

ENGROSSED HOUSE
BILL NO. 1652

BY: CAMPBELL of the HOUSE

and

FORD of the SENATE

AN ACT RELATING TO THE CORPORATION COMMISSION;
AMENDING 62 O.S. 1981, SECTION 195, AS LAST AMENDED
BY SECTION 61, CHAPTER 265, O.S.L. 1990 (62 O.S.
SUPP. 1990, SECTION 195), WHICH RELATES TO PETTY
CASH FUNDS; AUTHORIZING A LITIGATION PETTY CASH
FUND IN THE CORPORATION COMMISSION; REQUIRING
PAYMENT OF WITNESS FEES IN CERTAIN CASES REGARDING
CORPORATION EMPLOYEES; PROVIDING FOR DEPOSITS;
PROVIDING FOR RETURN OF CERTAIN FEE; REQUIRING
PAYMENT OF CASH FOR CERTAIN REMITTANCES; PROVIDING
FOR DEPOSITS; AUTHORIZING CERTAIN PENALTIES;
AUTHORIZING CERTAIN COMPLAINTS; PROVIDING FOR
RETURN CHECKS; PROVIDING FOR CODIFICATION;
PROVIDING AN EFFECTIVE DATE; AND DECLARING AN
EMERGENCY.

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

SECTION 1. AMENDATORY 62 O.S. 1981, Section 195, as last amended by Section 61, Chapter 265, O.S.L. 1990 (62 O.S. Supp. 1990, Section 195), is amended to read as follows:

Section 195. A. 1. There is hereby created a petty cash fund at each of the following institutions: Oklahoma School for the

Blind, Muskogee, Oklahoma; Oklahoma School for the Deaf, Sulphur, Oklahoma; Griffin Memorial Hospital, Norman, Oklahoma; Eastern State Hospital, Vinita, Oklahoma; Enid State School, Enid, Oklahoma; Pauls Valley State School, Pauls Valley, Oklahoma; Western State Hospital, Fort Supply, Oklahoma; Central Oklahoma Juvenile Treatment Center, Tecumseh, Oklahoma; Hissom Memorial Center, Sand Springs, Oklahoma; L.E. Rader Children's Diagnostic and Evaluation Center, Sand Springs, Oklahoma; L.E. Rader Intensive Treatment Center, Sand Springs, Oklahoma; and the Oklahoma Medical Center.

2. The Director of State Finance and the head of the institution involved are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash funds. The Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash funds of the institution.

B. 1. There is hereby created a petty cash fund in the legal division of the Department of Human Services which fund shall be used solely to pay court costs, filing fees, witness fees, and expenses related to any case or proceeding within the responsibility of the legal division.

2. The Director of State Finance, and the Director of the Department of Human Services are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash fund. The Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash fund.

C. 1. There is hereby created a petty cash fund in the finance department of the Oklahoma Corporation Commission which shall be used solely to pay litigation expenses of the legal division, including court costs, filing fees, witness fees, and other expenses related to any case, proceeding, or matter within the responsibility of the legal division.

2. The Director of State Finance and the Corporation Commission are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash fund, not to exceed Five Hundred Dollars (\$500.00). The Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash fund.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 84.2 of Title 28, unless there is created a duplication in numbering, reads as follows:

A. If an employee of the Corporation Commission is subpoenaed in a civil case in which the state is not a party to testify as to any matter pertaining to his employment, the party causing the subpoena to be issued shall pay a fee of Seventy-five Dollars (\$75.00) to compensate the Corporation Commission for the employee's time and travel. A check or money order in payment of the fee shall be made payable to the Corporation Commission and the Corporation Commission shall be served with the subpoena. If the fee is not served with the subpoena or before the witness is required to testify, the witness shall not be compelled to obey the subpoena.

B. Fees so paid shall be deposited to the Corporation Commission Revolving Fund. If the witness fee is paid and the witness is released from the subpoena prior to the date of trial, the fee shall be returned to the party causing the subpoena to be issued.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 39.2 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. All remittances by bank draft, check, cashier's check, or money order, collected pursuant to any law, Commission rule, regulation, or order, shall be made payable to the Corporation Commission. The Commission shall issue its receipt, for cash or money payment to the remitter. No remittance other than cash shall be in full discharge of liability due the Corporation Commission

unless and until it shall have been paid in cash. All money collected shall be deposited with the State Treasurer of this state.

B. There shall be assessed, in addition to any other penalties provided for by law, an administrative service fee of Twenty Dollars (\$20.00) on each check returned to the Corporation Commission or any agent thereof by reason of the refusal of the bank upon which the check was drawn to honor the same.

C. Upon the return of any check by reason of the refusal of the bank upon which such check was drawn to honor the same, the Corporation Commission may file a bogus check complaint with the appropriate district attorney who shall refer the complaint to the Bogus Check Restitution Program established by Section 111 of Title 22 of the Oklahoma Statutes. Funds collected by the program, after collection of the fee authorized by Section 114 of Title 22 of the Oklahoma Statutes, shall be transmitted to the Corporation Commission and credited to the liability for which the returned check was drawn and to the administrative service fee provided by this section.

SECTION 4. This act shall become effective July 1, 1991.

SECTION 5. 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.

Passed the House of Representatives the 12th day of March, 1991.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate