

ENROLLED HOUSE
BILL NO. 1041

BY: WEBB of the HOUSE

and

SNYDER of the SENATE

AN ACT RELATING TO COUNTY PURCHASING PROCEDURES;
AMENDING 19 O.S. 1981, SECTION 180.43, AS LAST
AMENDED BY SECTION 3, CHAPTER 348, O.S.L. 1989 (19
O.S. SUPP. 1990, SECTION 180.43), WHICH RELATES TO
THE KEEPING, FEEDING AND MAINTENANCE OF PRISONERS;
PROVIDING THAT CERTAIN PURCHASES SHALL BE MADE
THROUGH CERTAIN PROCEDURES; DELETING CERTAIN
REQUIREMENT OF DISTRICT ATTORNEY APPROVAL; AMENDING
57 O.S. 1981, SECTION 52, WHICH RELATES TO THE DUTY
OF THE SHERIFF TO PROVIDE CERTAIN STANDARDS OF CARE
FOR PRISONERS; PROVIDING THAT CERTAIN PURCHASES BE
MADE THROUGH CERTAIN PROCEDURES; PROVIDING FOR
LIABILITY FOR COST OF MEDICAL CARE TO DEFENDANT IN
CUSTODY OF A COUNTY JAIL; AMENDING SECTION 2,
CHAPTER 249, O.S.L. 1982, AS LAST AMENDED BY
SECTION 1, CHAPTER 62, O.S.L. 1990 (19 O.S. SUPP.
1990, SECTION 1501), WHICH RELATES TO COUNTY
PURCHASING PROCEDURES; PROVIDING EXCEPTION FROM
BIDDING REQUIREMENTS FOR CERTAIN PURCHASES;
PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE
DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 19 O.S. 1981, Section 180.43, as last amended by Section 3, Chapter 348, O.S.L. 1989 (19 O.S. Supp. 1990, Section 180.43), is amended to read as follows:

Section 180.43 A. Each sheriff shall be paid actual expenses by the county for keeping, feeding, and maintaining prisoners, not to exceed the sum of Three Dollars and fifty cents (\$3.50) per day for each prisoner for the first twenty prisoners and Two Dollars (\$2.00) per day for each additional prisoner. The claim for said expenses shall be filed with and approved or disapproved by the board of county commissioners as other claims, and the sheriff shall receive no other compensation for said services. The sheriff shall file an annual report with the board of county commissioners not later than January 15 of each year. The State Auditor and Inspector shall conduct an audit of the report as on other public records of the county.

B. Each county sheriff may contract with the Department of Justice of the United States of America, the Department of Corrections, or any municipality of this state for the feeding, care, housing, and upkeep of federal, state, or municipal prisoners, or alien detainees incarcerated in the county jail. Any funds received pursuant to said contract shall be the funds of the county where the federal, state, or municipal prisoners, or alien detainees are incarcerated and shall be deposited in a separate revolving fund

with the county treasurer. All purchases made pursuant to the provisions of this subsection shall be made pursuant to the purchasing procedures specified in Sections 1500 through 1505 of this title, including the use of blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes. The sheriff shall be permitted to expend any surplus in the revolving fund for administering expenses for training, equipment, or travel, or for capital expenditures.

The claim for said expenses ~~with the written approval of the district attorney attached~~ shall be filed with and allowed by the board of county commissioners as other claims. The sheriff shall receive no compensation for said services. The sheriff shall file an annual report with the board of county commissioners not later than January 15 of each year. The State Auditor and Inspector shall conduct an audit of the report as on other public records of the county.

C. In lieu of the travel reimbursement or monthly travel allowance provided for by law, the board of county commissioners may purchase and provide for the operation, maintenance, insurance, equipping, and repair of an automobile for each county commissioner to be used in performing the duties of his office. In lieu of the travel reimbursement or monthly travel allowance provided for by law, the board of county commissioners, with the concurrence of the county sheriff, may purchase and provide for the operation, maintenance, insurance, equipping, and repair of automobiles for the use of the sheriff in performing the duties of his office. Any automobile purchased pursuant to the authority granted in this section shall be purchased by competitive bids. The use of any said automobile for private or personal purposes is hereby prohibited. In any county having a population of at least three hundred fifty thousand (350,000), where it is determined by the sheriff to be more economical and advantageous to the county, the sheriff may establish a monthly automobile allowance of not more than Four Hundred Dollars (\$400.00) per month in lieu of the mileage per mile for in-county driving as authorized in this section. Any travel reimbursement other than in-county driving as provided for in this section shall be for actual and necessary expenses as provided for in the State Travel Reimbursement Act. Any person violating the provisions of this subsection, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for not more than thirty (30) days, or by both said fine and imprisonment, and in addition thereto shall be discharged from county employment.

SECTION 2. AMENDATORY 57 O.S. 1981, Section 52, is amended to read as follows:

Section 52. It shall be the duty of the sheriff of each county to provide bed clothing, washing, board and medical care when required, and all necessities for the comfort and welfare of prisoners as specified by the standards promulgated pursuant to Section 192 of Title 74 of the Oklahoma Statutes and he shall be allowed such compensation for services required by the provisions of Sections 41 through 64 of this title, as may be prescribed by the county commissioners. All purchases made pursuant to the provisions of this section shall be made pursuant to the purchasing procedures specified in Sections 1500 through 1505 of Title 19 of the Oklahoma Statutes, including the use of blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 746 of Title 19, unless there is created a duplication in numbering, reads as follows:

When a defendant is in the custody of a county jail, the custodial county shall only be liable for the cost of medical care for conditions that are not preexisting prior to arrest and that arise due to acts or omissions of the county. Preexisting conditions are defined as those illnesses beginning or injuries sustained before a person is in the peaceable custody of the county's officers.

An inmate receiving medical care for a preexisting condition or a condition not caused by the acts or omissions of the county shall be liable for payment of the cost of care, including but not limited to, medication, medical treatment, and transportation costs, for or relating to the condition requiring treatment.

SECTION 4. AMENDATORY Section 2, Chapter 249, O.S.L. 1982, as last amended by Section 1, Chapter 62, O.S.L. 1990 (19 O.S. Supp. 1990, Section 1501), 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, ~~or~~

- 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 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; and

5. 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.

SECTION 5. This act shall become effective July 1, 1991.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 29th day of April, 1991.

Speaker of the House of
Representatives

Passed the Senate the 1st day of May, 1991.

President of the Senate