

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 1144

By: Sparks of the Senate

and

Schwartz of the House

6
7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to travel expenses and per diem
11 amounts; amending 19 O.S. 2001, Section 165, as last
12 amended by Section 1, Chapter 67, O.S.L. 2007 (19
13 O.S. Supp. 2007, Section 165), which relates to
14 travel allowances and expenses for county officers;
15 increasing the amount of travel allowance for certain
16 county officers; amending 19 O.S. 2001, Section
17 180.43, as last amended by Section 1, Chapter 19,
18 O.S.L. 2004 (19 O.S. Supp. 2007, Section 180.43),
19 which relates to automobile allowances for county
20 sheriffs; increasing monthly automobile allowance
21 amount; providing gender-neutral language; amending
22 63 O.S. 2001, Section 1058, which relates to the
23 Oklahoma Housing Authorities Act; allowing certain
24 entities to set per diem and mileage reimbursement
amounts for Indian housing authorities; and providing
an effective date.

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

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

1 Section 165. A. In lieu of reimbursement for traveling
2 expenses within their county each county commissioner and sheriff
3 may receive a monthly travel allowance of ~~Six Hundred Dollars~~
4 ~~(\$600.00)~~ up to, but not more than, One Thousand Dollars
5 (\$1,000.00). In lieu of the reimbursement for traveling expenses
6 authorized by law for each county officer, each county assessor may
7 receive a monthly travel allowance of ~~Five Hundred Dollars (\$500.00)~~
8 up to, but not more than, Eight Hundred Dollars (\$800.00), and each
9 county clerk, court clerk and county treasurer may receive a monthly
10 travel allowance of ~~Four Hundred Dollars (\$400.00)~~ up to, but not
11 more than, Seven Hundred Dollars (\$700.00). Each such county
12 officer may be subject to the penalty provided by Section 166 of
13 this title for failure to attend the meetings specified in that
14 section.

15 B. All newly elected county officials shall be reimbursed by
16 their respective counties for any approved training provided before
17 such official takes office. Such training expenses shall be
18 reimbursed in January when such official takes office.

19 C. The provisions of this section and Sections 163 and 164 of
20 this title shall not prevent the emergency use of a county-owned
21 vehicle or county-owned equipment by a county officer when such
22 county officer is acting on behalf of the county or when such use is
23 related to county business. As used in this subsection, "emergency"
24

1 means an unforeseen combination of circumstances or the resulting
2 state that calls for immediate action.

3 SECTION 2. AMENDATORY 19 O.S. 2001, Section 180.43, as
4 last amended by Section 1, Chapter 19, O.S.L. 2004 (19 O.S. Supp.
5 2007, Section 180.43), is amended to read as follows:

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

22 The claim for said expenses shall be filed with and allowed by
23 the board of county commissioners as other claims. The sheriff
24 shall receive no compensation for said services. The sheriff shall

1 file an annual report with the board of county commissioners not
2 later than January 15 of each year. The State Auditor and Inspector
3 shall conduct an audit of the report as on other public records of
4 the county.

5 B. In lieu of the travel reimbursement or monthly travel
6 allowance provided for by law, the board of county commissioners may
7 purchase and provide for the operation, maintenance, insurance,
8 equipping, and repair of an automobile for each county commissioner
9 to be used in performing the duties of ~~his~~ the office. In lieu of
10 the travel reimbursement or monthly travel allowance provided for by
11 law, the board of county commissioners, with the concurrence of the
12 county sheriff, may purchase and provide for the operation,
13 maintenance, insurance, equipping, and repair of automobiles for the
14 use of the sheriff in performing the duties of ~~his~~ the office. Any
15 automobile purchased pursuant to the authority granted in this
16 section shall be purchased by competitive bids. The use of any said
17 automobile for private or personal purposes is hereby prohibited.
18 In any county having a population of at least three hundred fifty
19 thousand (350,000), where it is determined by the sheriff to be more
20 economical and advantageous to the county, the sheriff may establish
21 a monthly automobile allowance of not more than ~~Four Hundred Dollars~~
22 ~~(\$400.00)~~ Six Hundred Fifty Dollars (\$650.00) per month in lieu of
23 the mileage per mile for in-county driving as authorized in this
24 section. Any travel reimbursement other than in-county driving as

1 provided for in this section shall be for actual and necessary
2 expenses as provided for in the State Travel Reimbursement Act. Any
3 person violating the provisions of this subsection, upon conviction,
4 shall be guilty of a misdemeanor and shall be punished by a fine of
5 not more than One Hundred Dollars (\$100.00), or by imprisonment in
6 the county jail for not more than thirty (30) days, or by both said
7 fine and imprisonment, and in addition thereto shall be discharged
8 from county employment.

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

23 D. Each county sheriff may operate, or contract the operation
24 of, a commissary for the benefit of persons lawfully confined in the

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

18 E. Each county sheriff may operate, or contract the operation
19 of, a telephone system for the benefit of persons lawfully confined
20 in the county jail under the custody of the county sheriff. Any
21 funds received pursuant to said operations shall be the funds of the
22 county where the persons are incarcerated and shall be deposited in
23 the Sheriff's Service Fee Account. ~~Such~~ The funds may be expended
24 according to the guidelines previously established for expenditures

1 from the general fund. The claims for expenses shall be filed with
2 and allowed by the board of county commissioners in the same manner
3 as other claims.

4 SECTION 3. AMENDATORY 63 O.S. 2001, Section 1058, is
5 amended to read as follows:

6 Section 1058. A. When a housing authority is authorized to
7 transact business and exercise powers hereunder, five (5) persons
8 shall be appointed as commissioners of the authority as follows:

9 1. In the case of a city, by the mayor with the advice and
10 consent of the governing body; or

11 2. In the case of a county, by the board of county
12 commissioners, and at least one of the persons so appointed shall be
13 a tenant in a housing project under the jurisdiction of such
14 authority.

15 The term of office of each commissioner shall be for three (3)
16 years, except that of the commissioners first appointed one shall
17 serve for a term of one (1) year and two shall serve for terms of
18 two (2) years. All vacancies shall be filled for the unexpired
19 term. Each commissioner shall qualify by taking the official oath
20 of office prescribed by statute or ordinance for elected officials
21 of the county or city, as the case may be.

22 B. A commissioner shall receive no compensation for his
23 services, but may be entitled to the necessary expenses, including
24 traveling expenses, incurred in the discharge of his duties or,

1 except as otherwise provided in this subsection, receive a per diem
2 payment of not to exceed Thirty-five Dollars (\$35.00) plus mileage
3 as provided by the State Travel Reimbursement Act, Section 500.1 et
4 seq. of Title 74, for expenses incurred in attending meetings of the
5 housing authority. An Indian housing authority or the tribal
6 government the authority serves may elect to set a different
7 monetary amount for per diem and mileage payments than specified in
8 this subsection for the commissioners of that Indian housing
9 authority. Each commissioner shall hold office until his successor
10 has been appointed and qualified. A certificate of appointment or
11 reappointment of any commissioner shall be filed with the authority
12 and this certificate shall be conclusive evidence of the due and
13 proper appointment of the commissioner.

14 C. The powers of each authority shall be vested in the
15 commissioners thereof in office from time to time. A majority of
16 the commissioners of an authority shall constitute a quorum for the
17 purpose of conducting its business and exercising its powers and for
18 all other purposes, notwithstanding the existence of any vacancies.
19 Action may be taken by the authority upon a vote of a majority of
20 the commissioners present, unless in any case the bylaws of the
21 authority shall require a larger number. Meetings of the
22 commissioners of an authority may be held anywhere within the area
23 of operation of the authority or within any additional area in which
24 the authority is authorized to undertake a project. Such meetings

1 shall be held pursuant to the provisions of the Open Meeting Act,
2 Section 301 et seq. of Title 25 of the Oklahoma Statutes.

3 D. The commissioners of an authority shall elect a chairman and
4 vice chairman from among the commissioners. An authority may employ
5 an executive director, legal and technical experts and such other
6 officers, agents and employees, permanent and temporary, as it may
7 require, and shall determine their qualifications, duties and
8 compensation. An authority may delegate to one or more of its
9 agents or employees such powers or duties as it may deem proper.

10 SECTION 4. This act shall become effective November 1, 2008.

11

12 51-2-10837 CJB 04/03/08

13

14

15

16

17

18

19

20

21

22

23

24