

ENGROSSED HOUSE AMENDMENTS
TO
ENGROSSED SENATE BILL NO. 613

BY: HERBERT and STIPE of the
SENATE

and

SEIKEL of the HOUSE

AN ACT RELATING TO COUNTY SHERIFFS; AMENDING 19 O.S.

1991, SECTION 180.43, WHICH RELATES TO THE
MAINTENANCE OF PRISONERS; AUTHORIZING COUNTY
SHERIFFS TO OPERATE A COMMISSARY FOR INMATES;

AND DECLARING AN EMERGENCY.

AMENDMENT NO. 1. Page 3, Section 1, lines 20 and 21, after the word
"in" and before the period delete the following
"a separate revolving fund with the county
treasurer" and insert "the Sheriff's Commissary
Account"

and on line 24, after the word "the" and before
the word "for" delete the words "revolving fund"
and insert the words "the Sheriff's Commissary
Account"

and on page 4, line 7, insert a new Section 2 to
read

"SECTION 2. NEW LAW A new section of law to be codified in
the Oklahoma Statutes as Section 514.2 of Title 19, unless there is
created a duplication in numbering, reads as follows:

There is hereby created a cash account to be known as the
"Sheriff's Commissary Account". Monies from the account shall be
expended by the sheriff as authorized in Section 180.43 of Title 19
of the Oklahoma Statutes."

and renumber subsequent section

AMENDMENT NO. 2. Page 3, Section 1, line 23, delete the words "or jail recreational facilities"

AMENDMENT NO. 3. Page 3, Section 1, line 32, after the period insert "Nothing in this subsection shall circumvent the provisions of Section 73 of Title 7 of the Oklahoma Statutes."

AMENDMENT NO. 4. Page 4, Section 1, line 2, after the word "the" and before the period delete the words "general fund with the county treasurer" and insert "Sheriff's Service Fee Account"

AMENDMENT NO. 5. Page 4, line 7, insert a new Section 2 to read
"SECTION 2. AMENDATORY 19 O.S. 1991, Section 1501, as

amended by Section 1 of Enrolled House Bill No. 2108 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 1501. A. The county purchasing agent:

1. Shall, within the amount of the unencumbered balance, make all purchases that are paid from county funds for the various institutions, departments, officers, and employees of the county, except as otherwise provided for by law;

2. May make purchases for political subdivisions of this state within the county if authorized by appropriate action of the governing board or body of the political subdivision affected;

3. Shall make purchases and rental or lease-purchase agreements only after following the bidding procedures as provided for by law, except:

- a. when the purchase does not exceed One Thousand Five Hundred Dollars (\$1,500.00). All purchases made pursuant to this subparagraph shall be by a single purchase order. Splitting purchase orders which would result in paying an amount in excess of the limitations specified in this subparagraph is expressly prohibited. Any person convicted of violating the provisions of this subparagraph shall be guilty of a misdemeanor and such person shall forfeit the person's position or office,

- b. when the total payments of a rental or lease-purchase agreement do not exceed One Thousand Five Hundred Dollars (\$1,500.00),
- c. when articles and items are covered by single source contracts,
- d. purchases made at public auction provided, the State Auditor and Inspector's office is notified of the auction before the time of the sale,
- e. service or maintenance contracts on equipment or machinery which are entered into at the time of the purchase of the equipment or machinery,
- f. purchases made pursuant to a blanket purchase order as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes,
- g. when unprocessed native materials for road or bridge improvements do not exceed Two Dollars (\$2.00) per yard or per ton,
- h. purchases of fuel if the county purchasing agent obtains telephone quotes from at least three vendors prior to the purchase and the lowest and best quote is selected. Documentation of these quotes shall be recorded in the permanent records of the clerk,
- i. purchases of products available to the county through a General Services Administration contract or other federal contract if the item is not on current state contract or the terms of such contract are more favorable to the county than the terms of a state contract for the same products,
- j. purchases of tools, apparatus, machinery or equipment from a state agency or a political subdivision of the state as provided for in subsection C of Section 421.1 of this title, or

- k. purchases of food for prisoners incarcerated in the county jail if the county purchasing agent obtains telephone quotes pursuant to the whole total of food items requisitioned prior to the purchase and the lowest and best quote is selected. Documentation of these quotes shall be recorded in the permanent records of the county clerk.

The purchases shall be paid by attaching properly itemized invoices, as described in Section 1505 of this title, to a purchase order which has been prepared by the county purchasing agent and submitting both to the county clerk for filing, encumbering, and consideration for payment by the board of county commissioners;

4. Shall not furnish any supplies, materials, equipment, or other articles, except upon receipt of a requisition signed by a county officer. Written requisitions will not be required for blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes. Each county officer may designate not more than two employees who also shall be authorized to sign requisitions in the absence of the county officer. A written designation of said employees shall be filed with the county clerk and shall be entered in the minutes of the board of county commissioners;

5. Shall make lease or lease-purchase agreements for road machinery and equipment if the county has adequate funds appropriated during any fiscal year for such purpose and only after following the bidding procedures as provided for in Section 1505 of this title. The term of any lease or lease-purchase agreement authorized pursuant to this paragraph may be for any period up to one (1) year, provided, the term shall not extend beyond the end of any fiscal year, with an option to renew such agreement subject to the requirement that adequate funds are appropriated during the fiscal year by the county for such purpose. The State Auditor and

Inspector's office shall be notified by the county of the terms and conditions of a lease or lease-purchase agreement authorized pursuant to this paragraph before any such agreement is made by the county purchasing agent; and

6. Shall perform such other duties as may be delegated to him by the appointing authority or as may be provided for by law.

B. Each department of county government needing repairs to equipment, machinery or vehicles shall take estimates and requisition a purchase order from the county purchasing agent for repairs not in excess of Two Thousand Five Hundred Dollars (\$2,500.00). Repairs in excess of Two Thousand Five Hundred Dollars (\$2,500.00) shall be submitted on a blanket purchase order as provided in Section 310.8 of Title 62 of the Oklahoma Statutes."

and renumber subsequent section

AMENDMENT NO. 6. Page 1, lines 8 through 16, delete the title and insert

"AN ACT RELATING TO COUNTY SHERIFFS; AMENDING 19 O.S. 1991, SECTION 180.43, WHICH RELATES TO THE MAINTENANCE OF PRISONERS; AUTHORIZING COUNTY SHERIFFS TO OPERATE A COMMISSARY FOR INMATES; PROVIDING FOR FUNDS TO BE DEPOSITED IN THE SHERIFF'S COMMISSARY ACCOUNT; STATING PURPOSES FOR EXPENDITURE OF FUNDS; PROVIDING FOR CLAIMS TO BE PAID; PROHIBITING SHERIFF FROM RECEIVING COMPENSATION FOR OPERATING COMMISSARY; REQUIRING SHERIFF TO FILE ANNUAL REPORT WITH BOARD OF COUNTY COMMISSIONERS BY CERTAIN DATE; REQUIRING STATE AUDITOR AND INSPECTOR TO AUDIT REPORT; AUTHORIZING SHERIFF TO OPERATE TELEPHONE SYSTEM FOR INMATES; PROVIDING FOR FUNDS TO BE DEPOSITED IN THE SHERIFF'S COMMISSARY ACCOUNT; STATING GUIDELINES FOR EXPENDITURE OF FUNDS; PROVIDING FOR PAYMENT OF CLAIMS; CREATING THE SHERIFF'S COMMISSARY ACCOUNT; PROVIDING PROCEDURES RELATED TO THE ACCOUNT; AMENDING 19 O.S. 1991, SECTION 1501, AS AMENDED BY SECTION 1 OF ENROLLED HOUSE BILL NO. 2108 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO DUTIES OF THE COUNTY PURCHASING AGENT; MODIFYING EXCEPTION TO BIDDING REQUIREMENT FOR CERTAIN PURCHASES; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY."

Passed the House of Representatives the 30th day of March, 1992.

Speaker of the House of

Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate