

THE HOUSE OF REPRESENTATIVES
Monday, April 7, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 1144

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1144 - By:
SPARKS of the Senate and SCHWARTZ of the House.

An Act relating to travel expenses and per diem amounts; amending 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), which relates to travel allowances and expenses for county officers; increasing the amount of travel allowance for certain county officers; amending 19 O.S. 2001, 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; amending 63 O.S. 2001, Section 1058, which relates to the Oklahoma Housing Authorities Act; allowing certain 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:

1 SECTION 1. AMENDATORY 19 O.S. 2001, Section 165, as last amended by
2 Section 1, Chapter 67, O.S.L. 2007 (19 O.S. Supp. 2007, Section 165), is amended to read
3 as follows:
4 Section 165. A. In lieu of reimbursement for traveling expenses within their county
5 each county commissioner and sheriff may receive a monthly travel allowance of ~~Six~~
6 ~~Hundred Dollars (\$600.00)~~ up to, but not more than, One Thousand Dollars (\$1,000.00).

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

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

11 C. The provisions of this section and Sections 163 and 164 of this title shall not
12 prevent the emergency use of a county-owned vehicle or county-owned equipment by a
13 county officer when such county officer is acting on behalf of the county or when such use
14 is related to county business. As used in this subsection, "emergency" means an
15 unforeseen combination of circumstances or the resulting state that calls for immediate
16 action.

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

20 Section 180.43 A. Each county sheriff may contract with the Department of Justice
21 of the United States of America, the Department of Corrections, or any municipality of
22 this state for the feeding, care, housing, and upkeep of federal, state, or municipal

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

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

16 B. In lieu of the travel reimbursement or monthly travel allowance provided for by
17 law, the board of county commissioners may purchase and provide for the operation,
18 maintenance, insurance, equipping, and repair of an automobile for each county
19 commissioner to be used in performing the duties of ~~his~~ the office. In lieu of the travel
20 reimbursement or monthly travel allowance provided for by law, the board of county
21 commissioners, with the concurrence of the county sheriff, may purchase and provide for
22 the operation, maintenance, insurance, equipping, and repair of automobiles for the use

1 of the sheriff in performing the duties of ~~his~~ the office. Any automobile purchased
2 pursuant to the authority granted in this section shall be purchased by competitive bids.
3 The use of any said automobile for private or personal purposes is hereby prohibited. In
4 any county having a population of at least three hundred fifty thousand (350,000), where
5 it is determined by the sheriff to be more economical and advantageous to the county, the
6 sheriff may establish a monthly automobile allowance of not more than ~~Four Hundred~~
7 ~~Dollars (\$400.00)~~ Six Hundred Fifty Dollars (\$650.00) per month in lieu of the mileage
8 per mile for in-county driving as authorized in this section. Any travel reimbursement
9 other than in-county driving as provided for in this section shall be for actual and
10 necessary expenses as provided for in the State Travel Reimbursement Act. Any person
11 violating the provisions of this subsection, upon conviction, shall be guilty of a
12 misdemeanor and shall be punished by a fine of not more than One Hundred Dollars
13 (\$100.00), or by imprisonment in the county jail for not more than thirty (30) days, or by
14 both said fine and imprisonment, and in addition thereto shall be discharged from county
15 employment.

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

1 Oklahoma Statutes, the peace officer operating the law enforcement vehicle for routine
2 traffic stops shall be dressed in the official uniform including shoulder patches, badge,
3 and any other identifying insignias normally used by the employing law enforcement
4 agency.

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

20 E. Each county sheriff may operate, or contract the operation of, a telephone
21 system for the benefit of persons lawfully confined in the county jail under the custody of
22 the county sheriff. Any funds received pursuant to said operations shall be the funds of

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 the county where the persons are incarcerated and shall be deposited in the Sheriff's
2 Service Fee Account. ~~Such~~ The funds may be expended according to the guidelines
3 previously established for expenditures from the general fund. The claims for expenses
4 shall be filed with and allowed by the board of county commissioners in the same manner
5 as other claims.

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

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

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

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

16 The term of office of each commissioner shall be for three (3) years, except that of the
17 commissioners first appointed one shall serve for a term of one (1) year and two shall
18 serve for terms of two (2) years. All vacancies shall be filled for the unexpired term.

19 Each commissioner shall qualify by taking the official oath of office prescribed by statute
20 or ordinance for elected officials of the county or city, as the case may be.

21 B. A commissioner shall receive no compensation for his services, but may be
22 entitled to the necessary expenses, including traveling expenses, incurred in the

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

11 C. The powers of each authority shall be vested in the commissioners thereof in
12 office from time to time. A majority of the commissioners of an authority shall constitute
13 a quorum for the purpose of conducting its business and exercising its powers and for all
14 other purposes, notwithstanding the existence of any vacancies. Action may be taken by
15 the authority upon a vote of a majority of the commissioners present, unless in any case
16 the bylaws of the authority shall require a larger number. Meetings of the
17 commissioners of an authority may be held anywhere within the area of operation of the
18 authority or within any additional area in which the authority is authorized to undertake
19 a project. Such meetings shall be held pursuant to the provisions of the Open Meeting
20 Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

21 D. The commissioners of an authority shall elect a chairman and vice chairman
22 from among the commissioners. An authority may employ an executive director, legal

1 and technical experts and such other officers, agents and employees, permanent and
2 temporary, as it may require, and shall determine their qualifications, duties and
3 compensation. An authority may delegate to one or more of its agents or employees such
4 powers or duties as it may deem proper.

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

6 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND
7 TRANSPORTATION, dated 04-03-08 - DO PASS, As Amended.