

An Act

ENROLLED HOUSE
BILL NO. 2230

By: Mulready of the House

and

Sykes of the Senate

An Act relating to county jail commissaries; amending 7 O.S. 2011, Section 73, as amended by Section 1, Chapter 91, O.S.L. 2016 (7 O.S. Supp. 2016, Section 73), which relates to operation of vending facilities on state or county property; exempting county jail commissaries from requirement to have licensed blind operators operate vending facilities; amending 19 O.S. 2011, Section 180.43, which relates to upkeep of prisoners; and eliminating applicability of certain vending facility operating requirement.

SUBJECT: Vending facilities on state or county property

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

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

Section 73. A. It shall be the duty of the board of county commissioners of each county and the governing boards of all state institutions, state agencies and state or county public trust authorities, with regard to the premises of county or state property under their respective jurisdictions or the premises of property leased by them in whole or in part, to give priority to vending facilities operated by licensed blind operators and established by the State Department of Rehabilitation Services. Governing boards shall observe such priority by entering into an agreement with the Department. Operators shall be licensed by the Department.

B. Governing boards shall make available free of any charge, fee, assessment or commission on sales adequate space with sufficient electrical, plumbing, heating and ventilation outlets for the operation of a vending facility on satisfactory sites. Governing boards shall provide free of any charge, fee, assessment or commission on sales the use of utilities needed to operate a vending facility.

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

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

Section 180.43 A. 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~~ 1507 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 salaries, 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.

B. 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.

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

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.

Passed the House of Representatives the 8th day of May, 2017.

Presiding Officer of the House
of Representatives

Passed the Senate the 27th day of April, 2017.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____