

ENROLLED 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, SECTIONS 180.43 AND 1501, AS AMENDED BY SECTION 1 OF ENROLLED HOUSE BILL NO. 2108 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATE TO THE MAINTENANCE OF PRISONERS, AND DUTIES OF THE COUNTY PURCHASING AGENT; 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; MODIFYING EXCEPTION TO BIDDING REQUIREMENT FOR CERTAIN PURCHASES; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 19 O.S. 1991, 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 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, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. 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.

D. Each county sheriff may operate, or contract the operation of, a commissary for the benefit of persons lawfully confined in the county jail under the custody of the county sheriff. Any funds received pursuant to said operations shall be the funds of the county where the persons are incarcerated and shall be deposited in the Sheriff's Commissary Account. The sheriff shall be permitted to expend the funds to improve or provide jail services. The sheriff shall be permitted to expend any surplus in the Sheriff's Commissary Account for administering expenses for training equipment, travel or for capital expenditures. The claims for expenses shall be filed with and allowed by the board of county commissioners in the same manner as other claims. The sheriff shall receive no compensation for the operation of said commissary. The sheriff shall file an

annual report on any said commissary under his or her operation no later than January 15 of each year. The State Auditor and Inspector shall conduct an audit of the report in the same manner as other public records of the county. Nothing in this subsection shall circumvent the provisions of Section 73 of Title 7 of the Oklahoma Statutes.

E. Each county sheriff may operate, or contract the operation of, a telephone system for the benefit of persons lawfully confined in the county jail under the custody of the county sheriff. Any funds received pursuant to said operations shall be the funds of the county where the persons are incarcerated and shall be deposited in the Sheriff's Service Fee Account. Such funds may be expended according to the guidelines previously established for expenditures from the general fund. The claims for expenses shall be filed with and allowed by the board of county commissioners in the same manner as other claims.

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.

SECTION 3. 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.

SECTION 4. 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 Senate the 7th day of May, 1992.

President of the Senate

Passed the House of Representatives the 15th day of May, 1992.

Speaker of the House of Representatives