

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2944

By: Jordan

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7 COMMITTEE SUBSTITUTE

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

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

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

20 Section 84.1 A. Any employee of the state or any political
21 subdivision thereof who is subpoenaed as a witness to testify on any
22 matter pertaining to their employment, including any investigation
23 conducted by the employee as a duty of said employment for which he
24 is fully compensated, shall not be entitled to receive the witness

1 fee and reimbursement for mileage provided for in Section 81 of this
2 title, except as provided for in subsection B of this section.

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

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

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