

SHORT TITLE: Public finance; excluding Commissioners of the Land Office from certain requirements; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 388

By: Herbert

AS INTRODUCED

An Act relating to public finance; amending 62 O.S. 1991, Section 41.16, which relates to certain encumbrance requirements; excluding Commissioners of the Land Office from certain requirements; authorizing Commissioners of the Land Office to make certain payments from certain accounts; and declaring an emergency.

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:~~

1. Contracts or purchase orders of the ~~State Board of Public Affairs, or (2) institutional~~ Department of Central Services;

2. Institutional purchase orders or contracts, ~~or (3) departmental;~~

3. Departmental purchase orders or contracts, ~~or (4) authorizations~~

4. Authorization 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, 1995, 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. 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.

46-1-0294

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