

ENGROSSED SENATE
BILL NO. 155

By: Herbert of the Senate
and
Seikel of the House

An Act relating to public finance; amending 62 O.S. 1991, Sections 310.4, 310.9, 477 and 553, which relate to contracts and expenditures, limits of authority and notice of ability to pay registered warrants; deleting certain information relating to unencumbered balances; modifying duties of certain county and municipal officers; allowing counties to require certain persons to complete certain affidavit; modifying liabilities of certain county and municipal officers; modifying certain public notice; and declaring an emergency.

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

SECTION 1. AMENDATORY 62 O.S. 1991, Section 310.4, is amended to read as follows:

Section 310.4 ~~All unencumbered balances as shown by the officer charged with keeping the appropriation and expenditure records of the county or municipality on hand at the close of day June 30, may remain as a credit for said fiscal year up to the close of day September 30, next.~~ Said officer charged with keeping the appropriation and expenditure records of the county or municipality shall at any time during the month of July advertise in a newspaper

of general circulation in the county and shall cause to be published for two (2) consecutive times if in a daily newspaper and once if in a weekly newspaper, notice in the following form:

PUBLIC NOTICE

All persons having an indebtedness or claim against

County or Municipality

are hereby notified that ~~a purchase order or contract~~ all invoices and documentation pertaining to said purchase order or contract must be recorded in the office of _____ Clerk on or before September 30, 19___, covering all debts now unpaid and incurred during the period beginning on July 1, 19___, and ending on June 30, 19___, or said account shall be void and forever barred.

Clerk or Encumbering Officer

Provided further that the provisions of this act shall not be so construed to allow the incurring of a new indebtedness during the months of July, August and September chargeable to the appropriation account of the immediately preceding fiscal year.

SECTION 2. AMENDATORY 62 O.S. 1991, Section 310.9, is amended to read as follows:

Section 310.9 A. Except as provided in subsection B of this section, on every invoice submitted to any county or political subdivision of the state, for payment of an architect, contractor, engineer or supplier of materials of One Thousand Dollars (\$1,000.00) or more, the sworn statement required by Section 3109 of Title 74 of the Oklahoma Statutes shall be required.

B. Any county, municipality or school district executing a contract with any architect, contractor, supplier or engineer for work, services or materials which are needed on a continual basis from such architect, contractor, supplier or engineer under the terms of such contract, may require that the architect, contractor,

supplier or engineer complete a signed and notarized affidavit in substantial form as provided by subsection A of this section which shall apply to all work, services or materials completed or supplied under the terms of the contract and shall be in lieu of all individual affidavits for each invoice submitted in relation to such contract as required in subsection A of this section.

SECTION 3. AMENDATORY 62 O.S. 1991, Section 477, is amended to read as follows:

Section 477. It shall be unlawful for any officer to issue, approve, sign, or attest ~~or register~~ any warrant or certificate of indebtedness in any form in excess of the estimate of expenses made and approved for the current fiscal year or authorized for such a purpose by a bond issue, and any such warrant or certificate of indebtedness issued, approved, or attested ~~or registered~~ in excess of the estimate made and approved or authorized by a bond issue, shall not be a charge against the municipality or school district upon which it is issued, but may be collected by civil action from any officer issuing, drawing, approving, signing, or attesting, ~~registering or paying~~ the same, or from either or all of them, or from their bondsmen.

SECTION 4. AMENDATORY 62 O.S. 1991, Section 553, is amended to read as follows:

Section 553. It shall be the duty of all such treasurers, whenever any money comes into their hands by virtue of their respective office, to set apart a sufficient fund to pay any or all warrants or orders they may have registered in compliance with the provisions of ~~this article~~ Section 551 et seq. of this title, and to keep the same until called for; and the State Treasurer shall make regular calls, at least every sixty (60) days, by publishing notice in some newspaper of general circulation published at the state capital, giving notice that he has money in his hands with which to pay warrants, and give the numbers and the several funds, and

requesting that the same be presented at the Treasury for payment and cancellation, and every county treasurer, city or town treasurer, and the treasurer of every board of education, shall make calls for warrants or orders by posting notices in the manner as provided by Section 475 of this title or by publication of a like notice as that required of the State Treasurer, in some paper of general circulation published in the county, and the interest on any and all warrants or orders called as above specified, shall cease on and after thirty (30) days from the date of the publication of such notice: Provided, that each county treasurer shall transmit to the State Treasurer all state funds or warrants in his hands on the first day of each month: Provided, further, that any treasurer who violates any of the provisions of this article, shall be guilty of a misdemeanor, and punished as provided in ~~the preceding section~~ Section 552 of this title: And provided, further, that each school district treasurer shall publish such notice by posting printed or written notices of the same in two or more public places in his district.

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 Senate the 1st day of March, 1993.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1993.

Speaker

of the House of
Representatives