

THE HOUSE OF REPRESENTATIVES
Wednesday, February 24, 2010

Committee Substitute for
House Bill No. 2944

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2944 - By: JORDAN of the House.

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

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

1 SECTION 1. AMENDATORY 28 O.S. 2001, Section 84.1, as amended by
2 Section 2, Chapter 192, O.S.L. 2005 (28 O.S. Supp. 2009, Section 84.1) is amended to
3 read as follow:
4 Section 84.1 A. Any employee of the state or any political subdivision thereof who
5 is subpoenaed as a witness to testify on any matter pertaining to their employment,
6 including any investigation conducted by the employee as a duty of said employment for
7 which he is fully compensated, shall not be entitled to receive the witness fee and
8 reimbursement for mileage provided for in Section 81 of this title, except as provided for
9 in subsection B of this section. However, if the employee is required by the subpoena to
10 testify in a county other than his county of residence or employment, he shall be entitled

1 to receive reimbursement pursuant to the State Travel Reimbursement Act in accordance
2 with Section 82 of this title. No such witness shall receive such reimbursement in more
3 than one case covering the same period of time or the same travel. Each such witness
4 shall be required to make oath that the amounts claimed for reimbursement have not
5 been claimed or received in any other case or from any other source.

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-23-10 - DO PASS,
16 As Amended.

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