

1 ENGROSSED HOUSE
2 BILL NO. 2230

By: Mulready of the House

3 and

4 Sykes of the Senate

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7 [county jail commissaries - exempting county jail
8 commissaries from requirement to have licensed
9 blind operators operate vending facilities]
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 7 O.S. 2011, Section 73, as
14 amended by Section 1, Chapter 91, O.S.L. 2016 (7 O.S. Supp. 2016,
15 Section 73), is amended to read as follows:

16 Section 73. A. It shall be the duty of the board of county
17 commissioners of each county and the governing boards of all state
18 institutions, state agencies and state or county public trust
19 authorities, with regard to the premises of county or state property
20 under their respective jurisdictions or the premises of property
21 leased by them in whole or in part, to give priority to vending
22 facilities operated by licensed blind operators and established by
23 the State Department of Rehabilitation Services. Governing boards
24

1 shall observe such priority by entering into an agreement with the
2 Department. Operators shall be licensed by the Department.

3 B. Governing boards shall make available free of any charge,
4 fee, assessment or commission on sales adequate space with
5 sufficient electrical, plumbing, heating and ventilation outlets for
6 the operation of a vending facility on satisfactory sites.

7 Governing boards shall provide free of any charge, fee, assessment
8 or commission on sales the use of utilities needed to operate a
9 vending facility.

10 C. The provisions of this section shall not apply to the
11 operation of fairgrounds, exposition centers, trade/consumer show
12 facilities, pari-mutuel horse racing facilities as licensed by the
13 Oklahoma Horse Racing Commission, parks, golf courses, hospitals
14 operated by county trust authorities, commissaries for the benefit
15 of persons lawfully confined in the county jail under the custody of
16 the county sheriff or the State Capitol Building and grounds;
17 provided, that vending machines within the State Capitol Building
18 shall be subject to the provisions of subsections A and B of this
19 section.

20 SECTION 2. AMENDATORY 19 O.S. 2011, Section 180.43, is
21 amended to read as follows:

22 Section 180.43 A. Each county sheriff may contract with the
23 Department of Justice of the United States of America, the
24 Department of Corrections, or any municipality of this state for the

1 feeding, care, housing, and upkeep of federal, state, or municipal
2 prisoners, or alien detainees incarcerated in the county jail. Any
3 funds received pursuant to said contract shall be the funds of the
4 county where the federal, state, or municipal prisoners, or alien
5 detainees are incarcerated and shall be deposited in a separate
6 revolving fund with the county treasurer. All purchases made
7 pursuant to the provisions of this subsection shall be made pursuant
8 to the purchasing procedures specified in Sections 1500 through ~~1505~~
9 1507 of this title, including the use of blanket purchase orders as
10 provided for in Section 310.8 of Title 62 of the Oklahoma Statutes.
11 The sheriff shall be permitted to expend any surplus in the
12 revolving fund for administering expenses for salaries, training,
13 equipment, or travel, or for capital expenditures.

14 The claim for said expenses shall be filed with and allowed by
15 the board of county commissioners as other claims. The sheriff
16 shall receive no compensation for said services. The sheriff shall
17 file an annual report with the board of county commissioners not
18 later than January 15 of each year. The State Auditor and Inspector
19 shall conduct an audit of the report as on other public records of
20 the county.

21 B. In lieu of the travel reimbursement or monthly travel
22 allowance provided for by law, the board of county commissioners may
23 purchase and provide for the operation, maintenance, insurance,
24 equipping, and repair of an automobile for each county commissioner

1 to be used in performing the duties of his office. In lieu of the
2 travel reimbursement or monthly travel allowance provided for by
3 law, the board of county commissioners, with the concurrence of the
4 county sheriff, may purchase and provide for the operation,
5 maintenance, insurance, equipping, and repair of automobiles for the
6 use of the sheriff in performing the duties of his office. Any
7 automobile purchased pursuant to the authority granted in this
8 section shall be purchased by competitive bids. The use of any said
9 automobile for private or personal purposes is hereby prohibited.
10 In any county having a population of at least three hundred fifty
11 thousand (350,000), where it is determined by the sheriff to be more
12 economical and advantageous to the county, the sheriff may establish
13 a monthly automobile allowance of not more than Four Hundred Dollars
14 (\$400.00) per month in lieu of the mileage per mile for in-county
15 driving as authorized in this section. Any travel reimbursement
16 other than in-county driving as provided for in this section shall
17 be for actual and necessary expenses as provided for in the State
18 Travel Reimbursement Act. Any person violating the provisions of
19 this subsection, upon conviction, shall be guilty of a misdemeanor
20 and shall be punished by a fine of not more than One Hundred Dollars
21 (\$100.00) or by imprisonment in the county jail for not more than
22 thirty (30) days, or by both said fine and imprisonment, and in
23 addition thereto shall be discharged from county employment.

1 C. The State of Oklahoma hereby declares and states that the
2 increased number of persons impersonating law enforcement officers
3 by making routine traffic stops while using unmarked cars is a
4 threat to the public health and safety of all of the citizens of the
5 State of Oklahoma; therefore it shall be unlawful for any county
6 sheriff, deputy sheriff or reserve deputy sheriff to use any vehicle
7 which is not clearly marked as a law enforcement vehicle for routine
8 traffic enforcement except as provided in Section 12-218 of Title 47
9 of the Oklahoma Statutes. In addition to Section 12-218 of Title 47
10 of the Oklahoma Statutes, the peace officer operating the law
11 enforcement vehicle for routine traffic stops shall be dressed in
12 the official uniform including shoulder patches, badge, and any
13 other identifying insignias normally used by the employing law
14 enforcement agency.

15 D. Each county sheriff may operate, or contract the operation
16 of, a commissary for the benefit of persons lawfully confined in the
17 county jail under the custody of the county sheriff. Any funds
18 received pursuant to said operations shall be the funds of the
19 county where the persons are incarcerated and shall be deposited in
20 the Sheriff's Commissary Account. The sheriff shall be permitted to
21 expend the funds to improve or provide jail services. The sheriff
22 shall be permitted to expend any surplus in the Sheriff's Commissary
23 Account for administering expenses for training equipment, travel or
24 for capital expenditures. The claims for expenses shall be filed

1 with and allowed by the board of county commissioners in the same
2 manner as other claims. The sheriff shall receive no compensation
3 for the operation of said commissary. The sheriff shall file an
4 annual report on any said commissary under his or her operation no
5 later than January 15 of each year. The State Auditor and Inspector
6 shall conduct an audit of the report in the same manner as other
7 public records of the county. ~~Nothing in this subsection shall~~
8 ~~circumvent the provisions of Section 73 of Title 7 of the Oklahoma~~
9 ~~Statutes.~~

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

1 Passed the House of Representatives the 22nd day of March, 2017.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2017.

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8 Presiding Officer of the Senate