

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2531

By: Floyd

4
5 AS INTRODUCED

6
7 An Act relating to the Oklahoma Horse Racing
8 Commission; amending 3A O.S. 2011, Section 203.3,
9 which relates to the Oklahoma Horse Racing Act;
10 authorizing the executive director of the Oklahoma
11 Horse Racing Commission to purchase motor vehicles,
12 uniforms and equipment; amending 47 O.S. 2011,
13 Section 156, which relates to purchasing motor
14 vehicles with public funds; authorizing the Horse
15 Racing Commission to purchase certain motor vehicles;
16 amending 74 O.S. 2011, Section 500.2, as last amended
17 by Section 107, Chapter 15, O.S.L. 2013 (74 O.S.
18 Supp. 2013, Section 500.2), which relates to the
19 State Travel Reimbursement Act; authorizing certain
20 reimbursable expenses; and providing an effective
21 date.

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

23 SECTION 1. AMENDATORY 3A O.S. 2011, Section 203.3, is
24 amended to read as follows:

25 Section 203.3 A. The Oklahoma Horse Racing Commission shall
26 appoint an executive director who shall have the same qualifications
27 as a member of the Commission. The qualification regarding the
28 residency requirement for Commission members shall not apply to the
29 executive director. The executive director shall have experience in

1 the horse racing industry of a character and for a length of time
2 sufficient, in the opinion of the Commission, to fulfill the duties
3 required of the executive director. The Commission shall determine
4 the duties and compensation of the executive director.

5 B. The executive director shall recommend to the Commission the
6 administrative organization and the number and qualifications of
7 employees necessary without regard to race, color, gender, creed or
8 national origin, to implement the provisions of the Oklahoma Horse
9 Racing Act. A written equal opportunity plan will be developed for
10 the Commission, by the executive director as part of the
11 organizational plan. Upon approval of the organizational plan by
12 the Commission, the executive director may employ such persons as
13 are deemed necessary to implement the provisions of the Oklahoma
14 Horse Racing Act.

15 C. 1. The organizational plan adopted by the Commission shall
16 provide for a law enforcement division which shall have the
17 responsibility for conducting investigations relating to the proper
18 conduct of horse racing and the pari-mutuel system of wagering
19 including but not limited to barring undesirables from horse racing,
20 undercover investigations, fingerprinting persons licensed by the
21 Commission, and reviewing license applications. The person in
22 charge of the law enforcement division shall be a professional law
23 enforcement officer with a minimum of five (5) years of experience
24 in the field of law enforcement and a graduate of a four-year

1 college with a degree in law enforcement administration, law,
2 criminology or a related science, or in lieu thereof a minimum of
3 ten (10) years of experience in the field of law enforcement.

4 2. The officers and agents of the law enforcement division of
5 the Commission, and such other employees as the person in charge of
6 said division shall designate to perform duties in the investigation
7 and prevention of crime and the enforcement of the criminal laws of
8 the state, shall have and exercise all the powers and authority of
9 peace officers, including the right and power of search and seizure.

10 3. The Oklahoma State Bureau of Investigation shall provide
11 such information within its possession as is requested by the law
12 enforcement division of the Commission for the purpose of reviewing
13 license applications.

14 4. If upon investigation by the Commission there is substantial
15 evidence indicating that the security at any track is not
16 satisfactory, the Commission may order the organization licensee to
17 remedy the deficiency. If after ten (10) days following the order
18 the organization licensee has not remedied the deficiency, the
19 Commission may institute its own security personnel program until
20 the deficiency in security is remedied, and may charge the
21 organization licensee the actual costs incurred for said security.
22 The organization licensee may petition the Commission for a hearing
23 at any time to review the necessity of the Commission further
24 maintaining its own security personnel.

1 5. The provisions of this subsection shall not be construed to
2 restrict or prohibit any federal, state, or local law enforcement
3 officer from performing any duties imposed upon the law enforcement
4 officer by law.

5 6. The executive director is authorized to purchase and
6 maintain motor vehicles, to authorize the purchase and issuance of
7 uniforms for all law enforcement officers within the law enforcement
8 division of the Oklahoma Horse Racing Commission and to purchase and
9 issue necessary equipment for all employees of the Commission. All
10 uniforms and equipment shall be used only in the performance of the
11 official duties of the law enforcement officers and other personnel
12 of the Oklahoma Horse Racing Commission as designated by the
13 executive director and shall remain the property of the Oklahoma
14 Horse Racing Commission.

15 D. The executive director shall obtain a surety bond in the
16 amount of One Hundred Thousand Dollars (\$100,000.00) before entering
17 into the duties of the office. The surety bond shall be conditioned
18 upon the faithful performance of the duties of the executive
19 director and the proper accounting of all moneys and property
20 received by the executive director by virtue of the office. The
21 cost of the surety bond shall be paid by the Commission.

22 SECTION 2. AMENDATORY 47 O.S. 2011, Section 156, is
23 amended to read as follows:

1 Section 156. A. Unless otherwise provided for by law, no state
2 board, commission, department, institution, official, or employee,
3 except the following, shall purchase any passenger automobile or bus
4 with public funds:

5 1. The Department of Public Safety;

6 2. The Department of Human Services;

7 3. The State Department of Rehabilitation Services;

8 4. The Department of Wildlife Conservation;

9 5. The Department of Corrections;

10 6. The State Department of Education;

11 7. The Oklahoma School of Science and Mathematics;

12 8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
13 Control;

14 9. The Oklahoma State Bureau of Investigation;

15 10. The Transportation Commission;

16 11. The Oklahoma Department of Agriculture, Food, and Forestry;

17 12. The State Department of Health;

18 13. The Department of Mental Health and Substance Abuse
19 Services;

20 14. The J.D. McCarty Center for Children with Developmental
21 Disabilities;

22 15. The Military Department of the State of Oklahoma;

23 16. The Oklahoma Tourism and Recreation Department;

24 17. The Oklahoma Conservation Commission;

- 1 18. The Oklahoma Water Resources Board;
- 2 19. The Department of Mines;
- 3 20. The Office of Juvenile Affairs;
- 4 21. The Oklahoma Department of Veteran Affairs;
- 5 22. The Oklahoma Supreme Court;
- 6 23. The District Attorneys Council and Oklahoma district

7 attorneys, provided adequate funding exists; ~~and~~

- 8 24. The Oklahoma Boll Weevil Eradication Organization; and
- 9 25. The Oklahoma Horse Racing Commission.

10 B. 1. The Oklahoma School for the Deaf at Sulphur, the

11 Oklahoma School for the Blind at Muskogee, and any state institution

12 of higher education may purchase, own, or keep if now owned, or

13 acquire by lease or gift, and use and maintain such station wagons,

14 automobiles, trucks, or buses as are reasonably necessary for the

15 implementation of the educational programs of said institutions.

16 2. No bus operated, owned, or used by such educational

17 institutions shall be permitted to carry any person other than

18 students, faculty members, employees, or volunteers of such

19 institutions. The provisions of this section shall not be construed

20 to prohibit:

- 21 a. the operation of intracampus buses or buses routed
- 22 directly between portions of the campus of any
- 23 institution not adjacent to each other, nor to
- 24 prohibit the collection of fares from such students,

1 faculty members, or employees of such institutions,
2 sufficient in amount to cover the reasonable cost of
3 such transportation, or

4 b. the Oklahoma School for the Blind or the Oklahoma
5 School for the Deaf from entering into agreements with
6 local public school districts pursuant to the
7 Interlocal Cooperation Act for the mutual use of the
8 schools' and the districts' vehicles. Such use may
9 include, but is not limited to, the transportation of
10 students from local school districts with students
11 from the Oklahoma School for the Blind or the Oklahoma
12 School for the Deaf in vehicles owned by the Oklahoma
13 School for the Blind or the Oklahoma School for the
14 Deaf when traveling to school-related activities.

15 C. The J.D. McCarty Center for Children with Developmental
16 Disabilities, the Oklahoma Department of Libraries, the Oklahoma
17 Department of Veterans Affairs, and the Oklahoma Veterans Centers
18 may own and maintain such passenger vehicles as those institutions
19 have acquired prior to May 1, 1981.

20 D. The use of station wagons, automobiles, and buses, other
21 than as provided for in this section, shall be permitted only upon
22 written request for such use by heads of departments of the
23 institution, approved in writing by the president of said
24 institution or by some administrative official of said institution

1 authorized by the president to grant said approval. Such use shall
2 be permitted only for official institutional business or activities
3 connected therewith. Such use shall be subject to the provisions of
4 Section 156.1 of this title forbidding personal use of such
5 vehicles, and to the penalties therein declared.

6 E. Any person convicted of violating the provisions of this
7 section shall be guilty of a misdemeanor and shall be punished by
8 fine or imprisonment, or both, as provided for in Section 156.1 of
9 this title.

10 F. For the purpose of this section and Section 156.3 of this
11 title, a station wagon is classified as a passenger automobile and
12 may not be purchased solely for the use of transporting property.
13 Such vehicles shall include, but not be limited to, all vehicles
14 which have no separate luggage compartment or trunk but which do not
15 have open beds, whether the same are called station wagons, vans,
16 suburbans, town and country, blazers, or any other names. All state
17 boards, commissions, departments, and institutions may own and
18 maintain station wagons purchased solely for the purpose of
19 transporting property if acquired prior to July 1, 1985.

20 G. The provisions of this section and Section 156.1 of this
21 title shall not apply to public officials who are statewide elected
22 commissioners.

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1 SECTION 3. AMENDATORY 74 O.S. 2011, Section 500.2, as
2 last amended by Section 107, Chapter 15, O.S.L. 2013 (74 O.S. Supp.
3 2013, Section 500.2), is amended to read as follows:

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

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

23 C. The Oklahoma Department of Commerce, the Oklahoma Center for
24 the Advancement of Science and Technology, and the Oklahoma

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

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

23 E. For purposes of this section:
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1 1. "State agency" means any constitutionally or statutorily
2 created state board, commission, or department, including the
3 Legislature and the Courts;

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

15 3. State agencies are authorized to enter into contracts and
16 agreements for the payment of conference registration expenses as
17 may be necessary for employees or other persons who are performing
18 substantial and necessary services to the state by attending
19 official conferences, meetings, seminars, workshops, or training
20 sessions. Such expenses may be paid directly to the contracting
21 agency or business establishment; and

22 4. State agencies are authorized to enter into contracts and
23 agreements for the payment of food and lodging expenses as may be
24 necessary for employees attending an official course of instruction

1 or training conducted or sponsored by any state agency. Expenses
2 may be paid directly to the contracting agency or business
3 establishment. The cost for food and lodging for each employee
4 shall not exceed the total daily rate as provided in the State
5 Travel Reimbursement Act.

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

18 G. 1. The Director of the Office of Management and Enterprise
19 Services is hereby authorized to enter into contracts and agreements
20 for the payment of food, lodging, and other authorized expenses as
21 may be necessary to host, conduct, sponsor, or participate in
22 conferences, meetings, or training sessions. The Director may
23 establish accounts as necessary for the collection and distribution
24 of funds, including funds of sponsors and registration fees, related

1 to such conferences, meetings, and training sessions. Expenses
2 incurred may be paid directly to the contracting agency or business
3 establishment.

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

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

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

22 I. The Oklahoma Indigent Defense System is hereby authorized to
23 enter into contracts and agreements for the payment of lodging as
24 necessary for employees to carry out their duties in representing

1 any client whom the System has been properly appointed to represent.
2 Such expenses may be paid directly to the contracting agency or
3 business establishment. The cost for lodging for each employee
4 shall not exceed the daily rate as provided in the State Travel
5 Reimbursement Act.

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

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

23 L. 1. The Oklahoma Highway Safety Office of the Department of
24 Public Safety is hereby authorized to enter into contracts and

1 agreements for the payment of food, lodging, and other authorized
2 expenses as may be necessary, to host, conduct, sponsor, or
3 participate in highway-safety-related conferences, workshops,
4 seminars, meetings, or training sessions. The payments shall be for
5 all persons in attendance, including, but not limited to, employees
6 of political subdivisions or employees of the state or federal
7 government. For purposes specified in this paragraph, only federal
8 highway safety funds may be used in accordance with federal
9 guidelines and regulations, and no appropriated state funds shall be
10 used.

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

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

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

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

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

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

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

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

15 Q. Whenever possible it shall be the policy of each state
16 agency to prepay airline fares and lodging expenses using a purchase
17 card issued to the agency. This policy shall apply to instances
18 where employees of the agency are traveling on behalf of state
19 government.

20 SECTION 4. This act shall become effective November 1, 2014.

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22 54-2-8990 AMM 01/10/14

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