

1 ENGROSSED HOUSE  
2 BILL NO. 1780

By: Jones of the House

and

Jolley of the Senate

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6  
7 ( property - amending sections in Titles 60, 62 and

8 74 - codification - effective date -

9 emergency )

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

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SECTION 1. AMENDATORY 60 O.S. 2001, Section 661, as last

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amended by Section 2, Chapter 108, O.S.L. 2008 (60 O.S. Supp. 2008,

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Section 661), is amended to read as follows:

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Section 661. A. A person holding property, tangible or

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intangible, presumed abandoned and subject to custody as unclaimed

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property under the Uniform Unclaimed Property Act shall report to

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the State Treasurer concerning the property as provided in this

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section.

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B. The report must be verified and must include:

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1. The name, if known, and last-known address, if any, of each

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person appearing from the records of the holder to be the owner of

1 property of the value of Fifty Dollars (\$50.00) or more presumed  
2 abandoned under the Uniform Unclaimed Property Act and items of  
3 value under Fifty Dollars (\$50.00), reported in the aggregate,  
4 except property which is one of a recurring number of continuous  
5 payments, including, but not limited to, royalties, annuities,  
6 dividends, distributions and other sums presumed abandoned pursuant  
7 to subsection D of Section 655 of this title, which shall be  
8 reported in the same manner as property with a value of Fifty  
9 Dollars (\$50.00) or more;

10 2. In the case of unclaimed funds of Fifty Dollars (\$50.00) or  
11 more held or owing under any life or endowment insurance policy or  
12 annuity contract, the full name and last-known address of the  
13 insured or annuitant and of the beneficiary according to the records  
14 of the insurance company holding or owing the funds;

15 3. In the case of the contents of a safe deposit box or other  
16 safekeeping repository or of other tangible personal property, a  
17 description of the property and the place where it is held, which  
18 may be inspected by the State Treasurer, and any amounts, including  
19 offsets for drilling costs and rent, owing to the holder;

20 4. The description of the property, including type and  
21 identifying number if any, and the amount appearing from the records  
22 to be due;

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1           5. The date when the property became payable, demandable or  
2 returnable, and the date of the last transaction with the owner with  
3 respect to the property;

4           6. In the case of a cashier's check, if known, the names and  
5 last-known addresses of the payee(s), the payor(s) and the  
6 purchaser(s); and

7           7. Any other information reasonably required by the Treasurer.

8           C. If the person holding property presumed abandoned and  
9 subject to custody as unclaimed property is a successor to other  
10 persons who previously held the property for the apparent owner or  
11 if the name of the holder has changed while holding the property,  
12 the holder shall file with the report all known names and addresses  
13 of each previous holder of the property.

14           D. The report must be filed before November 1 of each year for  
15 property reportable as of the preceding ~~September~~ July 1, but the  
16 report of any life insurance company must be filed before May 1 of  
17 each year for property reportable as of the preceding March 1. The  
18 State Treasurer may postpone the reporting date upon written request  
19 by any person required to file a report.

20           E. Not more than one hundred twenty (120) days before filing  
21 the report required by this section, the holder in possession of  
22 property presumed abandoned and subject to custody as unclaimed  
23 property under the Uniform Unclaimed Property Act shall send written  
24 notice to the apparent owner at the owner's last-known address

1 informing the owner that the holder is in possession of property  
2 subject to the Uniform Unclaimed Property Act if:

3 1. The holder has in the records of the holder an address for  
4 the apparent owner which the holder's records do not disclose to be  
5 inaccurate;

6 2. The claim of the apparent owner is not barred by the statute  
7 of limitations; and

8 3. The property has a value of Fifty Dollars (\$50.00) or more,  
9 or the property has a value of less than Fifty Dollars (\$50.00) and  
10 is one of a recurring number of continuous payments, including, but  
11 not limited to, royalties, annuities, dividends, distributions and  
12 other recurring sums presumed abandoned pursuant to subsection D of  
13 Section 655 of this title. The holder is not required to send  
14 written notice to the owner if the holder has previously attempted  
15 to communicate with the owner, or otherwise exercised due diligence  
16 to ascertain the whereabouts of the owner. The mailing of notice by  
17 first-class mail to the last-known address of the owner by the  
18 holder shall constitute compliance with this subsection and, if  
19 done, no further act on the part of the holder shall be necessary.

20 F. Reports filed by a holder shall remain confidential except  
21 for that information required to be subject to public inspection  
22 pursuant to the Uniform Unclaimed Property Act.

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1 SECTION 2. AMENDATORY 60 O.S. 2001, Section 662, as last  
2 amended by Section 3, Chapter 108, O.S.L. 2008 (60 O.S. Supp. 2008,  
3 Section 662), is amended to read as follows:

4 Section 662. A. The State Treasurer shall cause at least two  
5 notices to be published during the year following the report  
6 required by Section 661 of this title in a legal newspaper of  
7 general circulation in the county in this state in which is located  
8 the last-known address of any person to be named in the notice.

9 Different legal newspapers of general circulation may be used for  
10 each notice. If no address is listed or if the address is outside  
11 this state, the notice must be published in the county within this  
12 state which is the principal place of business of the holder of the  
13 abandoned property, or in a an Oklahoma newspaper which the State  
14 Treasurer believes most likely to be seen by the owner of the  
15 property or by heirs of the owner.

16 B. The published notice must be entitled "Notice of Names of  
17 Persons Appearing to be Owners of Abandoned Property", and contain:

18 1. The names in alphabetical order and last-known address, if  
19 any, of persons listed in the report and entitled to notice within  
20 the county as specified in subsection A of this section;

21 2. A statement that information concerning the property and the  
22 name and last-known address of the holder may be obtained by any  
23 person possessing an interest in the property by addressing an  
24 inquiry to the State Treasurer; and

1 3. A statement that the property is in the custody of the State  
2 Treasurer and all claims must be directed to the State Treasurer.

3 C. The State Treasurer is not required to publish in the notice  
4 any items of less than Fifty Dollars (\$50.00) unless the State  
5 Treasurer considers their publication to be in the public interest.

6 D. The State Treasurer shall provide electronic access to the  
7 new names and last-known addresses of all persons reported to the  
8 State Treasurer as owners of unclaimed property on an Internet web  
9 site. The State Treasurer shall take reasonable steps to publicize  
10 the existence of this web site and shall publish an advertisement no  
11 less than once each calendar quarter in a legal newspaper of general  
12 circulation in each county of this state.

13 SECTION 3. AMENDATORY 60 O.S. 2001, Section 668, as last  
14 amended by Section 6, Chapter 318, O.S.L. 2004 (60 O.S. Supp. 2008,  
15 Section 668), is amended to read as follows:

16 Section 668. A. There is hereby created in the State Treasury  
17 the "Unclaimed Property Fund", the principal of which shall  
18 constitute a trust fund for persons claiming any interest in any  
19 property delivered to the state under the Uniform Unclaimed Property  
20 Act and may be invested as hereinafter provided and shall not be  
21 expended except as provided in the Uniform Unclaimed Property Act.  
22 All funds received under the Uniform Unclaimed Property Act,  
23 including the proceeds from the sale of abandoned property under  
24 Section 667 of this title, shall forthwith be deposited by the State

1 Treasurer in the Unclaimed Property Fund, herein created, except  
2 that the State Treasurer may before making any deposit to the fund  
3 deduct:

4 1. All costs in connection with the sale of abandoned property;

5 2. All costs of mailing and publication in connection with any  
6 abandoned property including the cost of custody services for  
7 unclaimed securities;

8 3. Reasonable service charges not to exceed four percent (4%)  
9 of the monies accruing to the state under the Uniform Unclaimed  
10 Property Act, which may be used to defray the administrative costs  
11 of the unclaimed property program, including costs necessary to  
12 retain legal counsel to ensure compliance with the Uniform Unclaimed  
13 Property Act, or to acquire computer hardware and software to be  
14 used exclusively to help administer the unclaimed property program;  
15 and

16 4. An amount equal to fifteen percent (15%) of the funds  
17 accruing to the state pursuant to a contract with the State  
18 Treasurer providing information leading to the delivery of unclaimed  
19 property held by a holder to the State Treasurer to be deposited in  
20 the Unclaimed Property Clearinghouse Fund.

21 B. Before making a deposit to the Unclaimed Property Fund, the  
22 State Treasurer shall record the name and last-known address of each  
23 person appearing from the holders' reports to be entitled to the  
24 abandoned property and of the name and last-known address of each

1 insured person or annuitant, and with respect to each policy or  
2 contract listed in the report of a life insurance corporation, its  
3 number, the name of the corporation, and the amount due. The record  
4 shall be available for public inspection at all reasonable business  
5 hours.

6 SECTION 4. AMENDATORY 60 O.S. 2001, Section 668.1, as  
7 amended by Section 7, Chapter 318, O.S.L. 2004 (60 O.S. Supp. 2008,  
8 Section 668.1), is amended to read as follows:

9 Section 668.1 A. There is hereby created in the State Treasury  
10 a revolving fund for the State Treasurer to be designated the  
11 "Unclaimed Property Clearinghouse Fund". The fund shall be a  
12 continuing fund, not subject to fiscal year limitations, and shall  
13 consist of monies deposited to the fund pursuant to Section 668 of  
14 this title. All monies accruing to the credit of the fund are  
15 appropriated to the State Treasurer. The State Treasurer may budget  
16 and expend monies from the fund for the purpose of making payment  
17 for the mailing, publication and sale costs associated with  
18 abandoned property, and to persons, firms, or corporations who are  
19 regularly engaged in the business of notifying states about property  
20 which may be subject to the provisions of unclaimed property  
21 statutes of those states. The State Treasurer may enter into  
22 contracts with these persons, firms or corporations performing these  
23 services, which services may include the examination of any party  
24 subject to examination under the Uniform Unclaimed Property Act.

1 The State Treasurer may delegate all necessary authority to act in  
2 the State Treasurer's behalf to such persons, firms or corporations  
3 to enforce the provisions of the Uniform Unclaimed Property Act.

4 B. The State Treasurer shall be authorized to expend monies  
5 from the Unclaimed Property Clearinghouse Fund in payment of a  
6 reasonable fee not to exceed fifteen percent (15%) of the delivered  
7 funds to a person, firm, or corporation contracting with the State  
8 Treasurer providing information leading to the delivery of unclaimed  
9 property held by a holder to the State Treasurer. Such payment  
10 shall not be made until the funds have been deposited with the State  
11 Treasurer.

12 C. The State Treasurer is authorized to purchase services,  
13 including legal services, in order to locate and effect the delivery  
14 of property and related owner information to assist the State  
15 Treasurer in the Treasurer's duties related to the administration of  
16 the Uniform Unclaimed Property Act. The purchase of such services  
17 shall be chosen by a solicitation of proposals on a competitive  
18 basis, but shall be exempt from the provisions of The Oklahoma  
19 Central Purchasing Act.

20 SECTION 5. AMENDATORY 60 O.S. 2001, Section 675, is  
21 amended to read as follows:

22 Section 675. A. The State Treasurer shall consider any claim  
23 filed under the Uniform Unclaimed Property Act and may hold a  
24 hearing and receive evidence concerning it. The procedure to be

1 followed hereunder shall be as prescribed by the Administrative  
2 Procedures Act. If a hearing is held, the State Treasurer shall  
3 prepare a finding and decision in writing on each claim filed,  
4 stating the substance of any evidence heard by the State Treasurer  
5 and the reasons for the State Treasurer's decision. The decision  
6 shall be a public record.

7 B. Upon approval by the State Treasurer, the claim shall be  
8 paid forthwith from the Unclaimed Property Fund. The claim shall be  
9 paid without deduction for costs of notices or sale or for service  
10 charges.

11 C. The State Treasurer shall not pay monies to rightful owners,  
12 or their heirs, devisees, and assigns, exceeding the reimbursement  
13 amount the Treasurer shall receive from the Mineral Owner's Fund  
14 attributable to such payments to rightful owners, or their heirs,  
15 devisees, and assigns.

16 SECTION 6. AMENDATORY 62 O.S. 2001, Section 71, as  
17 amended by Section 1, Chapter 308, O.S.L. 2004 (62 O.S. Supp. 2008,  
18 Section 71), is amended to read as follows:

19 Section 71. A. The State Treasurer is authorized and directed  
20 to select a number of banks, savings banks or savings and loan  
21 associations and credit unions within the State of Oklahoma as  
22 depositories for all monies and funds coming into the hands of the  
23 State Treasurer as the official depository. Such banks, savings  
24 banks or savings and loan associations and credit unions shall be in

1 good standing and conducting a regular banking business and shall  
2 collect such drafts, bills of exchange, and checks as may be  
3 deposited by the state in the regular course of business, and shall  
4 pay all checks and drafts legally authorized and duly drawn on the  
5 funds deposited in such banks, savings banks or savings and loan  
6 associations and credit unions.

7       B. At the request of state agencies or state institutions  
8 conducting operations or transacting state business outside the  
9 State of Oklahoma, the State Treasurer is hereby authorized to name  
10 and designate financial institutions located without the State of  
11 Oklahoma as official depositories of state monies and funds where it  
12 is shown to the satisfaction of the State Treasurer that the need  
13 for such out-of-state depository is required for the orderly and  
14 expeditious deposit of monies and funds coming into the possession  
15 of the requesting state agency or state institution. For purposes  
16 of this section, the State Treasurer shall not designate any  
17 financial institution outside the United States for the deposit of  
18 public funds, monies, securities, or any other financial assets  
19 subject to the control of the State Treasurer. Any out-of-state  
20 financial institution designated as an official depository of the  
21 State Treasurer shall have a service agent in the State of Oklahoma  
22 so that service of summons or legal notice may be had on such  
23 designated agent as is now or may hereafter be provided by law.  
24 Before designating any financial institution outside the State of

1 Oklahoma as an official depository, the State Treasurer shall, if  
2 the State Treasurer deems it necessary, require a bond to be given  
3 by such financial institution to the State of Oklahoma in double the  
4 amount of monies which the requesting state agency or institution  
5 anticipates will be the maximum amount of money or funds on deposit  
6 at any one time with the financial institution. Such bond will be  
7 approved by the State Treasurer and filed with the Secretary of  
8 State. Any out-of-state financial institution designated as an  
9 official depository shall in all respects conform to and comply with  
10 the provisions of this section, the Security for Public Deposits  
11 Act, and any and all laws pertaining to financial institutions  
12 receiving deposits of public monies or funds.

13 C. The State Treasurer shall establish procedures which provide  
14 minimum standards for establishing and maintaining relationships  
15 between state entities and financial institutions. As used in this  
16 subsection, "financial institutions" means those institutions  
17 described in subsection E of this section, companies that provide  
18 alternative direct deposit services known as payroll card or  
19 paycard, credit card processing companies and other companies which  
20 handle or process financial transactions. Any agreements between  
21 state agencies and financial institutions, as defined in this  
22 subsection, shall be subject to prior approval by the State  
23 Treasurer. If the State Treasurer has an agreement with a financial  
24 institution to provide services to the State Treasurer, a state

1 agency may pay the institution directly for services performed for  
2 the agency under the same terms, if the services are services not  
3 previously provided to the agency through the State Treasurer.  
4 State agencies may enter into agreements with the State Treasurer to  
5 participate in any agreements entered into by the State Treasurer  
6 with financial institutions or companies which handle or process  
7 financial transactions as described in this subsection. Any state  
8 agency participating in such an agreement may pay the vendor  
9 directly for any fees owed on transactions associated with that  
10 agency. The State Treasurer is authorized to prescribe formats and  
11 issue all state vouchers, warrants and checks drawn on state  
12 treasury funds. The State Treasurer may compensate financial  
13 institutions for services rendered to the state by direct fee  
14 charges or through compensating balances. Any financial institution  
15 receiving payment for services from the state through compensating  
16 balances shall file a report quarterly with the State Treasurer  
17 detailing the services rendered to the state and the charges for  
18 such services. Such charges shall not exceed those made for similar  
19 services to other customers of the financial institution. If the  
20 quarterly value of the compensating balance arrangement is above or  
21 below the quarterly charges for the services rendered to the state  
22 had service charges been separately billed, the difference in amount  
23 of the quarterly charges for the services rendered and the amount of  
24 the compensating balance shall be applied to the subsequent quarter.

1 Any compensation arrangements made with financial institutions  
2 pursuant to this subsection shall not be subject to the provisions  
3 of The Oklahoma Central Purchasing Act.

4 D. Of the public funds in the hands of the State Treasurer,  
5 there shall not be deposited in any one of such banks, savings banks  
6 or savings and loan associations and credit unions an amount to  
7 exceed the combined amount of insured deposits plus approved legal  
8 securities pledged by such banks, savings banks or savings and loan  
9 associations and credit unions therefor. Such banks, savings banks  
10 or savings and loan associations and credit unions shall make  
11 quarterly reports of the amount deposited, checked out, or withdrawn  
12 and the balances on hand for the fiscal year.

13 E. All provisions of this title relating to depositories for  
14 public funds shall include, in addition to banks, all financial  
15 institutions of this state. As used in this subsection, the term  
16 "financial institutions" means banks, savings banks, savings and  
17 loan associations and credit unions in this state whose deposits are  
18 insured by the Federal Deposit Insurance Corporation, the National  
19 Credit Union Administration or any successor institutions.

20 F. The State Treasurer may permit treasurers of local  
21 governmental entities to place public funds under their control into  
22 investments used by the State Treasurer for state funds, if the  
23 local treasurer has appropriate investment authority.

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1 SECTION 7. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 71.2 of Title 62, unless there  
3 is created a duplication in numbering, reads as follows:

4 The State Treasurer is authorized to purchase software,  
5 hardware, and associated services to assist the State Treasurer in  
6 the Treasurer's duties related to the control, custody, deposit,  
7 transfer disbursement, management and investment of funds and  
8 securities held by the state. Software, hardware, and associated  
9 services shall be chosen by a solicitation of proposals on a  
10 competitive basis, but shall be exempt from the provisions of The  
11 Oklahoma Central Purchasing Act. Software, hardware and associated  
12 services purchases by the State Treasurer for these purposes shall  
13 not require the authorization of the Director of State Finance.

14 SECTION 8. AMENDATORY 62 O.S. 2001, Section 89.2, as  
15 last amended by Section 6, Chapter 233, O.S.L. 2006 (62 O.S. Supp.  
16 2008, Section 89.2), is amended to read as follows:

17 Section 89.2 A. The State Treasurer is directed to invest the  
18 maximum amount of funds under control of the State Treasurer  
19 consistent with good business practices; provided that the Treasurer  
20 shall keep eighty percent (80%) or more of the money under control  
21 of the State Treasurer invested during each fiscal year based on the  
22 average daily balances during the fiscal year. Except as otherwise  
23 provided for by law, the investments shall earn not less than the  
24 rate for comparable maturities on United States Treasury

1 obligations. Except as otherwise provided for by law, the State  
2 Treasurer may purchase and invest only in:

3 1. Obligations of the United States Government, its agencies  
4 and instrumentalities, or other obligations fully insured or  
5 unconditionally guaranteed as to the payment of principal and  
6 interest by the United States government or any of its agencies and  
7 instrumentalities;

8 2. Collateralized or insured certificates of deposit and other  
9 evidences of deposit at banks, savings banks, savings and loan  
10 associations and credit unions located in this state;

11 3. Negotiable certificates of deposit issued by a nationally or  
12 state-chartered bank, a savings bank, a savings and loan association  
13 or a state-licensed branch of a foreign bank. Purchases of  
14 negotiable certificates of deposit shall not exceed ten percent  
15 (10%) of the cash available for investment which may be invested  
16 pursuant to this section. Not more than one-half (1/2) of the ten  
17 percent (10%) limit shall be invested in any one financial  
18 institution specified in this paragraph;

19 4. Prime banker's acceptances which are eligible for purchase  
20 by the Federal Reserve System and which do not exceed two hundred  
21 seventy (270) days' maturity. Purchases of prime banker's  
22 acceptances shall not exceed ten percent (10%) of the cash available  
23 for investment which may be invested pursuant to this section. Not  
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1 more than three-fourths (3/4) of the ten percent (10%) limit shall  
2 be invested in any one commercial bank pursuant to this paragraph;

3 5. Prime commercial paper which shall not have a maturity that  
4 exceeds one hundred eighty (180) days nor represent more than ten  
5 percent (10%) of the outstanding paper of an issuing corporation.  
6 Purchases of prime commercial paper shall not exceed seven and one-  
7 half percent (7 1/2%) of the cash available for investment which may  
8 be invested pursuant to this section;

9 6. Investment grade obligations of state and local governments,  
10 including obligations of Oklahoma state public trusts which possess  
11 the highest rating from at least one nationally recognized rating  
12 agency acceptable to the State Treasurer. Purchases of investment  
13 grade obligations of state and local governments shall not exceed  
14 ten percent (10%) of the cash available for investment which may be  
15 invested pursuant to this section;

16 7. Repurchase agreements, provided that such agreements are  
17 included within the written investment policy required by subsection  
18 D of this section that have underlying collateral consisting of  
19 those items and those restrictions specified in paragraphs 1 through  
20 6 of this subsection;

21 8. Money market funds and short term bond funds regulated by  
22 the Securities and Exchange Commission and which investments consist  
23 of those items and those restrictions specified in paragraphs 1  
24 through 7 of this subsection; and

1 9. Bonds, notes, debentures or other similar obligations of a  
2 foreign government which the International Monetary Fund lists as an  
3 industrialized country and for which the full faith and credit of  
4 such nation has been pledged for the payment of principal and  
5 interest; provided, that any such security shall be rated at least  
6 A- or better by Standard & Poor's Corporation or A3 or better by  
7 Moody's Investors Service, or an equivalent investment grade by a  
8 securities ratings organization accepted by the National Association  
9 of Insurance Commissioners; and provided further, that the total  
10 investment in such foreign securities at any one time shall not  
11 exceed five percent (5%) of the cash available for investment which  
12 may be invested pursuant to this section. In no circumstance shall  
13 investments be made in bonds, notes, debentures or any similar  
14 obligations of a foreign government that:

15 a. is identified as a state sponsor of terrorism by the  
16 United States Department of State, or

17 b. any authoritarian or totalitarian government the  
18 sovereign powers of which are exercised through a  
19 single person or group of persons who are not elected  
20 by any form of legitimate popular voting.

21 B. Investments shall be made with judgment and care, under  
22 circumstances then prevailing, which persons of prudence, discretion  
23 and intelligence exercise in the management of their own affairs,  
24 not for speculation, but for investment, considering the probable

1 safety of their capital as well as the probable income to be  
2 derived.

3 C. The State Treasurer shall appoint an investment officer who  
4 shall perform duties related to the investment of state funds in the  
5 Office of the State Treasurer. The investment officer shall not  
6 perform or supervise any accounting functions, data processing  
7 functions or duties related to the documentation or settlement of  
8 investment transactions.

9 D. Investments of public funds by the State Treasurer shall be  
10 made in accordance with written policies developed by the State  
11 Treasurer. The written investment policies shall address:

- 12 1. Liquidity;
- 13 2. Diversification;
- 14 3. Safety of principal;
- 15 4. Yield;
- 16 5. Maturity and quality; and
- 17 6. Capability of investment management.

18 The State Treasurer shall place primary emphasis on safety and  
19 liquidity in the investment of public funds. To the extent  
20 practicable taking into account the need to use sound investment  
21 judgment, the written investment policies shall include provision  
22 for utilization of a system of competitive bidding in the investment  
23 of state funds. The written investment policies shall be designed

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1 to maximize yield within each class of investment instrument,  
2 consistent with the safety of the funds invested.

3 E. The State Treasurer shall select one custodial bank to  
4 settle transactions involving the investment of state funds under  
5 the control of the State Treasurer. The State Treasurer shall  
6 review the performance of the custodial bank at least once every  
7 year. The State Treasurer shall require a written competitive bid  
8 every five (5) years. The custodial bank shall have a minimum of  
9 Five Hundred Million Dollars (\$500,000,000.00) in assets to be  
10 eligible for selection. Any out-of-state custodial bank shall have  
11 a service agent in the State of Oklahoma so that service of summons  
12 or legal notice may be had on such designated agent as is now or may  
13 hereafter be provided by law. In order to be eligible for  
14 selection, the custodial bank shall allow electronic access to all  
15 transaction and portfolio reports maintained by the custodial bank  
16 involving the investment of state funds under control of the State  
17 Treasurer. The access shall be given to both the State Treasurer  
18 and to the Cash Management and Investment Oversight Commission. The  
19 requirement for electronic access shall be incorporated into any  
20 contract between the State Treasurer and the custodial bank.  
21 Neither the State Treasurer nor the custodial bank shall permit any  
22 of the funds under the control of the State Treasurer or any of the  
23 documents, instruments, securities or other evidence of a right to  
24 be paid money to be located in any place other than within a

1 jurisdiction or territory under the control or regulatory power of  
2 the United States Government.

3 F. The investment policy shall specify the general philosophy,  
4 policies and procedures to be followed in the investment of state  
5 monies by the State Treasurer. The investment policy shall include,  
6 but not be limited to, the following:

- 7 1. Policy objectives;
- 8 2. Performance measure objectives;
- 9 3. Authority for investment program;
- 10 4. Possible use of an investment advisory committee;
- 11 5. Reporting and documentation of investments;
- 12 6. Authorized investment instruments;
- 13 7. Diversification of investment risk;
- 14 8. Maturity limitations;
- 15 9. Selections of financial institutions;
- 16 10. Interest controls;
- 17 11. Safekeeping of investments;
- 18 12. Investment ethics; and
- 19 13. Formal adoption of policy.

20 G. The State Treasurer shall provide weekly reports of all  
21 investments made by the State Treasurer for that week to the  
22 Executive Review Committee of the Cash Management and Investment  
23 Oversight Commission, and list any commissions, fees or payments  
24 made for services regarding such investments. The reports required

1 by this subsection shall be delivered to the Committee within three  
2 (3) business days of the end of the applicable week, and the  
3 Committee shall communicate any facts or information it deems  
4 appropriate to the Cash Management and Investment Oversight  
5 Commission and shall also prepare all reports necessary for the  
6 quarterly meeting of the Commission.

7 H. Not later than July 1 of each year, the State Treasurer  
8 shall forward a copy of the written investment policy to the  
9 Governor, the Speaker of the House of Representatives, the President  
10 Pro Tempore of the Senate, the Attorney General, the Bank  
11 Commissioner, and the Director of State Finance. In addition, the  
12 State Treasurer shall maintain one copy of the investment policy in  
13 the office of the State Treasurer for public inspection during  
14 regular business hours. Copies of any modifications to the  
15 investment policy shall be forwarded to the Governor, Speaker of the  
16 House of Representatives, President Pro Tempore of the Senate, and  
17 each member of the Cash Management and Investment Oversight  
18 Commission.

19 SECTION 9. AMENDATORY 62 O.S. 2001, Section 89.6, is  
20 amended to read as follows:

21 Section 89.6 The State Treasurer ~~shall~~ may charge and collect  
22 the following fees:

23 1. For any returned check or electronic debit that is returned,  
24 a fee of Twenty-five Dollars (\$25.00);

1           2. For handling and processing rejected warrant items processed  
2 by the State Treasurer, a fee of forty-two cents (\$0.42) per item;

3 ~~and~~

4           3. For handling a stop-payment item processed by the State  
5 Treasurer on behalf of a state agency, a fee of Ten Dollars (\$10.00)  
6 for each item up to a maximum fee of Two Hundred Fifty Dollars  
7 (\$250.00) per day;

8           4. For expenses incurred in managing the state agency and  
9 General Fund blended portfolio, an annual fee of not more than two  
10 and one-half (2 1/2) basis points may be charged monthly against the  
11 average daily balance of the portfolio; provided, such fees will be  
12 collected at the time earnings are deposited to the General Fund and  
13 to participating state agencies; and

14           5. For expenses incurred in connection with separately managed  
15 investment portfolios, other than the state agency and General Fund  
16 blended portfolio, an annual fee of not more than five (5) basis  
17 points may be charged monthly against the average daily balance of  
18 each portfolio; provided, such fees will be collected at the time  
19 earnings are deposited to accounts for the benefit of portfolio  
20 owners.

21           SECTION 10.           AMENDATORY           74 O.S. 2001, Section 85.3A, as  
22 amended by Section 8, Chapter 319, O.S.L. 2008 (74 O.S. Supp. 2008,  
23 Section 85.3A), is amended to read as follows:

1 Section 85.3A Compliance with the provisions of The Oklahoma  
2 Central Purchasing Act shall not be required of:

- 3 1. County government;
- 4 2. The Oklahoma State Regents for Higher Education, the  
5 institutions, centers, or other constituent agencies of The Oklahoma  
6 State System of Higher Education;
- 7 3. The telecommunications network known as OneNet; ~~or~~
- 8 4. The Department of Public Safety gun range; or
- 9 5. The State Treasurer for the following purchases:

- 10 a. services, including, but not limited to, legal  
11 services to assist in the administration of the  
12 Uniform Unclaimed Property Act, as provided in Section  
13 668 of Title 60 of the Oklahoma Statutes, and
- 14 b. software, hardware and associated services to assist  
15 in the administration of funds and securities held by  
16 the state, as provided in Section 7 of this act.

17 SECTION 11. Sections 1 through 7, 9 and 10 of this act shall  
18 become effective November 1, 2009.

19 SECTION 12. It being immediately necessary for the preservation  
20 of the public peace, health and safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

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