

1 ENGROSSED SENATE
2 BILL NO. 856

By: Weaver of the Senate

3 and

4 West (Josh) of the House

5
6 An Act relating to the State Travel Reimbursement
7 Act; amending 74 O.S. 2011, Section 500.18, as last
8 amended by Section 10, Chapter 269, O.S.L. 2016 (74
9 O.S. Supp. 2020, Section 500.18), which relates to
10 exemptions; adding the Oklahoma Military Department;
11 and providing an effective date.

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

13 SECTION 1. AMENDATORY 74 O.S. 2011, Section 500.18, as
14 last amended by Section 10, Chapter 269, O.S.L. 2016 (74 O.S. Supp.
15 2020, Section 500.18), is amended to read as follows:

16 Section 500.18. A. Except for members of the Legislature, the
17 Governor and the Lieutenant Governor, provisions of Sections 500.1
18 through 500.18 of this title shall be mandatory for all officials
19 and employees of all departments, boards, commissions and
20 institutions of the state, regardless of the provisions of any other
21 act of the Legislature, except as provided by this section. The
22 enactment of any measure in the future providing for travel
23 reimbursement of state officers and employees on the basis of
24 "actual and necessary" expenses or in any other manner inconsistent
with Sections 500.1 through 500.18 of this title shall be deemed to

1 provide for reimbursement in accordance with Sections 500.1 through
2 500.18 of this title unless a contrary intent is explicitly
3 expressed in this section. Sections 500.1 through 500.18 of this
4 title shall not apply, however, to travel reimbursements made by
5 political subdivisions of this state, except as otherwise provided
6 by law.

7 B. The agencies listed below are authorized certain exceptions
8 and/or exemptions to the provisions of Sections 500.1 through 500.18
9 of this title to the extent specified:

10 1. Oklahoma Department of Agriculture, Food, and Forestry:

11 a. The actual and reasonable expenses of travel and
12 subsistence in pursuing and developing markets for
13 Oklahoma agricultural products incurred by the
14 Commissioner, Deputy Commissioner and such employees
15 designated by the State Board of Agriculture within
16 the marketing development programs of the Oklahoma
17 Department of Agriculture, Food, and Forestry shall be
18 reimbursed to the employee incurring such expenses.
19 Reimbursement of such expenses shall be in accordance
20 with rules adopted by the Board. Expenses claimed
21 shall, prior to reimbursement, be reviewed by the
22 Board at a regular meeting and individually approved
23 or disapproved.

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1 b. The actual and necessary expenses of out-of-state
2 travel and subsistence incurred by employees of the
3 Forestry Division authorized to evaluate and acquire
4 federal excess property or surplus property in other
5 states for use in its fire protection program, shall
6 be reimbursed to the employee incurring such expenses.

7 2. Department of Public Safety:

8 When traveling with the Governor or at the Governor's request,
9 personnel assigned by the Commissioner for executive security and
10 pilots on executive assignment shall be allowed their actual and
11 necessary traveling expenses, upon claims approved by the
12 Commissioner.

13 3. Department of Corrections:

14 The Department of Corrections shall be exempt from limitations
15 of reimbursement for rented automobiles, as set forth in Section
16 500.5 of this title, when the rental is by a Correctional Officer or
17 Transportation Officer for the limited purpose of transporting
18 inmates. Reimbursement for the expense shall be on the basis of
19 actual cost.

20 4. Oklahoma Tourism and Recreation Department:

21 The Oklahoma Tourism and Recreation Commission and Department
22 staff who promote in-state and out-of-state business for Oklahoma's
23 state-operated or state-owned parks, lodges, and golf courses and
24 the tourism and recreation industry, may be reimbursed for the

1 actual and necessary expense of travel, subsistence and
2 entertainment for this purpose. The Director of the Oklahoma
3 Tourism and Recreation Department may reimburse the Publisher of
4 Oklahoma Today magazine and its staff for expenses for meals and
5 other entertainment in order to gain advertising and promotion for
6 Oklahoma Today magazine. The Oklahoma Tourism and Recreation
7 Department may reimburse the Director of the Office of the Oklahoma
8 Film and Music Commission and staff for the actual and necessary
9 expenses for meals and other entertainment in order to promote the
10 film and music industries in this state. Reimbursement of all
11 actual and necessary expenses shall be in accordance with rules
12 adopted by the Oklahoma Tourism and Recreation Commission.

13 5. Oklahoma Department of Commerce:

- 14 a. The actual and necessary expenses incurred by the
15 Director and other employees of the Department
16 authorized by the Director for the purpose of business
17 recruitment shall be reimbursed. Reimbursement of
18 expenses shall be in accordance with rules adopted by
19 the Director of the Oklahoma Department of Commerce.
20 Expenses claimed shall, prior to reimbursement, be
21 reviewed by the Director and individually approved or
22 disapproved.
- 23 b. The Department, at the discretion of the Director, may
24 charter aircraft for the purposes of carrying out its

1 duties and responsibilities related to business
2 recruitment and performing the duties of the Director.
3 The cost of such charter shall be exempt from the
4 provisions of Section 500.6 of this title. Claims
5 filed with the Office of Management and Enterprise
6 Services shall bear the following certification:
7 The best interests of the citizens of Oklahoma were
8 better served in that conventional ground
9 transportation was not practical or feasible for this
10 trip, aircraft from the Department of Public Safety
11 were not available for this trip, and no other claim
12 has been or will be filed as a payment for the cost of
13 transportation in connection with this trip.

14 6. Office of Management and Enterprise Services:

15 The actual and necessary expenses of travel and subsistence
16 incurred by the Director, any state employee approved by his or her
17 appointing authority, or state officials, for travel outside the
18 state in performance of duties related to bond financing shall be
19 reimbursed to the employee or state official incurring such
20 expenses. Reimbursement for lodging expenses shall be supported by
21 three telephone bids from hotels within a reasonable distance of the
22 activity for which the travel was approved.

23 7. Oklahoma Futures:
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1 The actual and necessary expenses incurred by the members of
2 Oklahoma Futures in the performance of their duties shall be
3 reimbursed to the members incurring such expenses. Reimbursement of
4 all actual and necessary expenses shall be in accordance with rules
5 adopted by Oklahoma Futures.

6 8. Oklahoma Development Finance Authority:

7 The actual and necessary expenses incurred by the members and
8 employees of the Oklahoma Development Finance Authority in the
9 performance of their duties shall be reimbursed to the person
10 incurring such expenses. Reimbursement of all actual and necessary
11 expenses shall be in accordance with the bylaws of the Authority.

12 9. Oklahoma Center for the Advancement of Science and
13 Technology:

14 The actual and necessary expenses incurred by the members and
15 employees of the Oklahoma Center for the Advancement of Science and
16 Technology in the performance of their duties shall be reimbursed to
17 the person incurring such expenses. Reimbursement of all actual and
18 necessary expenses shall be in accordance with the bylaws of the
19 Center.

20 10. Center for International Trade Development:

21 The actual and necessary expenses of travel, lodging and
22 subsistence incurred by the Director and authorized employees of the
23 Center for International Trade Development for performance of their
24 duties for the purpose of business recruitment and assistance shall

1 be reimbursed to the person incurring such expenses. Reimbursement
2 of such expenses shall be in accordance with the rules adopted by
3 the Director of the Center for International Trade Development.
4 Expenses claimed shall be reviewed and individually approved or
5 disapproved, prior to reimbursement, first by the Director, and
6 finally by either the Vice President, Business and Finance of
7 Oklahoma State University or the President of Oklahoma State
8 University.

9 11. Oklahoma State Bureau of Investigation:

10 The actual and necessary expenses incurred by the Director and
11 other employees of the Bureau authorized by the Director as a result
12 of conducting investigations shall be reimbursed to each such
13 employee incurring the expenses. Reimbursement of the expenses
14 shall be in accordance with rules adopted by the Director of the
15 Oklahoma State Bureau of Investigation. Prior to reimbursement,
16 expenses claimed shall be reviewed by the Director and individually
17 approved or disapproved.

18 12. Department of Human Services:

19 a. The actual and necessary expenses of travel, lodging
20 and subsistence incurred by employees of the Legal
21 Division in the performance of their duties for the
22 purpose of representing the Department of Human
23 Services or any of its officials, employees,
24 institutions or hospitals at any proceeding, including

1 depositions, held before any court, administrative
2 body or representative thereof, shall be reimbursed to
3 the employee incurring such expenses. Expenses
4 claimed shall be approved by the General Counsel and
5 the Director of Human Services prior to reimbursement.

6 b. The Department, at the discretion of the Director, may
7 charter aircraft when determined by the Director such
8 charter would be more practical or less expensive than
9 normal modes of transportation and when aircraft of
10 the Department of Public Safety are unavailable. The
11 costs of such charter shall be exempt from the
12 provisions of Section 500.6 of this title.

13 13. Oklahoma Health Care Authority:

14 The actual and necessary expenses of travel, lodging and
15 subsistence incurred by employees of the Legal Division in the
16 performance of their duties for the purpose of representing the
17 Authority or any of its officials or employees, at any proceeding,
18 including depositions, held before any court, administrative body or
19 representative thereof, shall be reimbursed to the employee
20 incurring such expenses. Expenses claimed shall be approved by the
21 Administrator prior to reimbursement.

22 14. Oklahoma State Bureau of Narcotics and Dangerous Drugs
23 Control:
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1 The actual and necessary expenses incurred by the Director and
2 other employees of the Bureau authorized by the Director as a result
3 of conducting investigations shall be reimbursed to each employee
4 incurring the expenses. Reimbursement of the expenses shall be in
5 accordance with rules adopted by the Director of the Oklahoma State
6 Bureau of Narcotics and Dangerous Drugs Control. Prior to
7 reimbursement, expenses claimed shall be reviewed by the Director
8 and individually approved or disapproved.

9 15. University Hospitals:

10 The actual and necessary expenses of travel, lodging and
11 subsistence incurred by employees of the Legal Office in the
12 performance of their duties for the purpose of representing the
13 University Hospitals or any of its officials, employees,
14 institutions or hospitals at any proceeding, including depositions,
15 held before any court, administrative body or representative
16 thereof, shall be reimbursed to the employee incurring such
17 expenses. Expenses shall be approved by the Chief Executive Officer
18 of the University Hospitals or by the University Hospitals
19 Authority.

20 16. Oklahoma Historical Society:

21 The actual and necessary expenses of travel, subsistence and
22 entertainment incurred by the Executive Director, Deputy Director
23 and any employees designated by the Executive Committee of the
24 Oklahoma Historical Society Board of Directors in pursuing and

1 developing programs and projects for the preservation and marketing
2 of Oklahoma history shall be reimbursed to the person incurring the
3 expenses. Reimbursement of expenses shall be in accordance with
4 rules adopted by the Oklahoma Historical Society Board of Directors.
5 Prior to reimbursement, expenses claimed shall be reviewed by the
6 Executive Committee at a regularly scheduled meeting and each claim
7 shall be individually approved or disapproved.

8 17. The Oklahoma Department of Mines:

9 The actual and necessary expenses of travel, lodging and
10 subsistence incurred by employees of the Department in the
11 performance of their duties for the purpose of representing the
12 Department or any of its officials or employees, at any proceeding,
13 hearing or meeting with federal agencies, boards, commissions,
14 congressional representatives, congressional committees or staff,
15 shall be reimbursed to the employee incurring such expenses.
16 Expenses claimed shall be approved by the Executive Director prior
17 to reimbursement.

18 18. The Office of Attorney General:

19 The actual and necessary expenses of travel, lodging and
20 subsistence incurred by its employees in the performance of their
21 duties for the purpose of representing the state, the Legislature,
22 any state board, agency or commission, or any employee or official
23 of the state entitled to representation, at any proceeding,
24 including depositions, held before any court, administrative body or

1 any representative thereof, and the actual and necessary expenses
2 incurred by employees as a result of conducting investigations shall
3 be reimbursed to the employee incurring the expenses. The expenses
4 shall be approved by the Attorney General prior to reimbursement.

5 19. District Attorneys Council:

6 The actual and necessary expenses of travel, lodging and
7 subsistence incurred by each district attorney and other employees
8 of the district attorney authorized by the district attorney in the
9 performance of their duties for any district other than the district
10 for which they are employed for the purpose of representing the
11 state, any county, or any employee or official of the state entitled
12 to representation at any proceeding, including depositions held
13 before any court, administrative body or any representative of a
14 court or administrative body, and the actual and necessary expenses
15 incurred as a result of conducting investigations shall be
16 reimbursed to each employee incurring the expenses. Reimbursement
17 of the expenses shall be in accordance with rules adopted by the
18 District Attorneys Council. Prior to reimbursement, expenses
19 claimed shall be reviewed by the Council and individually approved
20 or disapproved.

21 20. The Department of Securities:

22 The actual and necessary expenses of travel, lodging and
23 subsistence incurred by the Administrator and other employees of the
24 Department of Securities in the performance of their duties for the

1 purpose of representing the Department of Securities, at any
2 proceeding, including depositions, held before any court,
3 administrative body or any representative thereof, conducting on-
4 site examinations, or conducting investigations, shall be reimbursed
5 to each employee incurring the expenses. The expenses shall be
6 approved by the Administrator of the Department of Securities prior
7 to reimbursement.

8 21. Corporation Commission:

9 The actual and necessary travel expenses incurred by the staff
10 of the Public Utility Division as a result of conducting audits
11 and/or reviews of utility service providers shall be reimbursed to
12 each such employee incurring the expense. Reimbursement of the
13 expenses shall be as set forth in procedures established by the
14 appointing authority.

15 22. The Department of Human Services:

16 Employees of the Department of Human Services shall be
17 reimbursed for their actual and necessary expenses of travel,
18 lodging and subsistence incurred in the performance of their duties
19 for the purpose of escorting and transporting children or adults in
20 the care or custody of the Department:

- 21 a. for out-of-state visitation, care, treatment and
22 placement of a child welfare client,
- 23 b. for out-of-state treatment for or placement of an
24 adult protective services client,

- 1 c. for out-of-state treatment for or placement of a
2 resident of a state resource center, or
- 3 d. for out-of-state treatment for or placement of an
4 individual with a developmental disability who is
5 living in the community in community residential
6 services.

7 Expenses claimed shall be approved by the appropriate Division
8 Administrator or Associate Director prior to reimbursement.

9 23. The Banking Department:

10 The actual and necessary expenses of travel and lodging incurred
11 by the Commissioner and other employees of the Banking Department in
12 the performance of their duties for the Banking Department shall be
13 paid or reimbursed by the Banking Department to each employee
14 incurring the expenses. The expenses shall be approved by the
15 Banking Commissioner prior to payment or reimbursement.

16 24. Oklahoma Office of Homeland Security:

17 The actual and necessary expenses of travel, lodging, and
18 subsistence incurred by the Oklahoma Homeland Security Director, as
19 a result of the duties and responsibilities of the Director, shall
20 be paid or reimbursed by the Oklahoma Office of Homeland Security.

21 25. The Grand River Dam Authority:

22 The actual and necessary expenses of travel and lodging incurred
23 by the Board of Directors and other employees of the district in the
24 performance of their duties for the Grand River Dam Authority shall

1 be paid or reimbursed by the district to each Director or employee
2 incurring the expenses. The expenses shall be approved by the
3 General Manager of the Grand River Dam Authority prior to payment or
4 reimbursement.

5 26. The Native American Cultural and Educational Authority:

6 The actual and necessary expenses incurred by the Directors and
7 employees of the Native American Cultural and Educational Authority
8 in performances of duties. The expenses shall be approved by the
9 Director prior to payment or reimbursement.

10 27. Oklahoma Department of Career and Technology Education:

11 The actual and necessary expenses incurred by the Director and
12 other employees of the Department, authorized by the Director, for
13 the purpose of business recruitment, training, and the provision of
14 technical assistance shall be reimbursed. Reimbursement of expenses
15 shall be in accordance with rules adopted by the State Board of
16 Career and Technology Education. Expenses claimed, prior to the
17 reimbursement, will be reviewed by the Board and individually
18 approved or disapproved.

19 28. Oklahoma Military Department:

20 The actual and necessary travel expenses incurred by the
21 Director, other employees of the Department and persons performing
22 substantial and necessary services to the state in support of the
23 Oklahoma National Guard shall be reimbursed to the individual

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1 incurring such expenses. The expenses claimed shall be approved by
2 the Director or Chief Financial Officer prior to reimbursement.

3 C. The agencies listed in subsection B of this section shall be
4 required to report annually the actual expenses excepted or exempted
5 from Sections 500.1 through 500.18 of this title to the Governor,
6 the President Pro Tempore of the Senate, and the Speaker of the
7 House of Representatives. The report shall be submitted no later
8 than the first day of September following the end of each fiscal
9 year.

10 SECTION 2. This act shall become effective November 1, 2021.

11 Passed the Senate the 8th day of March, 2021.

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13 _____
14 Presiding Officer of the Senate

15 Passed the House of Representatives the ____ day of _____,
16 2021.

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18 _____
19 Presiding Officer of the House
20 of Representatives

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