

1 ENGROSSED HOUSE
2 BILL NO. 1499

By: Babinec, McDugle and West
(Josh) of the House

3 and

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

1 providing for codification; and providing an
2 effective date.

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

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

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

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

20 C. The director of every state agency shall provide notice of
21 intent to purchase, lease, charter or rent aircraft and receive
22 approval from the Director of the Office of Management and
23 Enterprise Services prior to the purchase, lease, charter or rental
24 of aircraft used for the purpose of conducting state-funded

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

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

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

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

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

1 also authorized to pay, from any funds available to the Bureau, the
2 ~~expenses involved in qualifying multiengine and instrument pilots as~~
3 ~~may be required to accomplish agency responsibilities~~ related to
4 such agreements.

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

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

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

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

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

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

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

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

22 C. Expenses of the trip are to be charged to the state
23 departments or agencies of the officers or employees using the
24 airplane. For the purposes of this section the term expense of the

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

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

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

19 SECTION 7. This act shall become effective November 1, 2017.
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1 Passed the House of Representatives the 1st day of March, 2017.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2017.

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9 Presiding Officer of the Senate