

ENROLLED HOUSE  
BILL NO. 1875

By: Hamilton of the House

and

Haney of the Senate

An Act relating to the Commissioners of the Land Office; amending 62 O.S. 1991, Section 41.16, which relates to encumbrance requirements for payment of state funds; exempting certain payments made by the Commissioners of the Land Office from the encumbrance requirements; authorizing the Commissioners of the Land Office to make payments from certain proceeds; providing for the apportionment of certain accrued savings; providing for noncodification; and providing an effective date.

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

SECTION 1. AMENDATORY 62 O.S. 1991, Section 41.16, is amended to read as follows:

Section 41.16 Encumbrance requirements for payments from funds of the state shall include the following:

A. Whenever departments, institutions, boards, commissions or agencies of this state enter into contracts for, or on behalf of the state for the purchase of goods, wares or merchandise, or for construction of buildings, roads, bridges or any other thing for which labor and materials must be furnished by outside vendors, such agreement shall be evidenced by written contracts or purchase orders, and must be transmitted to the Director of State Finance within a reasonable time as determined by the Director of State Finance from the date of awarding of such contract or purchase order.

B. The Director of State Finance shall charge such contracts, purchase orders or agreements, against the proper appropriation allotment account as an outstanding order until it is liquidated by payment of a claim, or claims, against said contracts or purchase orders, or by cancellation.

C. The Director of State Finance shall have the authority, and is hereby given the power to authorize departments, institutions, boards, commissions or agencies of the state to make purchases not requiring the submission of competitive bids pursuant to Section 85.7 of Title 74 of the Oklahoma Statutes, or excluded from the purview of the Central Purchasing Act pursuant to Section 84.12 of Title 74 of the Oklahoma Statutes, for or on behalf of the state whenever the Director of State Finance determines that the best interests of the state are served thereby. The administrative head of any agency shall be personally liable for obligations incurred in excess of the authorization granted by the Director of State Finance.

D. The Director of State Finance shall never authorize payment of claims for the purchase of goods, wares and merchandise, or

claims for contractual services, for any agency of the state unless it is supported by (1) contracts or purchase orders of the State Board of Public Affairs, or (2) institutional purchase orders or contracts, or (3) departmental purchase orders or contracts, or (4) authorizations for purchases granted by the Director of State Finance as provided by subsection C of this section. Any invoice or claim dated prior to the date of any of the above-mentioned encumbrance documents shall be rejected by the Director of State Finance. Any encumbrance document that is outstanding on the records in the Office of State Finance for a period of one (1) year shall be canceled, encumbrances for capital outlay excepted.

E. Beginning October 1, 1997, the Commissioners of the Land Office, in connection with the payment of the custodial bank and investment managers retained pursuant to Section 51 of Title 64 of the Oklahoma Statutes, shall be excluded from the requirements of this section. The Commissioners of the Land Office shall be authorized to make payment to its custodial bank and investment managers from the proceeds of total investments, and such payments may be made from the accounts of the Commissioners of the Land Office at its custodial bank.

SECTION 2. Savings accruing to the Commissioners of the Land Office during the fiscal year ending June 30, 1998, due to the elimination of employees or positions shall be apportioned to the school districts pursuant to Section 10-104 of Title 70 of the Oklahoma Statutes.

SECTION 3. NONCODIFICATION The provisions of Section 2 of this act shall not be codified in the Oklahoma Statutes.

SECTION 4. This act shall become effective September 1, 1997.

Passed the House of Representatives the 23rd day of May, 1997.

Speaker of the House of  
Representatives

Passed the Senate the 23rd day of May, 1997.

President of the Senate