

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1499

By: Babinec of the House

and

Dugger of the Senate

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10 COMMITTEE SUBSTITUTE

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

1 2011, Section 500.6, as amended by Section 1, Chapter
2 254, O.S.L. 2014 (74 O.S. Supp. 2016, Section 500.6),
3 which relates to the State Travel Reimbursement Act;
4 expanding scope of certain term; repealing 63 O.S.
5 2011, Section 2-106.1, as amended by Section 496,
6 Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2016, Section
7 2-106.1), which relates to leasing seaplanes;
8 providing for codification; and providing an
9 effective date.

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

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

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

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

1 C. The director of every state agency shall provide notice of
2 intent to purchase, lease, charter or rent aircraft and receive
3 approval from the Director of the Office of Management and
4 Enterprise Services prior to the purchase, lease, charter or rental
5 of aircraft used for the purpose of conducting state-funded
6 business. This notice must include the cost of, source of funding
7 for and projected duration of aircraft use. Any aircraft that is
8 purchased or otherwise permanently acquired by the state or state
9 agency shall be subject to the reporting requirements provided for
10 in Section 110.1 of Title 74 of the Oklahoma Statutes.

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

19 E. As used in this section, "state agency" means any
20 department, board, commission, institution, agency or entity of
21 state government.

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

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1 Section 2-109. The Oklahoma Bureau of Narcotics and Dangerous
2 Drugs Control is hereby authorized to rent ~~and/or~~ or charter
3 aircraft on a project mission basis from the Department of Public
4 Safety; such rental or charter to last only for the duration of the
5 project mission. The Bureau may enter into intra-agency agreements
6 for the purpose of law enforcement aircraft support. The Bureau is
7 also authorized to pay, from any funds available to the Bureau, the
8 ~~expenses involved in qualifying multiengine and instrument pilots as~~
9 ~~may be required to accomplish agency responsibilities~~ related to
10 such agreements.

11 SECTION 3. AMENDATORY 74 O.S. 2011, Section 85.12b, as
12 amended by Section 747, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
13 2016, Section 85.12b), is amended to read as follows:

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

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

4 Section 150.16 The Oklahoma State Bureau of Investigation is
5 hereby authorized to ~~own and operate aircraft and to rent or charter~~
6 ~~aircraft on a project or mission basis, such rental or charter to~~
7 ~~last only for the duration of the project or mission~~ enter into
8 intra-agency agreements for the purpose of law enforcement aircraft
9 support. The Bureau is also authorized to pay~~7~~ from any funds
10 available to the Bureau~~7~~ the expenses involved in qualifying
11 ~~multiengine and instrument pilots as may be required to accomplish~~
12 ~~agency responsibilities~~ related to such agreements.

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

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

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1 B. Upon completion of each trip, the pilot of any airplane
2 owned by this state shall enter into a record book the names of all
3 passengers on the airplane, date, destination, mileage, duration,
4 purpose, and expense of the trip. The pilot shall sign each entry
5 in the record book. Said book may be inspected by the State Auditor
6 and Inspector.

7 C. Expenses of the trip are to be charged to the state
8 departments or agencies of the officers or employees using the
9 airplane. For the purposes of this section the term expense of the
10 trip shall include, but is not limited to, the hourly cost of
11 operating the airplane which may include maintenance, inspections,
12 fuel and insurance, the duration of the trip, and the salary of the
13 pilot.

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

1 SECTION 6. REPEALER 63 O.S. 2011, Section 2-106.1, as
2 amended by Section 496, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
3 2016, Section 2-106.1), is hereby repealed.

4 SECTION 7. This act shall become effective November 1, 2017.
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6 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/16/2017 -
7 DO PASS, As Amended and Coauthored.
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