

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1394

By: Adair

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 1991, Sections 456, 500.4, 500.8, as amended by Section 2, Chapter 219, O.S.L. 1992 and 500.9, as amended by Section 3, Chapter 219, O.S.L. 1992 (74 O.S. Supp. 1994, Sections 500.8 and 500.9), which relate to reimbursement; modifying standard for reimbursement; authorizing payment in amount deductible for purposes of federal income taxation based upon certain amounts deemed substantiated; conforming references; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 456, is amended to read as follows:

Section 456. A. Committees and subcommittees of each house of the Legislature are hereby authorized to meet when the Legislature is not in session, subject to the approval of the presiding officer of the respective house. Members of the Legislature and the officers thereof shall be reimbursed their expenses in attending meetings of committees and subcommittees of which they are members or to which they are invited by committee chairmen when the

Legislature is not in session. A per diem in lieu of expenses in the amount of ~~Twenty-five Dollars (\$25.00)~~ authorized by the Internal Revenue Code of 1986, as amended, regulations or revenue procedures, for per diem amounts deemed substantiated without proof of actual costs and deductible for purposes of federal income taxation is hereby authorized for not to exceed twenty (20) days when the Legislature is not in session. The President Pro Tempore of the Senate and the Speaker of the House of Representatives may authorize per diem for meetings exceeding twenty (20) days for members of their respective houses as they deem necessary. A per diem in lieu of expenses in the amount of ~~Forty-five Dollars (\$45.00)~~ authorized by the Internal Revenue Code of 1986, as amended, regulations or revenue procedures, for per diem amounts deemed substantiated without proof of actual costs and deductible for purposes of federal income taxation is hereby authorized for meetings outside the state by members, officers and employees of the Legislature. ~~A per diem in lieu of expenses in the amount of Sixty Dollars (\$60.00) is hereby authorized for official travel to high-rate geographical areas, as designated in Section 500.9 of this title, by members, officers and employees of the Legislature. Provided, however, that members and employees of the Legislature may, in lieu of the above provisions, be reimbursed for out-of-state travel pursuant to the State Travel Reimbursement Act.~~

B. In addition to reimbursement allowed under subsection A of this section, reimbursement for out-of-state transportation costs shall be made at an amount not exceeding the cost of coach airplane fare. Provided that 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 attachments to claim for reimbursement. Claims for reimbursement for first-class 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.

C. Members, officers and employees of the Legislature shall be reimbursed for any membership dues or fees paid to any association or organization connected with the performance of their duties with the state, upon the approval of the Speaker of the House of Representatives or the President Pro Tempore of the Senate.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 500.4, is amended to read as follows:

Section 500.4 A. Authorized persons traveling on official state business within the State of Oklahoma may utilize railroads, airplanes, buses, whether intracity or intercity, or other public conveyance. Reimbursement for fares paid for airplane transportation shall not exceed coach class fare. Other public conveyance fares shall not exceed the normal charge, but in no instance may the fare exceed coach class airplane fare. Taxicab fares within the State of Oklahoma and communication charges may be reimbursed only upon justification as to the necessity for their use.

B. Agency heads or their authorized designees may approve the use of motor vehicles for official travel within the State of Oklahoma. If available, agency owned motor vehicles or motor vehicles leased from the State Motor Pool, either on a full-time basis or for individual trips, shall be utilized for such travel. Reimbursement for use of privately owned motor vehicles may be authorized by the agency head.

C. Reimbursement for authorized use of privately owned motor vehicles shall be ~~twenty-four cents (\$0.24) per mile~~ at the rate authorized by the Internal Revenue Code of 1986, as amended, for purposes of deducting expenses for automobile mileage payments made in the ordinary course of business or as otherwise provided in the Internal Revenue Code. Distances for which reimbursement for use of

privately owned motor vehicles is claimed shall not exceed distances set forth in the latest Transportation Commission road map.

Vicinity travel on official business shall be entered on travel claims as a separate item.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 500.8, as amended by Section 2, Chapter 219, O.S.L. 1992 (74 O.S. Supp. 1994, Section 500.8), is amended to read as follows:

Section 500.8 A reimbursement for meal expenses, per day, while in official travel status, of not to exceed ~~Nineteen Dollars (\$19.00) within the State of Oklahoma and Twenty-five Dollars (\$25.00) outside the state~~ the amount authorized by the Internal Revenue Code of 1986, as amended, regulations or revenue procedures, for per diem amounts deemed substantiated without proof of actual costs and deductible for purposes of federal income taxation is authorized. In computing reimbursement for meals a day shall be a period of twenty-four (24) hours. Reimbursement for each one-fourth (1/4) day consisting of six (6) hours or major fraction thereof, more than three (3) hours, may be made at the applicable rate of ~~Four Dollars and seventy-five cents (\$4.75) in state and Six Dollars and twenty-five cents (\$6.25) out of state~~ by dividing the total authorized reimbursement amount by one-fourth (1/4) to compute reimbursement for a period of six (6) hours or major fraction thereof, more than three (3) hours. Provided, however, that no reimbursement for meals shall be made for periods which do not include overnight status. If meals and lodging at a meeting, workshop, conference or other object of travel are furnished as a "package plan", reimbursement may be made, based upon a receipt, but at a daily rate of not to exceed the total daily rate provided in this act.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 500.9, as amended by Section 3, Chapter 219, O.S.L. 1992 (74 O.S. Supp. 1994, Section 500.9), is amended to read as follows:

Section 500.9 A. Reimbursement for overnight lodging, while in official travel status, may be made at not to exceed ~~Thirty-five Dollars (\$35.00) or the actual cost, if lower, per night within the State of Oklahoma and not to exceed Thirty-five Dollars (\$35.00) or the actual cost, if lower, per night out of state except as provided in subsections C, D and F of this section and Section 500.9A of this title~~ the amount authorized by the Internal Revenue Code of 1986, as amended, regulations or revenue procedures, for per diem amounts deemed substantiated without proof of actual costs and deductible for purposes of federal income taxation. Receipts issued by the hotel, motel or other public lodging place shall accompany claims for reimbursement.

B. A per diem allowance in lieu of subsistence may be authorized by a travel claim issued in accordance with Section 500.3 of this title, which shall include all charges for meals and lodging. ~~Not to exceed Twenty-nine Dollars (\$29.00) per diem may be authorized on the travel claim for the performance of travel within the State of Oklahoma and not to exceed Thirty-five Dollars (\$35.00) per diem may be authorized for the performance of travel outside the State of Oklahoma~~ Performance of travel, whether within or without the State of Oklahoma, may be reimbursed at a rate not to exceed the amount authorized by the Internal Revenue Code of 1986, as amended, regulations or revenue procedures, for per diem amounts deemed substantiated without proof of actual costs and deductible for purposes of federal income taxation. In computing the per diem allowance, a day shall be a period of twenty-four (24) hours. Reimbursement for each one-fourth (1/4) day consisting of six (6) hours or major fraction thereof, more than three (3) hours, may be made at the applicable rate ~~of Seven Dollars and twenty-five cents (\$7.25) in state and Eight Dollars and seventy-five cents (\$8.75) out of state~~ by dividing the total authorized reimbursement amount by one-fourth (1/4) to compute reimbursement for a period of six (6)

hours or major fraction thereof, more than three (3) hours.

Provided, however, that no per diem shall be allowed pursuant to this section for periods of less than overnight in travel status. Reimbursement for expenses other than meals and lodging may also be made in accordance with the provisions of this act.

C. State officers or employees attending meetings, workshops, conferences or other objectives of trips which are conducted at a designated hotel, motel or other public lodging place or where lodging has been arranged for by the blocking of rooms or by rate reductions for the participants by the sponsor as evidenced by the announcement or notice of the meeting, workshop, conference or other objective shall be reimbursed the actual lodging expense not to exceed the single occupancy room rate charged by the designated hotel, motel or other public lodging place, provided that said officials or employees are in official travel status approved by the agency head or his designee. Provided further, those state officers or employees attending meetings, workshops, conferences or other objectives of trips, which are conducted at a designated hotel, motel or other public lodging place as provided by this subsection, who choose to acquire less expensive lodging at another hotel, motel or other public lodging place shall be reimbursed the actual lodging expense not to exceed the single occupancy room rate charged by the designated hotel, motel or other public lodging place. Provided further, those state officers or employees so choosing this option shall not be reimbursed for local transportation costs incurred traveling between such optional lodging and the designated hotel, motel or other public lodging place. Receipts issued by the hotel, motel or other public lodging place shall accompany claims for reimbursement.

D. ~~The Legislature recognizes the existence of areas where the reimbursement is not sufficient to pay lodging costs, and wherein a higher lodging reimbursement should be allowed. It is hereby~~

~~provided that any state officials or employees in official travel status out of the state in one of the designated high rate geographical areas shall be reimbursed their actual lodging expense up to a maximum of Sixty Dollars (\$60.00) per night, except as provided in Section 500.9A of this title. The high rate geographical areas are hereby designated as follows:~~

~~Anchorage, AK~~

~~Atlanta, GA~~

~~Baltimore, MD~~

~~Boston, MA including all locations within Middlesex, Norfolk and Suffolk Counties~~

~~Chicago, IL including all locations within Lake and Cook Counties~~

~~Dallas and Fort Worth, TX including all locations within Dallas and Tarrant Counties~~

~~Denver, CO including all locations within Denver, Adams, Arapahoe and Jefferson Counties~~

~~Detroit, MI~~

~~Honolulu, HI~~

~~Houston, TX including all locations within the corporate limits of Houston~~

~~Kansas City, MO and Kansas City, KS~~

~~Los Angeles, CA including all locations within Los Angeles, Orange and Ventura Counties~~

~~Miami, FL including all locations within Dade, Broward, Palm Beach and Monroe Counties~~

~~Minneapolis-St. Paul, MN including all locations within Anoka, Hennepin and Ramsey Counties~~

~~New Orleans, LA including all locations within Jefferson, Orleans, Plaquemines and St. Bernard Parishes~~

~~New York, NY including all locations within the boroughs of the Bronx, Brooklyn, Manhattan, Queens and Staten Island and the counties of Nassau and Suffolk~~

~~Newark, NJ including all locations within Bergen, Essex, Hudson, Passaic and Union Counties~~

~~Philadelphia, PA including all locations within Philadelphia and Bala Cynwyd, PA~~

~~Pittsburgh, PA~~

~~St. Louis, MO~~

~~San Diego, CA including all locations within San Diego County~~

~~San Francisco and Oakland, CA including all locations within San Francisco and Alameda Counties~~

~~San Jose, CA including all locations within Santa Clara County~~

~~Seattle, WA including all locations within King County~~

~~Washington, DC including all locations within the corporate limits of Washington, DC, the cities of Alexandria, Falls Church and Fairfax, and the counties of Arlington, Loudoun and Fairfax in Virginia, and the counties of Montgomery and Prince Georges in Maryland.~~

~~E.~~ State officers and employees who have been required to attend hearings or meetings of any congressional committee or subcommittee or any federal agency, board or commission shall be reimbursed for their actual and necessary travel and lodging expenses; however, the agency head must approve any claims in connection with such expenses.

~~F.~~ E. Reimbursement for meals and lodging on out-of-state trips shall not begin more than twenty-four (24) hours before the meeting, workshop, conference or other objective of trip begins and shall not continue more than twenty-four (24) hours after said meeting, workshop, conference or other objective of trip ends.

~~G.~~ F. Reimbursement for meals and lodging incurred in official travel in areas outside of the United States to implement the

objectives of contracts, grants, agreements or gifts for which funds from these sources are furnished shall be reimbursed from said funds at actual cost not to exceed the amount authorized United States Government employees in its periodical publication entitled "Standard Regulations (Government Civilians, Foreign Areas), Department of State, Washington, DC".

~~H.~~ G. Claims submitted to the Director of State Finance for payment under the provisions of this section shall be certified to by the principal fiscal officer or contract and grant administrator of each agency. Such officer shall certify that such claim complies with and is authorized under this section.

SECTION 5. This act shall become effective July 1, 1995.

SECTION 6. 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.

45-1-6285

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