

1 **SENATE FLOOR VERSION**

2 February 18, 2021

3 SENATE BILL NO. 856

By: Weaver of the Senate

4 and

5 West (Josh) of the House

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

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

15 SECTION 1. AMENDATORY 74 O.S. 2011, Section 500.18, as  
16 last amended by Section 10, Chapter 269, O.S.L. 2016 (74 O.S. Supp.  
17 2020, Section 500.18), is amended to read as follows:

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

1 "actual and necessary" expenses or in any other manner inconsistent  
2 with Sections 500.1 through 500.18 of this title shall be deemed to  
3 provide for reimbursement in accordance with Sections 500.1 through  
4 500.18 of this title unless a contrary intent is explicitly  
5 expressed in this section. Sections 500.1 through 500.18 of this  
6 title shall not apply, however, to travel reimbursements made by  
7 political subdivisions of this state, except as otherwise provided  
8 by law.

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

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

13 a. The actual and reasonable expenses of travel and  
14 subsistence in pursuing and developing markets for  
15 Oklahoma agricultural products incurred by the  
16 Commissioner, Deputy Commissioner and such employees  
17 designated by the State Board of Agriculture within  
18 the marketing development programs of the Oklahoma  
19 Department of Agriculture, Food, and Forestry shall be  
20 reimbursed to the employee incurring such expenses.  
21 Reimbursement of such expenses shall be in accordance  
22 with rules adopted by the Board. Expenses claimed  
23 shall, prior to reimbursement, be reviewed by the  
24

1 Board at a regular meeting and individually approved  
2 or disapproved.

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

9 2. Department of Public Safety:

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

15 3. Department of Corrections:

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

22 4. Oklahoma Tourism and Recreation Department:

23 The Oklahoma Tourism and Recreation Commission and Department  
24 staff who promote in-state and out-of-state business for Oklahoma's

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

15 5. Oklahoma Department of Commerce:

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

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

16          6.    Office of Management and Enterprise Services:

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

1           7. Oklahoma Futures:

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

7           8. Oklahoma Development Finance Authority:

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

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

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

21           10. Center for International Trade Development:

22           The actual and necessary expenses of travel, lodging and  
23 subsistence incurred by the Director and authorized employees of the  
24 Center for International Trade Development for performance of their

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

10 11. Oklahoma State Bureau of Investigation:

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

19 12. Department of Human Services:

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

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

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

14 13. Oklahoma Health Care Authority:

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

23 14. Oklahoma State Bureau of Narcotics and Dangerous Drugs  
24 Control:



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

24

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 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
12 February 18, 2021 - DO PASS  
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