

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 1086

By: Murphey, Cockroft, Grau,  
Kern and Nollan of the  
House

4  
5 and

6 Jolley of the Senate

7 An Act relating to state government; enacting the  
8 Transparency, Accountability and Innovation in  
9 Oklahoma State Government 2.0 Act of 2011; \*\*\*  
10 modifying terminology; requiring promulgation of  
11 performance metrics and guidelines; defining terms;  
12 imposing certain duties on the Chief Information  
13 Officer related to state employee performance  
14 information; \*\*\* requiring certain reports; imposing  
15 duties on the Department of Central Services with  
16 respect to procurement officers; imposing duties on  
17 procurement officers; defining term; \*\*\* authorizing  
18 receipts in electronic form; imposing limitation with  
19 respect to frequent flyer miles; providing for  
20 noncodification; providing for codification;  
21 providing an effective date; and declaring an  
22 emergency.

23 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
24 entire bill and insert

"[ state government - enacting the Transparency,  
Accountability and Innovation in Oklahoma State  
Government 2.0 Act of 2011 - noncodification -  
codification - effective date -  
emergency ]

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

SECTION 1. NEW LAW A new section of law not to be  
codified in the Oklahoma Statutes reads as follows:

1 This act shall be known and may be cited as the "Transparency,  
2 Accountability and Innovation in Oklahoma State Government 2.0 Act  
3 of 2011".

4 SECTION 2. AMENDATORY 62 O.S. 2001, Section 41.21, as  
5 last amended by Section 41, Chapter 441, O.S.L. 2009, and as  
6 renumbered by Section 64, Chapter 441, O.S.L. 2009 (62 O.S. Supp.  
7 2010, Section 34.64), is amended to read as follows:

8 Section 34.64 A. Except as otherwise provided in the Oklahoma  
9 State Finance Act, procedures for paying claims or payrolls shall  
10 include the following:

11 1. All miscellaneous claims and payroll claims for the payment  
12 of money from the State Treasury, shall be filed with the Director  
13 of the Office of State Finance for audit and settlement prior to  
14 being filed for payment with the State Treasurer;

15 2. The Director of the Office of State Finance may establish  
16 alternative procedures for the settlement of claims whenever such  
17 procedures are more advantageous so long as they are consistent with  
18 the requirements of state law;

19 3. Such alternative procedures shall be at the discretion of  
20 the Director of the Office of State Finance and may include, but are  
21 not limited to:

22 a. a procedure to permit consolidated payment to vendors  
23 for claims involving more than one agency of the state  
24 when audit and settlement of such claims, as

1 hereinafter provided, can in all respects be  
2 accomplished,

3 b. procedures based upon valid statistical sampling  
4 models for preaudit of claims, against contracts,  
5 purchase orders and other commitments before entering  
6 such claims against the accounts, and

7 c. policies, procedures and performance criteria for the  
8 participation of agencies or departments, not  
9 authorized by this section, to engage in an  
10 alternative system for the settlement of claims; and

11 4. The Director of the Office of State Finance may use a  
12 numeric or alphanumeric designation to cross-reference claims or  
13 payrolls to check warrant numbers, transfer entry or optional  
14 settlement mode used in the payment thereof.

15 B. After claims or payrolls or both have been properly audited  
16 and recorded against the respective contracts, purchase orders,  
17 other commitments and accounts, the Division of Central Accounting  
18 and Reporting shall certify such claims or payrolls to the State  
19 Treasurer for payment.

20 C. It shall be the responsibility of the Division of Central  
21 Accounting and Reporting to determine that:

22 1. All material legal requirements concerning the expenditure  
23 of monies involved in each claim or payroll have been complied with;  
24

1        2. Funds have been properly and legally allotted for the  
2 payment of the claim or payroll; and

3        3. A sufficient balance exists for the payment of same.

4        D. The Director of the Office of State Finance or bonded  
5 employees in the Division of Central Accounting and Reporting  
6 authorized by the Director shall certify to the State Treasurer that  
7 the claim or payroll has been approved for payment.

8        E. 1. The Director of the Office of State Finance shall be  
9 authorized to establish necessary agency disbursing funds to  
10 efficiently accommodate the cash flow requirements of applicable  
11 federal regulations, bond indebtedness and other directives deemed  
12 appropriate by the Director.

13        2. Agencies operating such disbursing funds are authorized to  
14 establish a preaudit and settlement system for claims or payments or  
15 both relating to the purposes of the stated directives.

16        3. The State Treasurer shall establish procedures for the state  
17 in accordance with Federal Banking and National Automated Clearing  
18 House Association standards and agencies shall be required to  
19 utilize automated clearing house procedures established by the State  
20 Treasurer.

21        4. No individual or entity shall be required to have a bank  
22 account unless required by federal law or federal regulation.

23        5. Agencies shall be further required to present these  
24 transactions to the Office of State Finance in a summarized format

1 and shall include any accounting information necessary as determined  
2 by the Director of the Office of State Finance including, but not  
3 limited to, information related to federal law.

4 6. Administrative expenditures shall not be eligible for these  
5 procedures.

6 7. The efficiency of the payment system shall be considered  
7 when the interest earnings of the state are not diminished.

8 F. The Director of the Office of State Finance shall be  
9 authorized to process payments for federal tax withholding without  
10 claim forms. The Director shall establish a separate fund for the  
11 purpose of accumulating federal income tax withholding from payrolls  
12 and remitting same to the United States Treasury.

13 G. 1. The Director of the Office of State Finance shall be  
14 authorized to process, without claim forms, interest payments to the  
15 U.S. Treasury as required by federal law.

16 2. Agencies are responsible for the accrual of such interest  
17 liability of the state and shall provide payment to the Office of  
18 State Finance in the amount and method prescribed by the Director of  
19 the Office of State Finance.

20 3. Any liability of the U.S. Treasury as determined by federal  
21 law shall be deposited in the State Treasury and transferred by the  
22 Director of the Office of State Finance to the General Revenue Fund  
23 of the state subsequent to final determination and necessary audit  
24 resolution.

1        H. Notwithstanding any other provision of law, all payments  
2 disbursed from the State Treasury shall be conveyed solely through  
3 an electronic payment mechanism. The State Treasurer may provide an  
4 exemption from the provision of this subsection, with cause,  
5 provided the name of each vendor and the cause for the exemption is  
6 published in a report which is featured prominently on the State  
7 Treasurer's website.

8            SECTION 3.        AMENDATORY        74 O.S. 2001, Section 20, is  
9 amended to read as follows:

10           Section 20.    A.    The Attorney General shall annually publish all  
11 of the written opinions which ~~he promulgates~~ are promulgated in  
12 connection with the interpretation of the laws of the State of  
13 Oklahoma. One copy of the bound volume shall be sent to ~~each member~~  
14 ~~of the Legislature,~~ each state officer, the chairman of each board  
15 or commission, and the county law library in each county in the  
16 state where the same shall be available to the public and ~~fifty~~  
17 ~~copies~~ an electronic copy shall be sent to the Publications  
18 Clearinghouse of the Oklahoma Department of Libraries ~~for purposes~~  
19 ~~of exchange as set out in Title 65 of the Oklahoma Statutes.~~ A copy  
20 of each annual volume is to be placed on file in the Secretary of  
21 State's Office and shall be available for public inspection.

22           B.    The Attorney General is hereby authorized to sell any  
23 surplus bound volumes and requested individual copies of opinions to  
24 help cover the cost of the publication, postal charges and other

1 necessary expenses and proceeds of such sales shall be deposited  
2 into the fund herein established.

3 C. There is hereby created in the State Treasury a revolving  
4 fund for the Attorney General, to be designated the Attorney  
5 General's Revolving Fund. The fund shall be a continuing fund, not  
6 subject to fiscal year limitations, and shall consist of all monies  
7 received from the sale of copies of surplus bound volumes and  
8 requested individual copies of opinions and such other monies as are  
9 provided for by law. Expenditures from said fund shall be made upon  
10 warrants issued by the State Treasurer against claims filed as  
11 prescribed by law with the Director of the Office of State Finance  
12 for approval and payment.

13 SECTION 4. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 34.11.3 of Title 62, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. There is hereby established the "Oklahoma State Government  
17 Open Documents Initiative".

18 B. The Chief Information Officer shall develop and maintain an  
19 online web presence at the web address "documents.ok.gov". The site  
20 shall allow public access to electronic documents described in this  
21 section. The site shall include functionality allowing site  
22 visitors to search the documents by term.

23 C. The Chief Information Officer shall promulgate procedures by  
24 which each state agency, board, commission, and public trust having

1 the State of Oklahoma as a beneficiary shall submit a searchable  
2 electronic version of each publication to the "documents.ok.gov"  
3 website. The procedures shall require submission to the site of all  
4 publications otherwise required by law to be submitted to either the  
5 Publications Clearinghouse of the Department of Libraries, the  
6 Governor, the Speaker of the House of Representatives or the Speaker  
7 Pro Tempore of the Senate. The procedures shall require the  
8 electronic documents to be provided in an indexed format which  
9 enables the document to be searched by specific term.

10 D. State agencies, boards, commissions, and public trusts  
11 having the State of Oklahoma as a beneficiary shall comply with  
12 procedures promulgated pursuant to the terms of this section.

13 SECTION 5. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 34.11.4 of Title 62, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. There is hereby established the "Oklahoma State Government  
17 Forms One-Stop Initiative".

18 B. The Chief Information Officer shall develop and maintain an  
19 online web presence at the web address "forms.ok.gov". The site  
20 shall allow public access to forms described in this section. The  
21 site shall include functionality allowing site visitors to search  
22 the forms by term.

23 C. The Chief Information Officer shall promulgate procedures by  
24 which each state agency, board, commission, and public trust having

1 the State of Oklahoma as a beneficiary shall submit a searchable  
2 electronic version of each form to the "forms.ok.gov" website. The  
3 procedures shall require the forms to be provided in an indexed  
4 format which enables the form to be searched by specific term.

5 D. State agencies, boards, commissions, and public trusts  
6 having the State of Oklahoma as a beneficiary shall comply with  
7 procedures promulgated pursuant to the terms of this section.

8 SECTION 6. AMENDATORY Section 1, Chapter 327, O.S.L.  
9 2007, as amended by Section 2, Chapter 475, O.S.L. 2010 (62 O.S.  
10 Supp. 2010, Section 46), is amended to read as follows:

11 Section 46. A. This act shall be known and may be cited as the  
12 "Taxpayer Transparency Act".

13 B. As used in the Taxpayer Transparency Act:

14 1. "Single website" means a website that allows the public to  
15 access information identified in subsection C of this section  
16 without any fee or charge to the public for such access;

17 2. "Expenditure of state funds" means the disbursement of state  
18 funds, whether appropriated or nonappropriated, excluding:

19 a. the transfer of funds between two state agencies,

20 b. payments of state or federal assistance to an  
21 individual,

22 c. child support payments, and

23 d. refunds issued by the Oklahoma Tax Commission  
24 resulting from the overpayment of tax;

1           3. "Incentive payments" means payments made under the Oklahoma  
2 Quality Jobs Program Act, Saving Quality Jobs Act, Oklahoma Quality  
3 Jobs Incentive Leverage Act, Small Employer Quality Jobs Incentive  
4 Act, Oklahoma Specialized Quality Investment Act and Oklahoma  
5 Quality Investment Act;

6           4. "Tax credit" means a credit pursuant to the Oklahoma Income  
7 Tax Act against tax liability which is taken by a taxpayer,  
8 excluding credits authorized under paragraphs 1 and 2 of subsection  
9 B of Section 2357 and Sections 2357.29 and 2357.43 of Title 68 of  
10 the Oklahoma Statutes; and

11           5. "Stimulus funds expenditure" means the disbursement by state  
12 agencies of federal funds received pursuant to the federal American  
13 Recovery and Reinvestment Act of 2009.

14           C. No later than January 1, 2008, the Office of State Finance  
15 shall develop and operate a single website accessible by the public.  
16 The website shall include aggregate information on state revenue,  
17 expenditures and incentive payments and information on state tax  
18 preferences as contained in the tax expenditure report published by  
19 the Oklahoma Tax Commission pursuant to subsection E of Section 205  
20 of Title 68 of the Oklahoma Statutes. No later than January 1,  
21 2009, the website shall include search capabilities.

22           D. As soon as practicable after January 1, 2008, such website  
23 shall also include, but not be limited to:

24           1. For the expenditure of state funds or incentive payments:

- a. the name and principal location of the entity and/or recipients of the funds, excluding release of information relating to an individual's place of residence, release of information prohibited by subsection D of Section 24A.7 of Title 51 of the Oklahoma Statutes or by federal law relating to privacy rights,
- b. the amount of state funds expended,
- c. the type of transaction,
- d. the funding or expending agency, and
- e. a descriptive purpose of the funding action or expenditure;

2. For stimulus fund expenditures:

- a. a link to the name and principal location of the entity and/or recipients of the funds regardless of amount,
- b. the amount of stimulus funds expended,
- c. the funding or expending agency, and
- d. a descriptive purpose of the funding action or expenditure; and

3. For each tax credit, information, including but not limited

to:

- a. the name of each taxpayer to which a credit has been granted,

1           b.    the amount of such credit, and

2           c.    the specific provision under which a credit has been  
3                granted.

4           E.    The single website provided for in subsection C of this  
5    section shall include data on state revenue, expenditures and  
6    incentive payments for the fiscal year 2007 and each fiscal year  
7    thereafter, on state tax credits for tax year 2007 and each tax year  
8    thereafter, and on stimulus fund expenditures for the fiscal year  
9    2009 and each fiscal year thereafter.  Such data shall be available  
10   on the single website no later than one hundred twenty (120) days  
11   after the last day of the preceding fiscal year; provided, data on  
12   stimulus fund expenditures for the fiscal year 2009 shall be  
13   available on the single website within one hundred twenty (120) days  
14   after ~~the effective date of this act~~ June 10, 2010.

15          F.    The Oklahoma Tax Commission, the Office of the State  
16    Treasurer, all institutions of The Oklahoma State System of Higher  
17    Education and any other state agency shall provide to the Office of  
18    State Finance such information as is necessary to accomplish the  
19    purposes of the Taxpayer Transparency Act.

20          G.    No later than January 1, 2012, the Office of State Finance  
21    shall include as part of the single website all spending data  
22    subject to publication by the School District Transparency Act in  
23    Title 70 of the Oklahoma Statutes.

1        H. So that the Tax Commission may fulfill its obligations as  
2 required by this section, all recipients of tax credits, as that  
3 term is defined herein, shall file their reports or returns claiming  
4 the tax credits in an electronic format, as may be required by the  
5 Tax Commission. The Tax Commission may disallow any claim of a  
6 person for a tax credit due to its failure to file a report or  
7 return as required under the authority of this subsection.

8        ~~H.~~ I. Nothing in the Taxpayer Transparency Act shall require  
9 the disclosure of information which is required to be kept  
10 confidential by state or federal law.

11        ~~I.~~ J. The disclosure of information required by this section  
12 shall create no liability whatsoever, civil or criminal, to the  
13 State of Oklahoma or any member of the Office of State Finance or  
14 any employee thereof for disclosure of the information or for any  
15 error or omission in the disclosure.

16        ~~J.~~ K. The State Auditor and Inspector shall maintain a website  
17 providing public access to the documentation of stimulus funding  
18 pursuant to the requirements of this section. The website shall  
19 provide a list of all stimulus fund expenditures regardless of  
20 amount. The entire list of stimulus fund expenditures and each of  
21 the related content requirements as detailed in subsection D of this  
22 section shall be available for export in standardized formats  
23 including but not limited to eXtensible Markup Language (XML) and  
24 Comma Separated Value (CSV) formats. The list of expenditures shall

1 include searchable functionality including but not limited to the  
2 ability to search the expenditures by the name of the entity  
3 receiving funding, name of entity processing funding and name of  
4 entity benefiting from funding.

5 ~~K.~~ L. Information about tax credits subject to disclosure  
6 pursuant to this section shall include the identity of all taxpayers  
7 or organizations having any part in the chain of custody or claim to  
8 the credit or credits at any time during the credit's existence.

9 SECTION 7. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 34.11.5 of Title 62, unless  
11 there is created a duplication in numbering, reads as follows:

12 A. There is hereby established the "Oklahoma State Government  
13 Geographic Information One-Stop Initiative".

14 B. The State Geographic Information Coordinator shall develop  
15 and maintain an online web presence at the web address  
16 "maps.ok.gov". The site shall allow public access to geodata  
17 described in this section.

18 C. The State Geographic Information Coordinator shall  
19 promulgate procedures by which each state agency, board, commission  
20 and public trust having the State of Oklahoma as a beneficiary shall  
21 submit geodata to the Office of Geographic Information to be  
22 published on the "maps.ok.gov" website.

23

24

1 D. For the purposes of this section the term "geodata" shall  
2 mean information which can be presented as a component of a  
3 geographic or spatial presentation.

4 E. State agencies, boards, commissions and public trusts having  
5 the State of Oklahoma as a beneficiary shall comply with procedures  
6 promulgated pursuant to the terms of this section.

7 SECTION 8. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 34.11.6 of Title 62, unless  
9 there is created a duplication in numbering, reads as follows:

10 A. There is hereby established the "Oklahoma State Government  
11 Payroll Processing One-Stop Initiative".

12 B. The Director of the Office of State Finance shall promulgate  
13 procedures by which state agencies shall enter into a shared-  
14 services arrangement with the Office of State Finance for the  
15 provision of payroll processing services.

16 C. State agencies shall comply with procedures promulgated  
17 pursuant to the terms of this section.

18 SECTION 9. AMENDATORY Section 4, Chapter 475, O.S.L.  
19 2010 (62 O.S. Supp. 2010, Section 34.11.2), is amended to read as  
20 follows:

21 Section 34.11.2 A. There is hereby established the Oklahoma  
22 State Government 2.0 ~~pilot program~~ initiative.

23 B. The State Governmental Technology Applications Review Board  
24 shall consider and ~~may~~ approve a standardized social media policy

1 for use by state agencies, boards, commissions and public trusts  
2 having the State of Oklahoma as a beneficiary.

3 C. The board shall establish open technology standards and a  
4 schedule by which state agencies, boards, commissions and public  
5 trusts having the State of Oklahoma as a beneficiary shall utilize  
6 these standards to provide citizens with web-based interactivity to  
7 state government services. Whenever possible these standards shall  
8 match commonly used standards by other government entities.

9 D. The board shall set a schedule by which state agencies,  
10 boards, commissions and public trusts having the State of Oklahoma  
11 as a beneficiary shall publish and update convenience information  
12 sets which shall be accessible through standardized application  
13 programming interfaces and published in standardized formats  
14 including but not limited to eXtensible Markup Language (XML) and  
15 Comma Separated Value (CSV) formats. The board shall establish  
16 application programming interface standards which enable access to  
17 convenience information sets. The schedule shall place an emphasis  
18 on first making accessible convenience information sets most  
19 commonly requested in open records requests. A directory and link  
20 to all available convenience information sets shall be prominently  
21 featured on the portal system referenced in Section 34.24 of Title  
22 ~~62 of the Oklahoma Statutes~~ this title and if possible linked to the  
23 "data.ok.gov" web portal.

24

1 E. The board may conduct events and contests to provide  
2 recognition of software application development provided that the  
3 application being recognized utilizes standards established in this  
4 section to the benefit of the citizens of Oklahoma.

5 F. The board shall establish an application process through  
6 which applicants can request the scheduled implementation of  
7 application programming interfaces, creation of open technology  
8 standards and publication of convenience information sets pursuant  
9 to the provisions of this section. Instructions regarding the  
10 application process shall be prominently featured on the portal  
11 system referenced in Section 34.24 of ~~Title 62 of the Oklahoma~~  
12 ~~Statutes~~ this title.

13 G. State agencies, boards, commissions and public trusts having  
14 the State of Oklahoma as a beneficiary shall comply with the  
15 policies, schedules and standards established by this section.

16 H. The board shall implement standardized policies by which  
17 state agencies may accept terms of service related to liability  
18 issues for the usage of social media services, contracts for  
19 technology products and technology service contracts provided the  
20 liability clause in the terms of service or contract contains  
21 standard language including a liability agreement which is  
22 considered customary or largely similar to terms of service agreed  
23 to or contracts entered into by other government entities and  
24 private sector enterprises.

1 I. The board shall promulgate performance metrics and  
2 guidelines which shall be used to establish criteria which govern  
3 participation in the "State Government Employee Performance  
4 Transparency Pilot Program". The board shall set a schedule for the  
5 publication of performance information metrics through the  
6 "data.ok.gov" website.

7 J. For the purposes of this section, "open technology  
8 standards" are widely accepted standards and mechanisms for the web-  
9 based connectivity and asynchronous communication between software  
10 programs. "Application programming interface" is a standardized  
11 interface enabling a standard form of connectivity between  
12 convenience information sets and software programs, "performance  
13 information metrics" are sets of information which reflect the  
14 performance of state employees and state agencies, and "convenience  
15 information sets" are sets of information which are subject to  
16 public access under the Oklahoma Open Records Act and which do not  
17 contain personally identifiable information.

18 SECTION 10. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 34.11.1.1 of Title 62, unless  
20 there is created a duplication in numbering, reads as follows:

21 A. The Chief Information Officer shall source and submit to the  
22 State Governmental Technology Applications Review Board proposed  
23 state employee performance information metrics, convenience  
24 information sets and other data streams for possible publication on

1 the "data.ok.gov" website in accordance with guidelines established  
2 by Section 34.11.2 of Title 62 of the Oklahoma Statutes.

3 B. The Chief Information Officer shall assist the State  
4 Governmental Technology Applications Review Board with developing  
5 performance metrics pursuant to the requirements of Section 34.27 of  
6 Title 62 of the Oklahoma Statutes.

7 C. The following data sets shall be placed online at the  
8 "data.ok.gov" website:

9 1. All state expenditures which shall include but not be  
10 limited to the name and address of the recipient of the expenditure,  
11 amount of expenditure, entire description of item or service  
12 purchased, date of expenditure, agency making expenditure and  
13 account from which the expenditure is made;

14 2. A detailed listing of all state revolving funds and the  
15 amount contained in each fund to be updated on a monthly basis; and

16 3. All spending data subject to publication by the School  
17 District Transparency Act.

18 SECTION 11. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 34.11.7 of Title 62, unless  
20 there is created a duplication in numbering, reads as follows:

21 A. The State Governmental Technology Applications Review Board  
22 shall establish performance reporting metrics for each state  
23 employee who begins participating in telework following the  
24

1 effective date of this act. These reports shall be published  
2 through the "data.ok.gov" website.

3 B. Prior to the lease, purchase, rental or issuance of bonds  
4 for the use of additional office space, state agencies shall receive  
5 certification from the State Governmental Technology Applications  
6 Review Board that no state employee jobs in that agency can be  
7 performed through telework.

8 C. The Oklahoma Healthcare Authority shall authorize one  
9 division of employees to participate in a telework pilot program  
10 pursuant to the terms of this section.

11 D. For the purposes of this section, "performance reporting  
12 metrics" shall mean a set of criteria which demonstrates the  
13 quantity and quality of work. "Telework" shall mean work which is  
14 performed outside of the traditional on-site work environment.

15 SECTION 12. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 34.11.8 of Title 62, unless  
17 there is created a duplication in numbering, reads as follows:

18 A. There is hereby established the "Oklahoma State Government  
19 IT Project Monitoring and Transparency Initiative".

20 B. The Chief Information Officer shall develop and maintain an  
21 online web presence at the web address "projects.ok.gov". The site  
22 shall allow the public to monitor the status of every information  
23 technology project resulting in expenditure in excess of One Hundred  
24 Thousand Dollars (\$100,000.00).

1 C. A report of each project subject to the terms of this  
2 initiative shall be updated regularly and provide the public with  
3 updates as to the status of the project's estimated completion time,  
4 deliverables and cost. Projects shall be judged against clear  
5 metrics which shall be articulated on the website prior to the  
6 commencement of each project.

7 SECTION 13. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 85.7e of Title 74, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. The Department of Central Services or its successor agency  
11 shall utilize a wiki venue to provide for the public two-way  
12 communication between procurement officers and potential vendors who  
13 have questions regarding a request for proposal or invitation to  
14 bid. The Department shall provide editing access to all interested  
15 potential bidders and viewing access to all members of the public.

16 B. The Department of Central Services or its successor agency  
17 shall provide agency-level procurement officers with a wiki platform  
18 for reporting the availability of items for purchase at a cost which  
19 is less than comparable products on a mandatory statewide purchase  
20 contract. The Department shall provide wiki editing access to all  
21 state agency procurement officers and viewing access to all members  
22 of the public.

23 C. State agency procurement officers shall utilize the wiki  
24 described in subsection B of this section to report all findings of

1 products which can be purchased for less than comparable products  
2 which are on a mandatory statewide purchasing schedule.

3 D. For the purposes of this section, the term "wiki" shall mean  
4 a collaborative website which can be directly edited by anyone with  
5 editing access and viewed by all members of the public.

6 E. Access to the wikis described in this section shall be  
7 featured prominently on the Department's website.

8 SECTION 14. AMENDATORY 74 O.S. 2001, Section 500.2, as  
9 last amended by Section 1, Chapter 76, O.S.L. 2009 (74 O.S. Supp.  
10 2010, Section 500.2), is amended to read as follows:

11 Section 500.2. A. Officials and employees of the state,  
12 traveling on authorized state business, may be reimbursed for  
13 expenses incurred in such travel in accordance with the provisions  
14 of the State Travel Reimbursement Act and existing statutes relating  
15 to state travel. Persons who are not state employees, but who are  
16 performing substantial and necessary services to the state which  
17 have been directed or approved by the appropriate department  
18 official shall enjoy the protection of the sovereign immunity of the  
19 state to the same extent as a paid employee. Such persons may be  
20 reimbursed for expenses incurred during authorized official travel  
21 under these same statutory provisions, provided it is indicated on  
22 the claim the person is not a state employee, a description of  
23 services performed is entered, and the agency head by approval of  
24 the claim certifies such services were substantial and necessary,

1 and germane to the duties and functions of the reimbursing agency.  
2 Travel expenses incurred by a person during the course of seeking  
3 employment with a state agency, unless such travel is performed at  
4 the request of the employing agency, shall not be considered  
5 expenses incurred in performing substantial and necessary services  
6 to the state and shall not be reimbursed under the provisions of the  
7 State Travel Reimbursement Act.

8 B. The chief administrative officer of the Department of Public  
9 Safety, the Oklahoma State Bureau of Investigation, the Oklahoma  
10 State Bureau of Narcotics and Dangerous Drugs Control, the Military  
11 Department of the State of Oklahoma, the Department of Corrections,  
12 the Department of Central Services, the Alcoholic Beverage Laws  
13 Enforcement Commission, the Oklahoma Department of Agriculture,  
14 Food, and Forestry, the Oklahoma Department of Emergency Management,  
15 the State Fire Marshal, and the State Department of Health may  
16 arrange for and charge meals and lodging for a contingent of state  
17 personnel moved into an area for the purpose of preserving the  
18 public health, safety, or welfare or for the protection of life or  
19 property. The cost for meals or lodging so charged shall not exceed  
20 the amount authorized in the State Travel Reimbursement Act. The  
21 chief administrative officer of each agency involved in such an  
22 operation shall require the vendor furnishing meals, lodging, or  
23 both meals and lodging to submit an itemized statement for payment.  
24 When a claim for lodging is made for a contingent of state

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

5 C. The Oklahoma Department of Commerce, the Oklahoma Center for  
6 the Advancement of Science and Technology, and the Oklahoma  
7 Department of Agriculture, Food, and Forestry are hereby authorized  
8 to enter into contracts and agreements for the payment of food,  
9 lodging, meeting facility and beverage expenses as may be necessary  
10 for sponsoring seminars and receptions relating to economic  
11 development and science and technology issues. Such expenses may be  
12 paid directly to the contracting agency or business establishment.  
13 The Director of the Oklahoma Department of Commerce, the President  
14 of the Oklahoma Center for the Advancement of Science and  
15 Technology, and the Commissioner of Agriculture shall each provide a  
16 quarterly report of such expenditures to the Governor, the Speaker  
17 of the House of Representatives and the President Pro Tempore of the  
18 Senate.

19 D. The Native American Cultural and Educational Authority is  
20 hereby authorized to enter into contracts and agreements for the  
21 payment of food, lodging, and meeting facility as may be necessary  
22 to pursue the promotion of fund-raising, marketing, and development  
23 of Native American educational programs and cultural projects, or to  
24 sponsor luncheons, seminars, and receptions relating to Native

1 American educational, cultural, museum, and economic development  
2 issues. Such expenses may be paid directly to the contracting  
3 agency or business establishment. The Executive Director shall  
4 provide a monthly report of expenditures to the Board.

5 E. For purposes of this section:

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

9 2. State agencies are authorized to enter into contracts and  
10 agreements for the payment of food and lodging expenses as may be  
11 necessary for employees or other persons who are performing  
12 substantial and necessary services to the state by attending  
13 official conferences, meetings, seminars, workshops, or training  
14 sessions or in the performance of their duties. Such expenses may  
15 be paid directly to the contracting agency or business  
16 establishment, provided the meeting qualifies for overnight travel  
17 for the employees and the cost for food and lodging for each  
18 employee shall not exceed the total daily rate as provided in the  
19 State Travel Reimbursement Act;

20 3. State agencies are authorized to enter into contracts and  
21 agreements for the payment of conference registration expenses as  
22 may be necessary for employees or other persons who are performing  
23 substantial and necessary services to the state by attending  
24 official conferences, meetings, seminars, workshops, or training

1 sessions. Such expenses may be paid directly to the contracting  
2 agency or business establishment; and

3 4. State agencies are authorized to enter into contracts and  
4 agreements for the payment of food and lodging expenses as may be  
5 necessary for employees attending an official course of instruction  
6 or training conducted or sponsored by any state agency. Expenses  
7 may be paid directly to the contracting agency or business  
8 establishment. The cost for food and lodging for each employee  
9 shall not exceed the total daily rate as provided in the State  
10 Travel Reimbursement Act.

11 F. State agencies are authorized to make direct purchases of  
12 commercial airline tickets for use by employees in approved out-of-  
13 state travel. Each claim or invoice submitted to the Director of  
14 State Finance for the payment of the purchase shall bear the airline  
15 identifying ticket number, the name of the airline, total cost of  
16 each ticket purchased, class of accommodation, social security  
17 number, and name of the employee for whom the ticket was purchased,  
18 and shall be filed on claim forms as prescribed by the Director of  
19 State Finance. The employee shall sign an affidavit stating that  
20 the employee did use any direct purchase commercial airline ticket  
21 received for his or her approved out-of-state travel.

22 G. 1. The Administrator of the Office of Personnel Management  
23 is hereby authorized to enter into contracts and agreements for the  
24 payment of food, lodging, and other authorized expenses as may be

1 necessary to host, conduct, sponsor, or participate in conferences,  
2 meetings, or training sessions. The Administrator may establish  
3 accounts as necessary for the collection and distribution of funds,  
4 including funds of sponsors and registration fees, related to such  
5 conferences, meetings, and training sessions. Expenses incurred may  
6 be paid directly to the contracting agency or business  
7 establishment.

8 2. The cost of food for persons attending any conferences,  
9 meetings, and training sessions that do not require overnight travel  
10 shall not exceed the total daily rate as provided in the State  
11 Travel Reimbursement Act.

12 H. 1. The Commissioner of the Department of Mental Health and  
13 Substance Abuse Services is hereby authorized to enter into  
14 contracts and agreements for the payment of food, lodging, and other  
15 authorized expenses as may be necessary to host, conduct, sponsor,  
16 or participate in conferences, meetings, or training sessions. The  
17 Commissioner may establish accounts as necessary for the collection  
18 and distribution of funds, including funds of sponsors and  
19 registration fees, related to such conferences, meetings, and  
20 training sessions. Any expenses incurred may be paid directly to  
21 the contracting agency or business establishment.

22 2. The cost of food for persons attending any conferences,  
23 meetings, and training sessions that do not require overnight travel  
24

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

3 I. The Oklahoma Indigent Defense System is hereby authorized to  
4 enter into contracts and agreements for the payment of lodging as  
5 necessary for employees to carry out their duties in representing  
6 any client whom the System has been properly appointed to represent.  
7 Such expenses may be paid directly to the contracting agency or  
8 business establishment. The cost for lodging for each employee  
9 shall not exceed the daily rate as provided in the State Travel  
10 Reimbursement Act.

11 J. The Oklahoma Tourism and Recreation Department is hereby  
12 authorized to enter into contracts and agreements for the payment of  
13 food, lodging, and meeting facility and beverage expenses as may be  
14 necessary for seminars and receptions relating to familiarization  
15 tours and tourism development. The expenses may be paid directly to  
16 the contracting agency or business establishment. The Executive  
17 Director of Oklahoma Tourism and Recreation Department shall provide  
18 a monthly report of any such expenditures to the Oklahoma Tourism  
19 and Recreation Commission.

20 K. The Oklahoma Tourism and Recreation Department is hereby  
21 authorized to enter into contracts and agreements for the payment of  
22 exhibitor fees and display space charges at expositions to promote  
23 the Department's recreational facilities and the tourism and  
24 recreation industry. The expenses may be paid directly to the

1 contracting agency or business establishment; provided that no  
2 payment shall be made prior to the event unless it conveys a  
3 property right to the state for future availability and use.

4 L. 1. The Oklahoma Highway Safety Office of the Department of  
5 Public Safety is hereby authorized to enter into contracts and  
6 agreements for the payment of food, lodging, and other authorized  
7 expenses as may be necessary, to host, conduct, sponsor, or  
8 participate in highway-safety-related conferences, workshops,  
9 seminars, meetings, or training sessions. The payments shall be for  
10 all persons in attendance, including, but not limited to, employees  
11 of political subdivisions or employees of the state or federal  
12 government. For purposes specified in this paragraph, only federal  
13 highway safety funds may be used in accordance with federal  
14 guidelines and regulations, and no appropriated state funds shall be  
15 used.

16 2. The cost of food for persons attending any highway safety  
17 conferences, workshops, seminars, meetings, and training sessions  
18 that do not require overnight travel shall not exceed the total  
19 daily rate as provided in the State Travel Reimbursement Act.

20 M. 1. The Director of the Oklahoma State Bureau of  
21 Investigation is hereby authorized to enter into contracts and  
22 agreements for the payment of food, lodging and other authorized  
23 expenses as may be necessary to host, conduct, sponsor or  
24 participate in any conference, meeting, training session or

1 initiative to promote the mission and purposes of the Bureau. The  
2 payments may be for all persons in attendance, including, but not  
3 limited to, employees of political subdivisions or employees of the  
4 state or federal government.

5 2. The cost of food for persons that do not require overnight  
6 travel shall not exceed the total daily rate as provided in the  
7 State Travel Reimbursement Act.

8 N. The Oklahoma Homeland Security Director is hereby authorized  
9 to enter into contracts and agreements for the payment of food,  
10 lodging and other authorized expenses as may be necessary to host,  
11 conduct, sponsor, or participate in homeland security related  
12 conferences, meetings, workshops, seminars, exercises or training  
13 sessions. The expenses may be paid directly to the contracting  
14 agency or business establishment.

15 O. 1. The Insurance Commissioner of the Insurance Department  
16 of the State of Oklahoma is hereby authorized to enter into  
17 contracts and agreements for the payment of food, lodging, and other  
18 authorized expenses as may be necessary to host, conduct, sponsor,  
19 or participate in conferences, meetings, or training sessions. The  
20 Commissioner may establish accounts as necessary for the collection  
21 and distribution of funds, including funds of sponsors and  
22 registration fees, related to such conferences, meetings, and  
23 training sessions. Any expenses incurred may be paid directly to  
24 the contracting agency or business establishment.

1           2. The cost of food for persons attending any conferences,  
2 meetings, and training sessions that do not require overnight travel  
3 shall not exceed the total daily rate as provided in the State  
4 Travel Reimbursement Act.

5           P. 1. The State Regents for Higher Education is hereby  
6 authorized to enter into contracts and agreements for the payment of  
7 food, lodging, and other authorized expenses as may be necessary to  
8 host, conduct, sponsor, or participate in conferences, meetings, or  
9 training sessions. The State Regents for Higher Education may  
10 establish accounts as necessary for the collection and distribution  
11 of funds, including funds of sponsors and registration fees, related  
12 to such conferences, meetings, and training sessions. Any expenses  
13 incurred may be paid directly to the contracting agency or business  
14 establishment.

15           2. The cost of food for persons attending any conferences,  
16 meetings, and training sessions that do not require overnight travel  
17 shall not exceed the total daily rate as provided in the State  
18 Travel Reimbursement Act.

19           Q. 1. The Superintendent of Public Instruction of the State  
20 Department of Education is hereby authorized to enter into contracts  
21 and agreements for the payment of food, lodging, and other  
22 authorized expenses as may be necessary to host, conduct, sponsor,  
23 or participate in conferences, meetings, or training sessions. The  
24 Superintendent may establish accounts as necessary for the

1 collection and distribution of funds, including funds of sponsors  
2 and registration fees, related to such conferences, meetings, and  
3 training sessions. Any expenses incurred may be paid directly to  
4 the contracting agency or business establishment.

5 2. The cost of food for persons attending any conferences,  
6 meetings, and training sessions that do not require overnight travel  
7 shall not exceed the total daily rate as provided in the State  
8 Travel Reimbursement Act.

9 SECTION 15. AMENDATORY 74 O.S. 2001, Section 500.13, is  
10 amended to read as follows:

11 Section 500.13 No reimbursement for registration fees for  
12 attendance at meetings, workshops or conferences shall be made,  
13 except upon written or electronic receipt for such expenditures.

14 SECTION 16. AMENDATORY 74 O.S. 2001, Section 500.15, is  
15 amended to read as follows:

16 Section 500.15 All claims for reimbursement of travel expenses  
17 shall be submitted on the regular authorized form of travel expense  
18 claim, and shall be signed by the official or employee performing  
19 the travel, and approved by the official or employee designated in  
20 62 O.S. 1971, Section 41.26, for the agency in which the employee  
21 works. Receipts may be provided to the Office of State Finance in  
22 electronic form. No travel claim shall be awarded if the filer of  
23 the claim has benefited from the personal receipt of frequent travel

24

1 miles unless those miles are used to offset future claims against  
2 the state.

3 SECTION 17. This act shall become effective July 1, 2011.

4 SECTION 18. It being immediately necessary for the preservation  
5 of the public peace, health and safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval."

8 and when the title is restored, amend the  
9 title to conform

10 Passed the Senate the 26th day of April, 2011.

11  
12 \_\_\_\_\_  
13 Presiding Officer of the Senate

14 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
15 2011.

16  
17 \_\_\_\_\_  
18 Presiding Officer of the House  
19 of Representatives