7 the needs of the state agency;

8 5. Unless otherwise provided by law, determine whether a state
9 agency may use or operate a vehicle without state identifying
10 markings, bearing a license plate used by a privately owned vehicle
11 to perform the duties of the state agency without hindrance;

12 6. Report to the Director of the Office of Management and
13 Enterprise Services occurrences of agencies failing to comply with
14 the provisions of law and the rules of the Fleet Management Division
15 regarding submission of reports, vehicle use, and vehicle
16 maintenance;

17 7. Offer guidelines to agencies to assist in determining the
18 most cost-effective and reasonable modes of travel for single trips
19 from the following options: state vehicle, private rental, or
20 mileage reimbursement; and

21 8. Provide, upon the request of the Governor, the President Pro
22 Tempore of the Senate or the Speaker of the House of
23 Representatives, reports from data the Fleet Manager collects.

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1 E. The Director of the Office of Management and Enterprise
2 Services may enter into agreements with any political subdivision of
3 this state for the purpose of providing fleet services established
4 by the Fleet Management Division pursuant to this section and rules
5 promulgated pursuant to this section.

6 F. The Director of the Office of Management and Enterprise
7 Services, through the Fleet Management Division, may enter into
8 partnership agreements with political subdivisions and private
9 entities for the purposes of applying for, participating in, and
10 administering federal grant funds. The partnership agreements and
11 activities authorized in this subsection are hereby declared to be a
12 public purpose.

13 G. The Office may offer public access to alternative fueling
14 infrastructure owned and operated by the Office in areas of the
15 state in which access to an alternative fueling infrastructure is
16 not readily available to the public. The Office shall cease
17 allowing public access to an alternative fueling infrastructure
18 operated by the Office if a privately owned alternative fueling
19 infrastructure locates within a five-mile radius of the
20 infrastructure operated by the Department.

21 H. When used in relation to the Fleet Management Division:

22 1. "Alternative fueling infrastructure" shall mean a fill
23 station or charge station used to deliver or provide alternative
24 fuels as defined in Section 130.2 of this title; and

1 2. "Alternative fuel vehicle" shall mean a motor vehicle
2 originally designed by the manufacturer to operate lawfully and
3 principally on streets and highways which is propelled by an
4 alternative fuel as defined in Section 130.2 of this title.

5 SECTION 3. This act shall become effective November 1, 2013.

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