

1 ENGROSSED HOUSE
2 BILL NO. 2944

By: Jordan of the House

and

Crain of the Senate

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7 An Act relating to fees; amending 28 O.S. 2001,
8 Section 84.1, as amended by Section 2, Chapter 192,
9 O.S.L. 2005 (28 O.S. Supp. 2009, Section 84.1), which
10 relates to the subpoena of certain employees to
11 testify as witnesses; providing for exception;
12 stating legislative intent; providing for scheduling
13 of court appearances of school district employees to
14 minimize class time disruption; providing certain fee
15 to school district under certain circumstance; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 28 O.S. 2001, Section 84.1, as
19 amended by Section 2, Chapter 192, O.S.L. 2005 (28 O.S. Supp. 2009,
20 Section 84.1) is amended to read as follow:

21 Section 84.1 A. Any employee of the state or any political
22 subdivision thereof who is subpoenaed as a witness to testify on any
23 matter pertaining to their employment, including any investigation
24 conducted by the employee as a duty of said employment for which he
is fully compensated, shall not be entitled to receive the witness
fee and reimbursement for mileage provided for in Section 81 of this
title, except as provided for in subsection B of this section.

1 However, if the employee is required by the subpoena to testify in a
2 county other than his county of residence or employment, he shall be
3 entitled to receive reimbursement pursuant to the State Travel
4 Reimbursement Act in accordance with Section 82 of this title. No
5 such witness shall receive such reimbursement in more than one case
6 covering the same period of time or the same travel. Each such
7 witness shall be required to make oath that the amounts claimed for
8 reimbursement have not been claimed or received in any other case or
9 from any other source.

10 B. It is the intent of the Legislature that court appearances
11 should not adversely affect the education of students enrolled in
12 school districts in this state. To the extent possible, court
13 appearances of public school district employees should be scheduled
14 to minimize the disruption of class time. If a school district
15 employee is subpoenaed to appear as a witness in a civil court
16 proceeding, except in a proceeding in which the school district or
17 the state is a party, the school district shall be entitled to a
18 witness fee equal to the amount of the substitute teacher cost, not
19 to exceed One Hundred Dollars (\$100.00) per day.

20 SECTION 2. This act shall become effective November 1, 2010.
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