

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 1268

BY: HAMILTON (James) and
STEIDLEY of the HOUSE

and

TAYLOR and HANEY of the
SENATE

COMMITTEE SUBSTITUTE

AN ACT RELATING TO STATE GOVERNMENT AND THE OFFICE OF
THE STATE FIRE MARSHAL; MAKING AN APPROPRIATION
THERE TO; STATING PURPOSE; PROVIDING FOR DUTIES AND
COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF
THE STATE FIRE MARSHAL; PROVIDING BUDGETARY
LIMITATIONS; AMENDING 74 O.S. 1981, SECTION 500.2,
AS LAST AMENDED BY SECTION 1, CHAPTER 175, O.S.L.
1990 (74 O.S. SUPP. 1990, SECTION 500.2), WHICH
RELATES TO THE STATE TRAVEL REIMBURSEMENT ACT;
AUTHORIZING THE STATE FIRE MARSHAL TO ARRANGE AND
CHARGE MEALS AND LODGING FOR STATE PERSONNEL FOR
CERTAIN PURPOSES; AUTHORIZING THE STATE FIRE
MARSHAL TO CONTRACT FOR PAYMENT OF CERTAIN EXPENSES
FOR LAW ENFORCEMENT OFFICER ATTENDING CERTAIN
INSTRUCTION COURSES; PROVIDING A LAPSE DATE;
PROVIDING AN OPERATIVE DATE; AND DECLARING AN
EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Office of the State Fire Marshal from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the following amount or so much thereof as may be necessary to perform the duties imposed upon the Office of the State Fire Marshal by law:

| | |
|--------------------------|-------------------|
| Personal Services | \$680,800.00 |
| Other Operating Expenses | <u>205,446.00</u> |
| TOTAL OPERATIONS | \$886,246.00 |

SECTION 2. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Office of the State Fire Marshal by law shall be set by the State Fire Marshal. The salary of the State Fire Marshal shall not exceed Forty-one Thousand Seven Hundred Eighty-five Dollars (\$41,785.00) per annum, payable monthly for the fiscal year ending June 30, 1992. The Office of the State Fire Marshal for the fiscal year ending June 30, 1992 shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

| <u>Budgetary Limitation</u> | <u>Amount</u> |
|--|---------------|
| Full-time-equivalent Employees | 23.0 |
| Payroll, Salaries or Wages, Including | |
| Tax-sheltered Deferment Contracts and Longevity Payments | |
| Authorized by State Statutes \$577,109.00 | |
| Professional and Personal Services Contracts | \$0.00 |
| Lease-Purchase Agreements | \$0.00 |
| Purchase of Equipment | \$0.00 |
| Expenditure of Federal Funds | \$0.00 |
| Total Expenditures for Operations | \$886,246.00 |

SECTION 3. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the State Fire Marshal shall file its budget work program with the Director of State Finance and the Legislative Service Bureau for the fiscal year ending June 30, 1992, to include the following budget entities and activities: Administration, Arson Investigations, Fire Protection and Fire Prevention.

SECTION 4. AMENDATORY 74 O.S. 1981, Section 500.2, as last amended by Section 1, Chapter 175, O.S.L. 1990 (74 O.S. Supp. 1990, Section 500.2), is amended to read as follows:

Section 500.2 A. Officials and employees of the state, traveling on authorized state business, may be reimbursed for expenses incurred in such travel in accordance with the provisions of this act and existing statutes relating to state travel. Persons who are not state employees, but who are performing substantial and necessary services to the state which have been directed or approved by the appropriate department official shall enjoy the protection of the sovereign immunity of the state to the same extent as a paid employee. Such persons may be reimbursed for expenses incurred during authorized official travel under these same statutory provisions, provided it is indicated on the claim the person is not a state employee, a description of services performed is entered, and the agency head by his approval of the claim certifies such services were substantial and necessary, and germane to the duties and functions of the reimbursing agency. Travel expenses incurred by a person during the course of seeking employment with a state agency, unless such travel is performed at the request of the employing agency, shall not be considered expenses incurred in performing substantial and necessary services to the state and shall not be reimbursed under the provisions of this act.

B. The chief administrative officer of the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Bureau of

Narcotics and Dangerous Drugs Control, the Oklahoma Military Department, the Department of Corrections, the Office of Public Affairs and the Department of Civil Defense and the State Fire Marshal may arrange for and charge meals and lodging for a contingent of state personnel moved into an area for the purpose of preserving the public health, safety or welfare or for the protection of life or property. The cost for meals or lodging so charged shall not exceed the amount authorized in this act.

The chief administrative officer of each agency involved in an operation as provided for above shall require the vendor furnishing meals, lodging or both meals and lodging to submit an itemized statement for payment.

When a claim for lodging is made for a contingent of state personnel, individual members of the contingent may not submit a claim for lodging. When a claim for meals is made for a contingent of state personnel, individual members of the contingent may not submit a claim for meals.

C. The Department of Public Safety is hereby authorized to enter into contracts and agreements for the payment of classroom space, food and lodging expenses as may be necessary for law enforcement officers attending any official course of instruction sponsored or conducted by the Department of Public Safety. Such expenses may be paid for directly to the contracting agency or business establishment. Provided, the cost for food and lodging for each law enforcement officer shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

D. The Oklahoma Tourism and Recreation Department is hereby authorized to enter into contracts and agreements for the payment of food and lodging expenses as may be necessary for employees attending an official course of instruction or training conducted or sponsored by the Oklahoma Tourism and Recreation Department. Such expenses may be paid for directly to the contracting agency or

business establishment. Provided, the cost for food and lodging for each employee shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

E. The Oklahoma Department of Commerce is hereby authorized to enter into contracts and agreements for the payment of food, lodging, meeting facility and beverage expenses as may be necessary for sponsoring seminars and receptions relating to economic development and science and technology issues. Such expenses may be paid directly to the contracting agency or business establishment. The Director of the Oklahoma Department of Commerce shall provide a quarterly report of such expenditures to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

F. The State Fire Marshal is hereby authorized to enter into contracts and agreements for the payment of classroom space, food and lodging expenses as may be necessary for law enforcement officers attending any official course of instruction sponsored or conducted by the State Fire Marshal. Such expenses may be paid for directly to the contracting agency or business establishment. Provided, the cost for food and lodging for each law enforcement officer shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

G. State agencies are authorized to make direct purchases of commercial airline tickets for use by employees in approved out-of-state travel. Each claim or invoice submitted to the Director of State Finance for the payment of such purchase shall bear the airline identifying ticket number, the name of the airline, total cost of each ticket purchased, class of accommodation, social security number and name of the employee for whom the ticket was purchased, and shall be filed on claim forms as prescribed by the Director of State Finance. An affidavit shall state that said

employee did use any direct purchase commercial airline ticket received for his or her approved out-of-state travel.

~~G.~~ H. State agencies are authorized to make direct purchases of lodging at facilities operated by the Oklahoma Tourism and Recreation Department. Such lodging shall be at the rate authorized by Section 500.9 of this title. Claims for payment shall be filed on claim forms as prescribed by the Office of State Finance.

~~H.~~ I. State agencies are authorized to enter into contracts and agreements with the Oklahoma Tourism and Recreation Department for the payment of food, lodging and other authorized expenses as may be necessary for employees attending conferences, meetings or training sessions conducted or sponsored by the contracting agencies. Provided the cost for food and lodging for each employee shall not exceed the total daily rate as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of this title.

SECTION 5. The appropriation made by this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1992. Any unexpended funds remaining after November 15, 1992, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 6. This act shall become operative July 1, 1991.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-950

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