

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 3209

By: Sears and Casey of the  
House

4 and

5 Jolley and Treat of the  
6 Senate

7  
8  
9 AS INTRODUCED

10 An Act relating to public finance; amending 62 O.S.  
11 2011, Section 34.49, as amended by Section 376,  
12 Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2015, Section  
13 34.49), which relates to allotment of appropriations  
14 and reductions of certain revenue amounts; requiring  
15 reduction of certain apportioned revenues in the  
16 event of revenue failure; providing exceptions;  
17 providing an effective date; and declaring an  
18 emergency.

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

20 SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.49, as  
21 amended by Section 376, Chapter 304, O.S.L. 2012 (62 O.S. Supp.  
22 2015, Section 34.49), is amended to read as follows:

23 Section 34.49 A. Appropriations and/or federal funds shall be  
24 allotted for each agency as provided by the language of the  
legislative appropriation and other applicable state law. Items may

1 be allotted on a monthly, quarterly, semiannual or annual basis upon  
2 the written request of the agency and the approval of the Director  
3 of the Office of Management and Enterprise Services.

4 B. The request officer for each agency shall present the  
5 proposed classification of the expenditures for that agency in such  
6 manner as may be required by the Office of Management and Enterprise  
7 Services.

8 C. Each agency shall be required to identify those items that  
9 are for capital purposes in keeping with the definition of capital  
10 projects promulgated by the Long-Range Capital Planning Commission.  
11 Requests for capital appropriations and an agency's original budget  
12 request shall be for capital projects that have been submitted to  
13 the Long-Range Capital Planning Commission for review.

14 D. The Director of the Office of Management and Enterprise  
15 Services shall review the requested allotments with respect to the  
16 agency budget with each agency. The Director may require the agency  
17 to change such allotments before approving them, if it is deemed  
18 necessary, reserving a sufficient balance in the appropriation to  
19 finance the operations of the agency for the remainder of any fiscal  
20 year.

21 E. At the end of any fiscal year, the entire amount  
22 appropriated to any agency must be allotted to the agency by the  
23 Director of the Office of Management and Enterprise Services, except  
24 where the estimated budget resources during any fiscal year are

1 insufficient to pay all of the appropriations of the state in full  
2 for such year. The Director of the Office of Management and  
3 Enterprise Services shall not allot to any agency during any fiscal  
4 year, an amount which will be in excess of the amount of revenue  
5 collected and allocated to appropriations made to such agency.

6 F. In the event of a failure of revenue, the Director of the  
7 Office of Management and Enterprise Services shall control the  
8 allotment to prevent obligations being incurred in excess of the  
9 revenue to be collected. However, within each state fund where a  
10 revenue failure occurs, the Director of the Office of Management and  
11 Enterprise Services shall make all reductions apply to each state  
12 agency or special appropriation made by the State Legislature, in  
13 the ratio that its total appropriation for that fiscal year bears to  
14 the total of all appropriations for that fiscal year, as provided in  
15 Section 23 of Article X of the Oklahoma Constitution.

16 G. An allotment may be approved for any item for the entire  
17 year or may be approved on a monthly, quarterly, or semiannual  
18 basis, but in no case shall the aggregate of such allotments for any  
19 agency exceed the total appropriation made available to such agency  
20 for the fiscal year to which they apply. Each agency's request for  
21 appropriation allotments shall show the amount required to finance  
22 each item of the request for the entire year and on a quarterly  
23 basis within each fiscal year. When the certification by the State  
24 Board of Equalization for the forthcoming fiscal year General

1 Revenue Fund is less than that of the current fiscal year  
2 certification, all revenue apportionments made by the Tax Commission  
3 shall be reduced by the same percentage, except for the following:  
4 1. Education Reform Revolving Fund;  
5 2. Apportionments of revenue to any of the following:  
6 a. Oklahoma Firefighters Pension and Retirement System,  
7 b. Oklahoma Police Pension and Retirement System,  
8 c. Uniform Retirement System for Justices and Judges,  
9 d. Oklahoma Law Enforcement Retirement System,  
10 e. Teachers' Retirement System of Oklahoma, and  
11 f. Oklahoma Public Employees Retirement System;  
12 3. The Oklahoma Higher Learning Access Program;  
13 4. Any apportionments provided for by law in order to fulfill  
14 commitments made by the State of Oklahoma pursuant to any compact  
15 with a federally recognized Indian Tribe;  
16 5. The Rebuilding Oklahoma Access and Driver Safety (ROADS)  
17 Fund;  
18 6. Any apportionment of revenue to a county or other political  
19 subdivision for the purpose of road, bridge or other transportation-  
20 related funding;  
21 7. The General Revenue Fund;  
22 8. The Building Bonds Sinking Fund;  
23 9. Any apportionment required for payment of incentives  
24 pursuant to the Oklahoma Quality Jobs Program Act; and

1        10. Any apportionment required for an internal fund of the  
2 Oklahoma Tax Commission.

3            H. The Director of the Office of Management and Enterprise  
4 Services shall review each allotment request for the purpose of  
5 determining whether:

6            1. The itemized requests are in accordance with the agency  
7 budget;

8            2. The accounting classification is sufficient to reflect the  
9 purposes for which the expenditures are to be made;

10           3. The current financial requirements of the agency justify the  
11 monthly or quarterly allotment, reserving a sufficient balance to  
12 finance the remaining months or quarters; and

13           4. The realization of the estimated revenues is sufficient to  
14 allow the allotments to be made.

15           I. The Legislature shall be exempt from submitting any agency  
16 budget or allotment request.

17           SECTION 2. This act shall become effective July 1, 2016.

18           SECTION 3. It being immediately necessary for the preservation  
19 of the public peace, health and safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

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23           55-2-9865            MAH            05/12/16

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