

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1499

By: Babinec

7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; transferring
9 aircraft assets and operations of the Oklahoma Bureau
of Narcotics and Dangerous Drugs Control and Oklahoma
10 State Bureau of Investigation to the Department of
Public Safety; authorizing intra-agency agreements
11 for use of aircraft; requiring state agency directors
to provide certain notice of intent; establishing
12 reporting requirement when purchasing or acquiring
aircraft; authorizing non-public-safety entities to
13 use aircraft upon certain approval; amending 63 O.S.
2011, Section 2-109, which relates to the rental or
14 charter of aircraft by the Oklahoma Bureau of
Narcotics and Dangerous Drugs Control; authorizing
15 the Bureau to enter into intra-agency agreements for
aircraft support; amending 74 O.S. 2011, Section
16 85.12b, as amended by Section 747, Chapter 304,
O.S.L. 2012 (74 O.S. Supp. 2016, Section 85.12b),
17 which relates to aircraft leasing, chartering and
contracts; requiring approval by Commissioner of
18 Public Safety when purchasing or leasing aircraft;
amending 74 O.S. 2011, Section 150.16, as amended by
19 Section 1, Chapter 156, O.S.L. 2012 (74 O.S. Supp.
2016, Section 150.16), which relates to the rental or
20 charter of aircraft by the Oklahoma State Bureau of
Investigation; authorizing the Oklahoma State Bureau
21 of Investigation to enter into intra-agency
agreements for aircraft support; amending 74 O.S.
22 2011, Section 500.6, as amended by Section 1, Chapter
254, O.S.L. 2014 (74 O.S. Supp. 2016, Section 500.6),
23 which relates to the State Travel Reimbursement Act;
expanding scope of certain term; repealing 63 O.S.
24 2011, Section 2-106.1, as amended by Section 496,
Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2016, Section

2-106.1), which relates to leasing seaplanes;
providing for codification; and providing an
effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2-106.2D of Title 47, unless
there is created a duplication in numbering, reads as follows:

A. All aircraft assets and law enforcement aircraft operations
of the Oklahoma Bureau of Narcotics and Dangerous Drugs Control and
the Oklahoma State Bureau of Investigation shall be transferred to
the Department of Public Safety. Such transfer shall include the
custody and control of all aircraft assets and law enforcement
aircraft operations.

B. Notwithstanding the provisions of this section, state law
enforcement agencies may, upon the agreement of the affected
directors of such agencies, enter into intra-agency agreements with
the Department of Public Safety for the use of aircraft assets and
payment of hourly operational costs contingent on the approval of
the Commissioner of Public Safety.

C. The director of every state agency shall provide notice of
intent to purchase, lease, charter or rent aircraft and receive
approval from the Director of the Office of Management and
Enterprise Services prior to the purchase, lease, charter or rental

1 of aircraft used for the purpose of conducting state-funded
2 business. This notice must include the cost of, source of funding
3 for and projected duration of aircraft use. Any aircraft that is
4 purchased or otherwise permanently acquired by the state or state
5 agency shall be subject to the reporting requirements provided for
6 in Section 110.1 of Title 74 of the Oklahoma Statutes.

7 D. All employees of state agencies directly funded by the State
8 of Oklahoma pursuant to the rules outlined in the Comprehensive
9 Aircraft Management Plan administered by the Oklahoma Office of
10 Management and Enterprise Services may request the use of state-
11 owned aircraft. Use of law enforcement aircraft by non-public-
12 safety entities of the state shall require the approval of both the
13 Director of the Office of Management and Enterprise Services and the
14 Commissioner of Public Safety.

15 E. As used in this section, "state agency" means any
16 department, board, commission, institution, agency or entity of
17 state government.

18 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-109, is
19 amended to read as follows:

20 Section 2-109. The Oklahoma Bureau of Narcotics and Dangerous
21 Drugs Control is hereby authorized to rent ~~and/or~~ or charter
22 aircraft on a project mission basis from the Department of Public
23 Safety; such rental or charter to last only for the duration of the
24 project mission. The Bureau may enter into intra-agency agreements

1 for the purpose of law enforcement aircraft support. The Bureau is
2 also authorized to pay, from any funds available to the Bureau, the
3 ~~expenses involved in qualifying multiengine and instrument pilots as~~
4 ~~may be required to accomplish agency responsibilities~~ related to
5 such agreements.

6 SECTION 3. AMENDATORY 74 O.S. 2011, Section 85.12b, as
7 amended by Section 747, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
8 2016, Section 85.12b), is amended to read as follows:

9 Section 85.12b All agencies or departments of this state shall
10 lease, charter or contract for the use of any aircraft pursuant to
11 the provisions of The Oklahoma Central Purchasing Act, except
12 aircraft owned and operated by another agency or department of this
13 state. The Office of Management and Enterprise Services shall
14 develop and implement guidelines for the use of such aircraft.
15 Aircraft purchased or leased by any state agency for the purpose of
16 public safety uses shall only require the approval of the
17 Commissioner of Public Safety.

18 SECTION 4. AMENDATORY 74 O.S. 2011, Section 150.16, as
19 amended by Section 1, Chapter 156, O.S.L. 2012 (74 O.S. Supp. 2016,
20 Section 150.16), is amended to read as follows:

21 Section 150.16 The Oklahoma State Bureau of Investigation is
22 hereby authorized to ~~own and operate aircraft and to rent or charter~~
23 ~~aircraft on a project or mission basis, such rental or charter to~~
24 ~~last only for the duration of the project or mission~~ enter into

1 intra-agency agreements for the purpose of law enforcement aircraft
2 support. The Bureau is also authorized to pay~~7~~ from any funds
3 available to the Bureau~~7~~ the ~~expenses involved in qualifying~~
4 ~~multiengine and instrument pilots as may be required to accomplish~~
5 ~~agency responsibilities~~ related to such agreements.

6 SECTION 5. AMENDATORY 74 O.S. 2011, Section 500.6, as
7 amended by Section 1, Chapter 254, O.S.L. 2014 (74 O.S. Supp. 2016,
8 Section 500.6), is amended to read as follows:

9 Section 500.6 A. Travel by any state officer or employee on
10 official state business on any privately owned or chartered airplane
11 may be reimbursed in an amount which, when added to per diem and
12 reimbursement for lodging for that trip, does not exceed the
13 equivalent of automobile mileage plus per diem and reimbursement for
14 lodging had a privately owned automobile been used for the trip.
15 The provisions of Section 500.4 of this title shall apply to
16 calculation of automobile mileage equivalent in this section.

17 B. Upon completion of each trip, the pilot of any airplane
18 owned by this state shall enter into a record book the names of all
19 passengers on the airplane, date, destination, mileage, duration,
20 purpose~~7~~ and expense of the trip. The pilot shall sign each entry
21 in the record book. Said book may be inspected by the State Auditor
22 and Inspector.

23 C. Expenses of the trip are to be charged to the state
24 departments or agencies of the officers or employees using the

1 airplane. For the purposes of this section the term expense of the
2 trip shall include, but is not limited to, the hourly cost of
3 operating the airplane which may include maintenance, inspections,
4 fuel and insurance, the duration of the trip, and the salary of the
5 pilot.

6 D. Any ~~non-elected~~ nonelected law enforcement official or
7 citizen who offers for use his or her personal airplane or aircraft
8 for searches or criminal pursuits may be reimbursed by the public
9 entity requesting such assistance for the cost of fuel used during
10 such official business. Each public entity authorizing the use of
11 any airplane or other aircraft for such purpose shall establish a
12 policy to verify information they deem necessary to reimburse such
13 individual for cost of fuel used pursuant to this subsection. Such
14 information shall be recorded and made available by the public
15 entity in the same manner as required for other expenditures of
16 public funds by the public entity.

17 SECTION 6. REPEALER 63 O.S. 2011, Section 2-106.1, as
18 amended by Section 496, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
19 2016, Section 2-106.1), is hereby repealed.

20 SECTION 7. This act shall become effective November 1, 2017.

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