

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1711

By: Steidley, Johnson (Glen),
Campbell, Vaughn (Ray),
Davis, Henshaw, Holt and
Sullivan of the House

and

Mickle of the Senate

COMMITTEE SUBSTITUTE

(Public finance - amending 62 O.S., Sections
41.9 and 41.29 - Director of State
Finance - codification - effective date -

emergency)

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

SECTION 1. AMENDATORY 62 O.S. 1991, Section 41.9, is
amended to read as follows:

Section 41.9 Effective July 1, 1947, and thereafter,
appropriations and/or federal funds, shall be allotted for each
spending agency by the use of a method which shall be known as the
line item method of allotting appropriations whereby items
requested may be allotted on either a monthly, quarterly,
semiannual or annual basis upon the written request of the agency
concerned and the approval of the ~~Budget~~ Director of State
Finance. The request officer for each spending agency shall show
on the forms provided, how he proposes to classify the
expenditures for that spending agency. The ~~Budget~~ Director of State
Finance shall review the requested allotments with respect
to the work program with each spending agency and shall, if he
deems it necessary, require said spending agency to revise, alter
or change such allotments before approving the same, reserving a
sufficient balance in the appropriation to finance the operations

of the spending agency for the remainder of any fiscal year. At the end of any fiscal year, the entire amount appropriated to any spending agency must be allotted by the ~~Budget~~ Director of State Finance, except where the estimated budget resources during any fiscal year are insufficient to pay all of the appropriations for such year in full. The ~~Budget~~ Director of State Finance shall not allot to any spending agency during any fiscal year, an amount which will be in excess of the amount of revenue collected and allocated to appropriations made to such spending agency. In the event of a failure of revenue, the ~~Budget~~ Director of State Finance shall control the allotment authorizations to prevent obligations being incurred in excess of the revenue to be collected. However, the ~~Budget~~ Director of State Finance shall make all reductions within each state fund where a revenue failure occurs apply to each department, institution, board, commission or special appropriation made by the State Legislature, in the ratio that its total appropriation for that fiscal year bears to the total of all appropriations for that fiscal year, as provided in Section 23, Article 10, of the Constitution of Oklahoma. Appropriation allotment may be approved for any item for the entire year or may be approved on a monthly, quarterly, or semiannual basis, but in no case shall the aggregate of such allotments for any spending agency exceed the total appropriation made available to such spending agency for the fiscal year to which they apply. Each spending agency's request for appropriation allotments shall show the amount required to finance each item of the request for the entire year and for each quarter beginning July 1st, October 1st, January 1st and April 1st, within each fiscal year. The ~~Budget~~ Director of State Finance shall consider the allotment request for the purpose of making a determination of: (1) That such itemized requests are in accordance with the budget plan approved by the Legislature; (2) that the accounting classification is sufficient to reflect the purposes for which expenditures are to be made; (3) that the current financial requirements of the spending agency concerned, justifies the allotment to be made for each quarter, reserving a

sufficient balance in the appropriation to finance the remaining quarters; (4) that the realization of the estimated revenues is sufficient to allow the commitments to be made. The Legislature and the Supreme Court shall be exempt from submitting any program of work or quarterly allotment request.

SECTION 2. AMENDATORY 62 O.S. 1991, Section 41.29, is amended to read as follows:

Section 41.29 A. Except as provided for in subsection B of this section, on the first day of September preceding each regular session of the Legislature, each of the several state departments, bureaus, divisions, officers, commissions, and institutions, including those created or established pursuant to constitutional provisions, and other spending agencies shall report to the Director of State Finance and the Director of the Legislative Service Bureau on official forms furnished for such purpose an itemized request showing the amount needed for the ensuing fiscal year beginning with the first day of July. The official forms which must be used in making these reports shall be approved or furnished by the Director of State Finance, shall be uniform, and shall clearly designate the kind of information to be given on the reports. The Director of State Finance shall include, with the approval of the Governor, items requested by the President Pro Tempore of the Senate and the Speaker of the House of Representatives on the official forms. Spending agencies shall make an itemized estimate of needs and request for funds for the ensuing fiscal year and an estimate of the revenues from all sources to be received by the agency during the ensuing fiscal year. The Director of State Finance shall submit to the Governor and the Legislative Service Bureau no later than the first day of October a complete list of all spending agencies which fail to submit budgets by September 1, pursuant to the provisions of this section.

B. The State Board of Education shall submit the itemized request and estimates required by this section no later than the first day of October each year. The Director of State Finance shall notify the Governor and the Legislative Service Bureau no

later than the fifteenth day of October if the Board fails to submit its budget by October 15.

C. 1. Effective July 1, 1989, the reports required by this section shall include an itemized listing of outstanding capital lease debt and estimated capital lease needs for the ensuing fiscal year, and shall be provided on official forms furnished by the Director of State Finance for this purpose.

2. For the purposes of this section "capital lease" means a lease-purchase agreement which provides an option for the State of Oklahoma or its agencies to purchase property, including personal and real property, which is the subject thereof and/or a lease agreement that provides an option for the State of Oklahoma or its agencies to lease such property, which is the subject thereof, at a nominal annual amount, after a period in which leased property is rented at fair market value.

D. The Supreme Court shall not be required to submit a budget proposal on official forms prepared by the Director of State Finance. SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 41.9a of Title 62, unless there is created a duplication in numbering, reads as follows:

For purposes of Sections 41.9, 41.21, and 41.29 of Title 62 of the Oklahoma Statutes, references to the Supreme Court shall not mean the District Courts or the Court of Appeals.

SECTION 4. This act shall become effective July 1, 1993.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-0980

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