

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1144

By: Sparks of the Senate

3 and

4 Schwartz of the House

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7 An Act relating to travel expenses and per diem  
8 amounts; amending 19 O.S. 2001, Section 165, as last  
9 amended by Section 1, Chapter 67, O.S.L. 2007 (19  
10 O.S. Supp. 2007, Section 165), which relates to  
11 travel allowances and expenses for county officers;  
12 increasing the amount of travel allowance for certain  
13 county officers; amending 63 O.S. 2001, Section 1058,  
14 which relates to the Oklahoma Housing Authorities  
15 Act; allowing certain entities to set per diem and  
16 mileage reimbursement amounts for Indian housing  
17 authorities; and providing an effective date.

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15 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
16 and insert

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17 "An Act relating to travel expenses and per diem  
18 amounts; amending 19 O.S. 2001, Section 165, as last  
19 amended by Section 1, Chapter 67, O.S.L. 2007 (19  
20 O.S. Supp. 2007, Section 165), which relates to  
21 travel allowances and expenses for county officers;  
22 increasing the amount of travel allowance for  
23 certain county officers; amending 19 O.S. 2001,  
24 Section 180.43, as last amended by Section 1,  
Chapter 19, O.S.L. 2004 (19 O.S. Supp. 2007, Section  
180.43), which relates to automobile allowances for  
county sheriffs; increasing monthly automobile  
allowance amount; providing gender-neutral language;  
and providing an effective date.

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

2 SECTION 1. AMENDATORY 19 O.S. 2001, Section 165, as last  
3 amended by Section 1, Chapter 67, O.S.L. 2007 (19 O.S. Supp. 2007,  
4 Section 165), is amended to read as follows:

5 Section 165. A. In lieu of reimbursement for traveling  
6 expenses within their county each county commissioner and sheriff  
7 may receive a monthly travel allowance of ~~Six Hundred Dollars~~  
8 ~~(\$600.00)~~ up to, but not more than, One Thousand Dollars  
9 (\$1,000.00). In lieu of the reimbursement for traveling expenses  
10 authorized by law for each county officer, each county assessor may  
11 receive a monthly travel allowance of ~~Five Hundred Dollars (\$500.00)~~  
12 up to, but not more than, Eight Hundred Dollars (\$800.00), and each  
13 county clerk, court clerk and county treasurer may receive a monthly  
14 travel allowance of ~~Four Hundred Dollars (\$400.00)~~ up to, but not  
15 more than, Seven Hundred Dollars (\$700.00). Each such county  
16 officer may be subject to the penalty provided by Section 166 of  
17 this title for failure to attend the meetings specified in that  
18 section.

19 B. All newly elected county officials shall be reimbursed by  
20 their respective counties for any approved training provided before  
21 such official takes office. Such training expenses shall be  
22 reimbursed in January when such official takes office.

23 C. The provisions of this section and Sections 163 and 164 of  
24 this title shall not prevent the emergency use of a county-owned

1 vehicle or county-owned equipment by a county officer when such  
2 county officer is acting on behalf of the county or when such use is  
3 related to county business. As used in this subsection, "emergency"  
4 means an unforeseen combination of circumstances or the resulting  
5 state that calls for immediate action.

6 SECTION 2. AMENDATORY 19 O.S. 2001, Section 180.43, as  
7 last amended by Section 1, Chapter 19, O.S.L. 2004 (19 O.S. Supp.  
8 2007, Section 180.43), is amended to read as follows:

9 Section 180.43 A. Each county sheriff may contract with the  
10 Department of Justice of the United States of America, the  
11 Department of Corrections, or any municipality of this state for the  
12 feeding, care, housing, and upkeep of federal, state, or municipal  
13 prisoners, or alien detainees incarcerated in the county jail. Any  
14 funds received pursuant to said contract shall be the funds of the  
15 county where the federal, state, or municipal prisoners, or alien  
16 detainees are incarcerated and shall be deposited in a separate  
17 revolving fund with the county treasurer. All purchases made  
18 pursuant to the provisions of this subsection shall be made pursuant  
19 to the purchasing procedures specified in Sections 1500 through 1505  
20 of this title, including the use of blanket purchase orders as  
21 provided for in Section 310.8 of Title 62 of the Oklahoma Statutes.  
22 The sheriff shall be permitted to expend any surplus in the  
23 revolving fund for administering expenses for salaries, training,  
24 equipment, or travel, or for capital expenditures.

1 The claim for said expenses shall be filed with and allowed by  
2 the board of county commissioners as other claims. The sheriff  
3 shall receive no compensation for said services. The sheriff shall  
4 file an annual report with the board of county commissioners not  
5 later than January 15 of each year. The State Auditor and Inspector  
6 shall conduct an audit of the report as on other public records of  
7 the county.

8 B. In lieu of the travel reimbursement or monthly travel  
9 allowance provided for by law, the board of county commissioners may  
10 purchase and provide for the operation, maintenance, insurance,  
11 equipping, and repair of an automobile for each county commissioner  
12 to be used in performing the duties of ~~his~~ the office. In lieu of  
13 the travel reimbursement or monthly travel allowance provided for by  
14 law, the board of county commissioners, with the concurrence of the  
15 county sheriff, may purchase and provide for the operation,  
16 maintenance, insurance, equipping, and repair of automobiles for the  
17 use of the sheriff in performing the duties of ~~his~~ the office. Any  
18 automobile purchased pursuant to the authority granted in this  
19 section shall be purchased by competitive bids. The use of any said  
20 automobile for private or personal purposes is hereby prohibited.  
21 In any county having a population of at least three hundred fifty  
22 thousand (350,000), where it is determined by the sheriff to be more  
23 economical and advantageous to the county, the sheriff may establish  
24 a monthly automobile allowance of not more than ~~Four Hundred Dollars~~

1 ~~(\$400.00)~~ Six Hundred Fifty Dollars (\$650.00) per month in lieu of  
2 the mileage per mile for in-county driving as authorized in this  
3 section. Any travel reimbursement other than in-county driving as  
4 provided for in this section shall be for actual and necessary  
5 expenses as provided for in the State Travel Reimbursement Act. Any  
6 person violating the provisions of this subsection, upon conviction,  
7 shall be guilty of a misdemeanor and shall be punished by a fine of  
8 not more than One Hundred Dollars (\$100.00), or by imprisonment in  
9 the county jail for not more than thirty (30) days, or by both said  
10 fine and imprisonment, and in addition thereto shall be discharged  
11 from county employment.

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

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1 other identifying insignias normally used by the employing law  
2 enforcement agency.

3 D. Each county sheriff may operate, or contract the operation  
4 of, a commissary for the benefit of persons lawfully confined in the  
5 county jail under the custody of the county sheriff. Any funds  
6 received pursuant to said operations shall be the funds of the  
7 county where the persons are incarcerated and shall be deposited in  
8 the Sheriff's Commissary Account. The sheriff shall be permitted to  
9 expend the funds to improve or provide jail services. The sheriff  
10 shall be permitted to expend any surplus in the Sheriff's Commissary  
11 Account for administering expenses for training equipment, travel or  
12 for capital expenditures. The claims for expenses shall be filed  
13 with and allowed by the board of county commissioners in the same  
14 manner as other claims. The sheriff shall receive no compensation  
15 for the operation of said commissary. The sheriff shall file an  
16 annual report on any said commissary under ~~his or her~~ the operation  
17 of the sheriff no later than January 15 of each year. The State  
18 Auditor and Inspector shall conduct an audit of the report in the  
19 same manner as other public records of the county. Nothing in this  
20 subsection shall circumvent the provisions of Section 73 of Title 7  
21 of the Oklahoma Statutes.

22 E. Each county sheriff may operate, or contract the operation  
23 of, a telephone system for the benefit of persons lawfully confined  
24 in the county jail under the custody of the county sheriff. Any

