

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 706

BY: STIPE

AS INTRODUCED

AN ACT RELATING TO STATE EMPLOYEES; AMENDING 74 O.S.

840.14, WHICH RELATES TO THE OKLAHOMA PERSONNEL  
ACT; REMOVING AUTHORIZATION FOR CITIZEN TO MAINTAIN  
CERTAIN LAWSUIT TO RESTRAIN PAYMENT IN  
CONTRAVENTION OF ACT; REMOVING AUTHORIZATION FOR  
CITIZEN TO RECOVER CERTAIN MONIES PAID IN  
CONTRAVENTION OF ACT; DELETING REQUIREMENT FOR  
CERTAIN MONIES RECOVERED BY CERTAIN LEGAL ACTIONS  
TO BE DEPOSITED IN STATE TREASURY; AND DECLARING AN  
EMERGENCY.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 840.14, is  
amended to read as follows:

Section 840.14 A. The administrative expenses and costs of  
operating the Merit System shall be paid by the various divisions of  
the state government included within the Merit System, and each such  
agency shall be authorized to include in its budget estimates its  
pro rata share of such costs, and shall remit such shares quarterly  
from departmental or agency funds to the Office of Personnel  
Management who shall deposit such shares to the credit of the  
General Revenue Fund of the State Treasury.

B. The Administrator shall maintain accurate records reflecting the costs of administering its provisions, and at the close of each quarter-year period he shall summarize said costs, and shall bill each department or agency included within the terms of this act with a pro rata share of the administrative costs based on the relationship between the quarterly average number of employees in the classified service of such department or agency, and the quarterly average number of employees in the classified service of all the departments or agencies included within the terms of this act by Executive Order for the appropriate calendar quarter.

C. The Administrator shall separately categorize and estimate expenditures and budget needs for other services performed which are not appropriately charged to state agencies on a pro rata basis.

D. No state disbursing or auditing officer shall make or approve or take any part in making or approving any payment for personal service to any person holding a position in the state classified service, brought under this act unless the payroll voucher or account of such pay bears the certification of the Director, or of his authorized agent, that the persons named therein have been appointed and employed in accordance with the provisions of this act and the rules, regulations and orders promulgated hereunder. The Director may for proper cause withhold certification from an entire payroll or from any specific item or items thereon.

~~Any citizen may maintain a suit to restrain a disbursing officer from making any payment in contravention of any provision of this act, rules or regulations promulgated hereunder. Any sum paid contrary to any provision of this act or any rule, regulation or order promulgated hereunder may be recovered in an action maintained by any citizen, from any officer who made, approved or authorized such payment or who signed or countersigned a voucher, payroll, check or warrant for such payment, or from the sureties on the~~

~~official bond of any such officer. All monies recovered in any such action shall be paid into the State Treasury.~~

Any person appointed or employed in contravention of any provision of this act or any rules, regulations or orders promulgated hereunder, whose employment is brought within the terms of this act, who performs service for which he is not paid, may maintain an action against the officer or officers who purported to appoint or employ him to recover the agreed pay for such services, or the reasonable value thereof if no pay was agreed upon. No officer shall be reimbursed by the state at any time for any sum paid to such person on account of such services.

If the Director wrongfully withholds certification of the payroll voucher or account of any employee, such employee may maintain an action or proceeding in the courts to compel the Director to certify such payroll voucher or account.

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.

43-2-1851

MJM