

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2397

 By: Hall

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to state government; amending 74 O.S.
10 2011, Sections 500.2, as last amended by Section 107,
11 Chapter 15, O.S.L. 2013, 500.3, 500.9, as last
12 amended by Section 4, Chapter 244, O.S.L. 2013 and
13 500.15, as amended by Section 857, Chapter 304,
14 O.S.L. 2012 (74 O.S. Supp. 2013, Sections 500.2,
15 500.9 and 500.15), which relate to the State Travel
16 Reimbursement Act; providing for filing of a travel
17 claim in lieu of affidavit; modifying statutory
18 reference; removing maximum limit of per diem for
19 travel; applying certain time limitation for in-state
20 travel; modifying statutory reference; and providing
21 an effective date.

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

23 SECTION 1. AMENDATORY 74 O.S. 2011, Section 500.2, as
24 last amended by Section 107, Chapter 15, O.S.L. 2013 (74 O.S. Supp.
25 2013, 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

1 expenses incurred in such travel in accordance with the provisions
2 of the State Travel Reimbursement Act and existing statutes relating
3 to state travel. Persons who are not state employees, but who are
4 performing substantial and necessary services to the state which
5 have been directed or approved by the appropriate department
6 official shall enjoy the protection of the sovereign immunity of the
7 state to the same extent as a paid employee. Such persons may be
8 reimbursed for expenses incurred during authorized official travel
9 under these same statutory provisions, provided it is indicated on
10 the claim the person is not a state employee, a description of
11 services performed is entered, and the agency head by approval of
12 the claim certifies such services were substantial and necessary,
13 and germane to the duties and functions of the reimbursing agency.
14 Travel expenses incurred by a person during the course of seeking
15 employment with a state agency, unless such travel is performed at
16 the request of the employing agency, shall not be considered
17 expenses incurred in performing substantial and necessary services
18 to the state and shall not be reimbursed under the provisions of the
19 State Travel Reimbursement Act.

20 B. The chief administrative officer of the Department of Public
21 Safety, the Oklahoma State Bureau of Investigation, the Oklahoma
22 State Bureau of Narcotics and Dangerous Drugs Control, the Military
23 Department of the State of Oklahoma, the Department of Corrections,
24 the Office of Management and Enterprise Services, the Alcoholic

1 Beverage Laws Enforcement Commission, the Oklahoma Department of
2 Agriculture, Food, and Forestry, the Oklahoma Department of
3 Emergency Management, the State Fire Marshal, and the State
4 Department of Health may arrange for and charge meals and lodging
5 for a contingent of state personnel moved into an area for the
6 purpose of preserving the public health, safety, or welfare or for
7 the protection of life or property. The cost for meals or lodging
8 so charged shall not exceed the amount authorized in the State
9 Travel Reimbursement Act. The chief administrative officer of each
10 agency involved in such an operation shall require the vendor
11 furnishing meals, lodging, or both meals and lodging to submit an
12 itemized statement for payment. When a claim for lodging is made
13 for a contingent of state personnel, individual members of the
14 contingent may not submit a claim for lodging. When a claim for
15 meals is made for a contingent of state personnel, individual
16 members of the contingent may not submit a claim for meals.

17 C. The Oklahoma Department of Commerce, the Oklahoma Center for
18 the Advancement of Science and Technology, and the Oklahoma
19 Department of Agriculture, Food, and Forestry are hereby authorized
20 to enter into contracts and agreements for the payment of food,
21 lodging, meeting facility and beverage expenses as may be necessary
22 for sponsoring seminars and receptions relating to economic
23 development and science and technology issues. Such expenses may be
24 paid directly to the contracting agency or business establishment.

1 The Director of the Oklahoma Department of Commerce, the President
2 of the Oklahoma Center for the Advancement of Science and
3 Technology, and the Commissioner of Agriculture shall each provide a
4 quarterly report of such expenditures to the Governor, the Speaker
5 of the House of Representatives and the President Pro Tempore of the
6 Senate.

7 D. The Native American Cultural and Educational Authority is
8 hereby authorized to enter into contracts and agreements for the
9 payment of food, lodging, and meeting facility as may be necessary
10 to pursue the promotion of fund-raising, marketing, and development
11 of Native American educational programs and cultural projects, or to
12 sponsor luncheons, seminars, and receptions relating to Native
13 American educational, cultural, museum, and economic development
14 issues. Such expenses may be paid directly to the contracting
15 agency or business establishment. The Executive Director shall
16 provide a monthly report of expenditures to the Board.

17 E. For purposes of this section:

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

21 2. State agencies are authorized to enter into contracts and
22 agreements for the payment of food and lodging expenses as may be
23 necessary for employees or other persons who are performing
24 substantial and necessary services to the state by attending

1 official conferences, meetings, seminars, workshops, or training
2 sessions or in the performance of their duties. Such expenses may
3 be paid directly to the contracting agency or business
4 establishment, provided the meeting qualifies for overnight travel
5 for the employees and the cost for food and lodging for each
6 employee shall not exceed the total daily rate as provided in the
7 State Travel Reimbursement Act;

8 3. State agencies are authorized to enter into contracts and
9 agreements for the payment of conference registration expenses as
10 may be necessary for employees or other persons who are performing
11 substantial and necessary services to the state by attending
12 official conferences, meetings, seminars, workshops, or training
13 sessions. Such expenses may be paid directly to the contracting
14 agency or business establishment; and

15 4. State agencies are authorized to enter into contracts and
16 agreements for the payment of food and lodging expenses as may be
17 necessary for employees attending an official course of instruction
18 or training conducted or sponsored by any state agency. Expenses
19 may be paid directly to the contracting agency or business
20 establishment. The cost for food and lodging for each employee
21 shall not exceed the total daily rate as provided in the State
22 Travel Reimbursement Act.

23 F. State agencies are authorized to make direct purchases of
24 commercial airline tickets for use by employees in approved out-of-

1 state travel. Each claim or invoice submitted to the Director of
2 the Office of Management and Enterprise Services for the payment of
3 the purchase shall bear the airline identifying ticket number, the
4 name of the airline, total cost of each ticket purchased, class of
5 accommodation, ~~social security number,~~ and name of the employee for
6 whom the ticket was purchased, and shall be filed on claim forms as
7 prescribed by the Director of the Office of Management and
8 Enterprise Services. The employee shall sign an affidavit stating
9 that the employee ~~did use any~~ used a direct purchase commercial
10 airline ticket received for his or her approved out-of-state travel,
11 or in lieu of the affidavit, the employee may file a travel claim in
12 connection with said airline flight.

13 G. 1. The Director of the Office of Management and Enterprise
14 Services is hereby authorized to enter into contracts and agreements
15 for the payment of food, lodging, and other authorized expenses as
16 may be necessary to host, conduct, sponsor, or participate in
17 conferences, meetings, or training sessions. The Director may
18 establish accounts as necessary for the collection and distribution
19 of funds, including funds of sponsors and registration fees, related
20 to such conferences, meetings, and training sessions. Expenses
21 incurred may be paid directly to the contracting agency or business
22 establishment.

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

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

3 H. 1. The Commissioner of the Department of Mental Health and
4 Substance Abuse Services is hereby authorized to enter into
5 contracts and agreements for the payment of food, lodging, and other
6 authorized expenses as may be necessary to host, conduct, sponsor,
7 or participate in conferences, meetings, or training sessions. The
8 Commissioner may establish accounts as necessary for the collection
9 and distribution of funds, including funds of sponsors and
10 registration fees, related to such conferences, meetings, and
11 training sessions. Any expenses incurred may be paid directly to
12 the contracting agency or business establishment.

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

17 I. The Oklahoma Indigent Defense System is hereby authorized to
18 enter into contracts and agreements for the payment of lodging as
19 necessary for employees to carry out their duties in representing
20 any client whom the System has been properly appointed to represent.
21 Such expenses may be paid directly to the contracting agency or
22 business establishment. The cost for lodging for each employee
23 shall not exceed the daily rate as provided in the State Travel
24 Reimbursement Act.

1 J. The Oklahoma Tourism and Recreation Department is hereby
2 authorized to enter into contracts and agreements for the payment of
3 food, lodging, and meeting facility and beverage expenses as may be
4 necessary for seminars and receptions relating to familiarization
5 tours and tourism development. The expenses may be paid directly to
6 the contracting agency or business establishment. The Executive
7 Director of Oklahoma Tourism and Recreation Department shall provide
8 a monthly report of any such expenditures to the Oklahoma Tourism
9 and Recreation Commission.

10 K. The Oklahoma Tourism and Recreation Department is hereby
11 authorized to enter into contracts and agreements for the payment of
12 exhibitor fees and display space charges at expositions to promote
13 the Department's recreational facilities and the tourism and
14 recreation industry. The expenses may be paid directly to the
15 contracting agency or business establishment; provided that no
16 payment shall be made prior to the event unless it conveys a
17 property right to the state for future availability and use.

18 L. 1. The Oklahoma Highway Safety Office of the Department of
19 Public Safety is hereby authorized to enter into contracts and
20 agreements for the payment of food, lodging, and other authorized
21 expenses as may be necessary, to host, conduct, sponsor, or
22 participate in highway-safety-related conferences, workshops,
23 seminars, meetings, or training sessions. The payments shall be for
24 all persons in attendance, including, but not limited to, employees

1 of political subdivisions or employees of the state or federal
2 government. For purposes specified in this paragraph, only federal
3 highway safety funds may be used in accordance with federal
4 guidelines and regulations, and no appropriated state funds shall be
5 used.

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

10 M. 1. The Director of the Oklahoma State Bureau of
11 Investigation is hereby authorized to enter into contracts and
12 agreements for the payment of food, lodging and other authorized
13 expenses as may be necessary to host, conduct, sponsor or
14 participate in any conference, meeting, training session or
15 initiative to promote the mission and purposes of the Bureau. The
16 payments may be for all persons in attendance, including, but not
17 limited to, employees of political subdivisions or employees of the
18 state or federal government.

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

22 N. The Oklahoma Homeland Security Director is hereby authorized
23 to enter into contracts and agreements for the payment of food,
24 lodging and other authorized expenses as may be necessary to host,

1 conduct, sponsor, or participate in homeland security related
2 conferences, meetings, workshops, seminars, exercises or training
3 sessions. The expenses may be paid directly to the contracting
4 agency or business establishment.

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

1 of funds, including funds of sponsors and registration fees, related
2 to such conferences, meetings, and training sessions. Any expenses
3 incurred may be paid directly to the contracting agency or business
4 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 Q. Whenever possible it shall be the policy of each state
10 agency to prepay airline fares and lodging expenses using a purchase
11 card issued to the agency. This policy shall apply to instances
12 where employees of the agency are traveling on behalf of state
13 government.

14 SECTION 2. AMENDATORY 74 O.S. 2011, Section 500.3, is
15 amended to read as follows:

16 Section 500.3 Authority to approve travel on official state
17 business and approval of claims or vouchers for reimbursement of
18 travel expenses shall be in conformity with ~~62 O.S. 1971, Section~~
19 ~~41.26~~ 34.68 of Title 62 of the Oklahoma Statutes, or as may be
20 provided in future legislation. Approval of a travel claim or
21 voucher, as provided in that section, shall constitute authority for
22 the travel set forth in such claim or voucher. Claims or vouchers
23 for reimbursement for expenses incurred in official travel shall not
24 cover periods in excess of thirty-one (31) days.

1 However, claims may be filed for subsequent periods of not to
2 exceed thirty-one (31) days.

3 SECTION 3. AMENDATORY 74 O.S. 2011, Section 500.9, as
4 last amended by Section 4, Chapter 244, O.S.L. 2013 (74 O.S. Supp.
5 2013, Section 500.9), is amended to read as follows:

6 Section 500.9 A. Reimbursement for overnight lodging, while in
7 official travel status, may be made at not to exceed an amount
8 authorized by the provisions of the Internal Revenue Code of 1986,
9 as amended, for deductibility of expenses for travel while away from
10 home without additional documentation or the actual cost, if lower,
11 per night except as provided in subsections C, D, F and H of this
12 section and Section 500.9A of this title. Receipts issued by the
13 hotel, motel or other public lodging place shall accompany claims
14 for reimbursement.

15 B. A per diem allowance in lieu of subsistence for meals and
16 incidental expenses may be authorized by a travel claim issued in
17 accordance with Section 500.3 of this title, which shall include all
18 charges for meals and ~~lodging~~ incidental expenses. Not to exceed an
19 amount authorized by the provisions of the Internal Revenue Code of
20 1986, as amended, for deductibility of expenses for travel while
21 away from home without additional documentation may be authorized on
22 the travel claim for the performance of travel within the State of
23 Oklahoma and ~~not to exceed Thirty-six Dollars (\$36.00) per diem may~~
24 ~~be authorized for the performance of travel outside the State of~~

1 ~~Oklahoma~~. In computing the per diem allowance, a day shall be a
2 period of twenty-four (24) hours. Reimbursement for each one-fourth
3 (1/4) day consisting of six (6) hours or major fraction thereof,
4 more than three (3) hours, may be made at the rate of the daily
5 allowable rate. When a traveler has lodging provided at no cost to
6 the state, a ten-dollar lodging per diem allowance may be claimed in
7 addition to the meals and incidental expenses per diem allowance.
8 Provided, however, that no per diem shall be allowed pursuant to
9 this section for periods of less than overnight in travel status.
10 Reimbursement for expenses other than meals and lodging may also be
11 made in accordance with the provisions of this act.

12 C. State officers or employees attending meetings, workshops,
13 conferences or other objectives of trips which are conducted at a
14 designated hotel, motel or other public lodging place or where
15 lodging has been arranged for by the blocking of rooms or by rate
16 reductions for the participants by the sponsor as evidenced by the
17 announcement or notice of the meeting, workshop, conference or other
18 objective shall be reimbursed the actual lodging expense not to
19 exceed the single occupancy room rate charged by the designated
20 hotel, motel or other public lodging place, provided that the
21 officials or employees are in official travel status approved by the
22 agency head or designee. Provided further, those state officers or
23 employees attending meetings, workshops, conferences or other
24 objectives of trips, which are conducted at a designated hotel,

1 motel or other public lodging place as provided by this subsection,
2 who choose to acquire less expensive lodging at another hotel, motel
3 or other public lodging place shall be reimbursed the actual lodging
4 expense not to exceed the single occupancy room rate charged by the
5 designated hotel, motel or other public lodging place. Provided
6 further, those state officers or employees so choosing this option
7 shall be reimbursed for local transportation costs incurred
8 traveling between such optional lodging and the designated hotel,
9 motel or other public lodging place not to exceed the difference
10 between the cost of the designated lodging and the cost of the
11 optional lodging. Receipts issued by the hotel, motel or other
12 public lodging place shall accompany claims for reimbursement.

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

19 E. Reimbursement for meals and lodging on out-of-state trips
20 shall not begin more than twenty-four (24) hours before the meeting,
21 workshop, conference or other objective of trip begins and shall not
22 continue more than twenty-four (24) hours after said meeting,
23 workshop, conference or other objective of trip ends. This twenty-
24 four-hour limit shall also apply for in-state travel when the agency

1 determines that travel is of a duration where overnight travel prior
2 to or after the trip objective would be necessary.

3 F. Reimbursement for meals and lodging incurred in official
4 travel in areas outside of the United States to implement the
5 objectives of contracts, grants, agreements or gifts for which funds
6 from these sources are furnished shall be reimbursed from said funds
7 at actual cost not to exceed the amount authorized United States
8 Government employees in its periodical publication entitled
9 "Standard Regulations (Government Civilians, Foreign Areas),
10 Department of State, Washington, DC". Provided, however, travel to
11 points outside of the United States, whether performed under
12 authority of contract, grant, agreement or otherwise, shall not
13 begin more than forty-eight (48) hours before or end more than
14 forty-eight (48) hours after the objective of the trip.

15 G. Claims submitted to the Director of the Office of Management
16 and Enterprise Services for payment under the provisions of this
17 section shall be certified to by the principal fiscal officer or
18 contract and grant administrator of each agency. Such officer shall
19 certify that such claim complies with and is authorized under this
20 section.

21 H. The Director of the Office of Management and Enterprise
22 Services may authorize reimbursement for overnight lodging while in
23 official travel status within the State of Oklahoma at a rate of up
24 to one hundred fifty percent (150%) of the amount authorized in

1 subsection A of this section if it is determined that no lodging was
2 available at the maximum rate set out in subsection A of this
3 section. Prior to authorizing such payment, the state officer or
4 employee shall certify the efforts made to obtain lodging at the
5 rate set out in subsection A of this section and the reasons why
6 such lodging was not available within a reasonable distance from the
7 state officer's or employee's work location.

8 SECTION 4. AMENDATORY 74 O.S. 2011, Section 500.15, as
9 amended by Section 857, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
10 2013, Section 500.15), is amended to read as follows:

11 Section 500.15 All claims for reimbursement of travel expenses
12 shall be submitted on the regular authorized form of travel expense
13 claim, and shall be ~~signed~~ approved by the official or employee
14 performing the travel, and approved by the official or employee
15 designated in ~~62 O.S. 1971, Section 41.26~~ 34.68 of Title 62 of the
16 Oklahoma Statutes, for the agency in which the employee works.

17 Receipts may be provided to the Office of Management and Enterprise
18 Services in electronic form. No travel claim shall be awarded if
19 the filer of the claim has benefited from the personal receipt of
20 frequent travel miles unless those miles are used to offset future
21 claims against the state.

22 SECTION 5. This act shall become effective November 1, 2014.

23
24 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated
02/10/2014 - DO PASS, As Amended.