

1 ENGROSSED HOUSE
2 BILL NO. 2086

By: McCall and O'Donnell of the
House

3 and

4 Taylor of the Senate
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6
7 An Act relating to public finance; amending 62 O.S.
8 2011, Section 34.6, as last amended by Section 1,
9 Chapter 14, O.S.L. 2020 (62 O.S. Supp. 2020, Section
10 34.6), which relates to the powers and duties of the
11 Director of the Office of Management and Enterprise
12 Services; ensuring state agencies are charged no more
13 than actual cost of certain services provided;
14 providing exceptions; authorizing settlement of
15 disputes; defining term; and providing an effective
16 date.

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

18 SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.6, as
19 last amended by Section 1, Chapter 14, O.S.L. 2020 (62 O.S. Supp.
20 2020, Section 34.6), is amended to read as follows:

21 Section 34.6 A. The Director of the Office of Management and
22 Enterprise Services shall have the power and duty under the
23 direction of the Governor to:

24 1. Prepare the budget document and assist in the drafting of
legislation to make it effective;

2. Make field surveys and studies of governmental agencies,
looking toward economy and greater efficiency;

- 1 3. Make allotments to control expenditures;
- 2 4. Authorize transfers of appropriation authorized by law;
- 3 5. Study accounting and other reports rendered by the Central
- 4 Accounting and Reporting Division;
- 5 6. Enter into agreements with the United States Secretary of
- 6 the Treasury for the purpose of implementing federal law;
- 7 7. Aid the Governor in the economical management of state
- 8 affairs; and
- 9 8. Adopt such rules and regulations concerning the exercise of
- 10 powers and duties as the Director shall deem appropriate, in
- 11 accordance with the Administrative Procedures Act.

12 B. In addition to other duties, the Director of the Office of
13 Management and Enterprise Services shall, upon request, advise and
14 consult with members of the Legislature and legislative committees
15 concerning revenue and expenditures of state agencies.

16 C. The Director of the Office of Management and Enterprise
17 Services shall publish daily reports of all expenditures of funds
18 from the Coronavirus Aid, Relief, and Economic Security (CARES) Act
19 on the Oklahoma Checkbook page on the state website.

20 D. In addition to the powers and duties prescribed by
21 subsection A of this section, the Director shall ensure appropriated
22 state agencies are charged no more than the actual cost of the
23 services provided by the Office of Management and Enterprise
24 Services. Such charges shall not include costs related to

1 administration, overhead, insurance or any other additional costs
2 indirectly related to the services provided. The provisions of this
3 section shall not apply to:

4 1. Health insurance premiums set by the Employees Group
5 Insurance Division;

6 2. Insurance premiums set by the Risk Management Division;

7 3. Rates, fees or other collections by the Central Purchasing
8 Division for duties prescribed to the Division by law;

9 4. Rates, fees or other collections by the state or federal
10 surplus programs for duties prescribed to the programs by law; or

11 5. Rates resulting in notification to the Office of Management
12 and Enterprise Services or agency receiving the services from a
13 federal authority of alleged noncompliance with federal law or
14 federal agency rule that specifically cites the rate at issue and
15 provides a clear rationale explaining the alleged noncompliance, and
16 only if the Director of the Office and Management and Enterprise
17 Services determines the allegation is accurate and likely to result
18 in a loss of current or future federal funding.

19 E. The Governmental Technology Applications Revenue Board
20 shall settle any dispute if a state agency objects to the rates
21 proposed by the Office of Management and Enterprise Services if the
22 state agency alleges a rate to be noncompliant with subsection D of
23 this section. The Board shall use the description of actual cost in
24 subsection D of this section along with other cost accounting

1 principles it deems appropriate to determine the appropriateness of
2 the proposed rate. If the proposed rate is determined to be in
3 excess of actual cost, the Board shall recommend an appropriate rate
4 range. The Board shall only be required to settle disputes
5 concerning rates prior to billing and shall not be required to
6 settle disputes concerning billing or other matters after services
7 are provided or to settle disputes concerning the same rates in
8 consecutive fiscal years if a prior recommendation was made
9 concerning those rates.

10 F. For purposes of this section, "state agency" includes any
11 office, officer, bureau, board, council, court, commission,
12 institution, unit, division, body or house of the legislative,
13 executive or judicial branches of the state government, whether
14 elected or appointed, excluding only political subdivisions of the
15 state.

16 SECTION 2. This act shall become effective November 1, 2021.

17 Passed the House of Representatives the 11th day of March, 2021.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2021.

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Presiding Officer of the Senate