

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2890

By: Settle of the House

and

Smith of the Senate

COMMITTEE SUBSTITUTE

An Act relating to the State Travel Reimbursement

Act; amending 74 O.S. 1991, Sections 500.2, as last amended by Section 9, Chapter 358, O.S.L. 1995, and 500.11 (74 O.S. Supp. 1995, Section 500.2), which relate to certain reimbursable expenses; modifying authorized expenditures of the Alcoholic Beverage Law Enforcement Commission, the Department of Public Safety, the Oklahoma Tourism and Recreation Department, the Oklahoma Department of Commerce, the Oklahoma Center for the Advancement of Science and Technology, the State Fire Marshal, the Department of Civil Emergency Management, the Oklahoma Department of Human Services, the Oklahoma Water Resources Board and the Department of Environmental Quality; defining term; providing authority for certain state agencies to enter into contracts and agreements for payment of certain expenses; providing for certain expenditures of the Oklahoma Department of Commerce; providing for certain expenditures of the Department of

Transportation; providing for certain expenditures of the Office of Attorney General; authorizing certain state employees to use alternate forms of transportation; providing exception for reimbursement in lieu of certain plane fares; limiting reimbursement for privately owned motor vehicles and certain rental vehicles; providing criteria for measuring distances for certain reimbursement; requiring vicinity travel to be entered on travel claim as a separate item; repealing 74 O.S. 1991, Section 500.2, as last amended by Section 1, Chapter 335, O.S.L. 1995 (74 O.S. Supp. 1995, Section 500.2), which is a duplicate section which relates to travel reimbursement; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 500.2, as last amended by Section 9, Chapter 358, O.S.L. 1995 (74 O.S. Supp. 1995, 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 Department of Central Services ~~and~~, the Alcoholic Beverage Laws Enforcement Commission, the Department of Civil Emergency Management 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 Oklahoma Center for the Advancement of Science and Technology is hereby authorized to enter into contracts and agreements for the payment of food, lodging, meeting facility and beverage expenses necessary for sponsoring meetings and conferences~~

~~relating to economic development and science and technology issues. Such contracts or agreements shall be awarded on a competitive basis and expenses may be paid directly to the contracting agency or business establishment. The President of the Oklahoma Center for the Advancement of Science and Technology 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.~~

~~G. 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.~~

~~H. The Department of Civil Emergency Management is hereby authorized to enter into contracts and agreements for the payment of classroom space, food and lodging expenses as may be necessary for official courses of instruction and conferences sponsored by the Department of Civil Emergency Management. Such expenses may be paid directly to the contracting agency or business establishment. Provided, the cost for food and lodging for each student or attendee shall not exceed the total daily rate as provided for in the State Travel Reimbursement Act.~~

~~I. For purposes of this section:~~

~~1. "State agency" means any constitutionally or statutorily created state board, commission or department, including the Legislature and the Courts;~~

~~2. State agencies are authorized to enter into contracts and agreements for the payment of classroom space, food and lodging~~

expenses as may be necessary for employees attending official conferences, meetings or training sessions conducted or sponsored by the agencies. Such expenses may be paid 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, Section 500.1 et seq. of this title.

D. 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.

E. The Department of Transportation is hereby authorized to enter into contracts and agreements for the payment of food and lodging expenses as may be necessary for employees assigned to emergency situations, attending an official course of instruction, meetings or training conducted or sponsored by the Department of Transportation. Such expenses may be paid directly to the contracting agency or business establishment. The cost for food and lodging for each employee shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

F. The Office of the Attorney General is hereby authorized to enter into contracts and agreements for the payment of food, lodging expenses and meeting facilities as may be necessary for employees to properly prepare and carry out their duties in representing the state, the Legislature, any state board, agency or commission, or

any employee or official of the state entitled to representation in any legal dispute.

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.

~~J.~~ 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.

~~K.~~ 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.~~

~~L. The Oklahoma Department of Human Services 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 Department of Human Services. Such expenses may be paid directly to the contracting agency or business~~

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

~~M. 1. The Oklahoma Water Resources Board is hereby authorized to enter into contracts and agreements for the payment of food, lodging and other authorized expenses as may be necessary to host, conduct, sponsor or participate in conferences, meetings or training sessions. The Board may establish accounts as necessary for the collection and distribution of funds, including funds of sponsors and registration fees, related to such conferences, meetings and training sessions.~~

~~2. The cost for food and lodging for employees attending any conferences, meetings and training sessions shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.~~

~~N. 1. The Department of Environmental Quality is hereby authorized to enter into contracts and agreements for the payment of food, lodging and other authorized expenses as may be necessary to host, conduct, sponsor or participate in conferences, meetings or training sessions. The Department may establish accounts as necessary for the collection and distribution of funds, including funds of sponsors and registration fees, related to such conferences, meetings and training sessions.~~

~~2. The cost for food and lodging for employees attending any conferences, meetings and training sessions shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.~~

~~Ø. J. The Oklahoma State Banking Department is hereby authorized to enter into contracts and agreements for the payment of lodging expenses as may be necessary for employees engaged in their official duties for the Department. The expenses may be billed directly by the business establishment which provided the lodging to the Department, and the Department may pay the business directly for the lodging. However, the cost for lodging for each Department~~

employee shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 500.11, is amended to read as follows:

Section 500.11 ~~Reimbursement~~ A. Authorized persons traveling on official state business outside of the State of Oklahoma may utilize appropriate forms of transportation including, but not limited to, common carriers, transit system carriers, state-owned or privately owned motor vehicles or airplanes, contract rental motor vehicles or commuter airplanes to reach their destinations.

B. 1. Except as otherwise provided by this section, reimbursement for out of state transportation costs as authorized by this section shall not exceed the normal charge for the type of transportation used, but in no instance shall reimbursement for transportation used in lieu of commercial airline exceed the cost of coach airplane class air fare. Reimbursement for transportation by privately owned motor vehicles utilized on out of state travel shall not exceed this amount.

2. Reimbursement for travel by commercial airplane on a first-class basis may be made if coach class space is not available within a reasonable time and is justified by attachment to claim for reimbursement.

3. Claims for reimbursement for transportation by commercial airline shall be accompanied by the passenger's duplicate of airline ticket, or other airline receipt which includes information as to class of accommodation for which reimbursement is claimed.

4. If commuter airlines are the only airlines available to reach a destination, reimbursement for transportation used in lieu of commuter air fare shall not exceed the cost of the commuter air fare.

C. Reimbursement for authorized use of privately owned motor vehicles used for out-of-state travel shall be limited to mileage

reimbursement authorized by Section 500.4 of this title.

Reimbursement for authorized use of vehicles from motor vehicle rental agencies used for out-of-state travel shall be limited to the actual cost for such vehicle. However, in no instance shall reimbursement for such vehicle exceed the cost for commercial class air fare or commuter air fare, whichever is appropriate. Distances for which reimbursement for use of privately owned motor vehicles or vehicles from vehicle rental agencies is claimed shall not exceed distances set forth in a recognized published national atlas or road map. Vicinity travel on official business shall be entered on travel claims as a separate item.

SECTION 3. REPEALER 74 O.S. 1991, Section 500.2, as last amended by Section 1, Chapter 335, O.S.L. 1995 (74 O.S. Supp. 1995, Section 500.2), is hereby repealed.

SECTION 4. 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.

45-2-2582

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