

ENROLLED SENATE
BILL NO. 155

By: Herbert of the Senate

and

Seikel and Bonny of the
House

An Act relating to public finance and counties and county officers; amending 62 O.S. 1991, Sections 310.4, 310.9 and 361, which relate to contracts and expenditures and judgments against municipalities; modifying duties of certain county and municipal officers; allowing counties to require certain persons to complete certain affidavit; requiring certain affidavit for public entities executing more than one contract; providing for construction of certain term; amending 19 O.S. 1991, Section 444, which relates to publishing certain proceedings; exempting certain orders from publishing requirement; amending 62 O.S. 1991, Section 477, which relates to limits of authority; modifying liabilities of certain county and municipal officers; amending 62 O.S. 1991, Section 553, which relates to notice of ability to pay registered warrants; modifying certain public notice; amending 19 O.S. 1991, Section 623 and 62 O.S. 1991, Section 471, which relate to public moneys and public funds; authorizing the implementation of a direct deposit system by counties; amending 19 O.S. 1991, Section 1506, which relates to purchases by sheriffs or deputy sheriffs; allowing certain credit cards to be used for fuel purchases under certain conditions; 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, if any, 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, or executing more than one contract during the fiscal year with such architect, contractor, supplier or engineer 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 or contracts and shall be in lieu of all individual affidavits for each invoice submitted in relation to such contract or contracts as required in subsection A of this section.

SECTION 3. AMENDATORY 62 O.S. 1991, Section 361, is amended to read as follows:

Section 361. The term "board" as used herein shall be construed to mean the board of directors, or the board of education of any school district, independent or otherwise, the board of trustees of any town or township, the mayor and council of any city, the board of commissioners of any city having a charter form of government and the board of county commissioners of any county. The term "judgment" shall be construed to mean the final determination by any court of competent jurisdiction in any action or proceeding to determine the rights of parties. The term "municipality" as used herein shall be construed to mean any school district, independent or otherwise, any township, any city or town, irrespective of the form of government prevailing in said city or town, and any county.

SECTION 4. AMENDATORY 19 O.S. 1991, Section 444, is amended to read as follows:

Section 444. It shall be the mandatory duty of the board of county commissioners to cause to be published in a newspaper published in the county, a full and complete report of all its official proceedings at each regular and special meeting, except blanket purchase orders, within the time provided for in Sections 445 and 446 of this title, and the board of county commissioners shall pay for the same from the appropriation ~~hereinafter as provided for:~~ Provided, that the in this section. The board of county commissioners may also order the publication of the official proceedings in a newspaper printed in any other than the English Language whenever it shall deem it necessary for the better

information of the inhabitants. ~~Provided further, that the~~ The board of county commissioners may omit the listing of all employees and their salaries approved for payment in the monthly publication of proceedings. However, it shall be the mandatory duty of the board of county commissioners to cause to be published a full and complete report of all the county employees and their salaries paid annually. An asterisk shall be placed in front of the names of employees paid for less than the full twelve (12) months of the preceding calendar year. The listing shall reflect the gross salary of every employee reported to the Internal Revenue Service on the W-2 Form of the employee. Such annual publication of the employees and their salaries shall be published annually in the month of February for the preceding calendar year in a newspaper of the county which meets the requirements set forth in Section 106 of Title 25 of the Oklahoma Statutes.

It shall also be the mandatory duty of the board of county commissioners, ~~and of~~ the county excise board, each fiscal year, to take such steps as may be necessary and proper under the statutes relating to estimates of needs and appropriations, to appropriate, in the General Government account within the general fund of the county, an amount sufficient to pay for the publication of all such proceedings during the fiscal year, at the legal rate therefor, but in no event less than the total of legal claims for publication of such proceedings during the immediately preceding fiscal year.

SECTION 5. 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 6. 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 7. AMENDATORY 19 O.S. 1991, Section 623, is amended to read as follows:

Section 623. It shall be his duty to receive all moneys belonging to the county from whatever source they may be derived, and other moneys which by law are directed to be paid to him, and all moneys received by him for the use of the county shall be paid by him only on the warrants of the board of county commissioners, drawn according to law, and all other moneys shall be paid over by him as provided by law. Counties may implement a direct deposit system to have warrants transferred electronically to a financial institution. The State Auditor and Inspector shall promulgate rules as necessary for the implementation and administration of a direct deposit system.

SECTION 8. AMENDATORY 62 O.S. 1991, Section 471, is amended to read as follows:

Section 471. A. Except as provided in Section 17-102 of Title 11 of the Oklahoma Statutes and subsection B of this section, all public funds of any county or of any subdivision thereof shall be disbursed only in the payment of legal warrants, bonds and interest coupons. Counties may implement a direct deposit system to have warrants transferred electronically to a financial institution. The State Auditor and Inspector shall promulgate rules as necessary for the implementation and administration of a direct deposit system.

B. Any board of education of a school district of this state may issue a negotiable instrument which will serve as both a warrant on the treasury and a check ordering payment of the warranted amount of money from the account of the treasury. This instrument shall be prepared and issued in accordance with procedures and requirements provided by law for a warrant and a check and shall be signed by the clerk, treasurer and president of the board of education of the school district. Printing on the instrument shall indicate that the instrument is a "warrant" of the school district and a "check" drawn on the account of the school district. Sections 601 through 606 of this title shall apply to instruments authorized by this subsection.

SECTION 9. AMENDATORY 19 O.S. 1991, Section 1506, is amended to read as follows:

Section 1506. A. Subject to the limitations and procedures provided by this section, any sheriff or deputy sheriff may purchase materials, supplies or services necessary for travel out of the county by use of one or more credit cards issued to the county for use by the sheriff's department. Purchases made with such credit cards shall be limited to actual expenses for travel out of the county by the county sheriff or deputies to perform their official duties; provided, such credit cards may be used for the purchase of fuel, within the county, on weekends, nights or holidays when fuel cannot be obtained from the vendor to whom a bid for such fuel purchase has been awarded.

"Actual expenses for travel" shall mean expenses for travel by public or private railroads, airplanes, buses, rental cars or other public or private conveyances, fuel, oil, meals, lodging, parking fees and telephone expenses.

B. The sheriff may request the board of county commissioners of the county to apply for a credit card or cards for use by the sheriff's department. The application shall be made in the name of the county and any credit cards issued must be issued in the name of the county only. The board of county commissioners shall then issue the card or cards to the office of the sheriff.

C. For each card issued to the county by an issuer, the county shall encumber sufficient funds each month to pay for the estimated charges made with such cards including any annual or other fee owed for use of the cards. The funds for payment of credit card charges shall be made from the annual county appropriation to the sheriff's department. Payment of the bill for charges incurred on any card shall be made in a timely manner so that no interest charges or penalties accrue and so that the total payment amount corresponds to the balance of charges for purchases in addition to any applicable annual fee or service charge.

D. All receipts for charges made by use of any card issued to a county shall be returned to the county commissioners in order to facilitate accurate records of total monthly expenditures for which the county will be obligated.

E. On or before the 25th day of each month, the sheriff shall notify the board of county commissioners of the anticipated credit card expenditures for the following month. When credit purchases are made, the sheriff or deputy sheriff shall immediately and accurately document said expenditures on a form prepared by the State Auditor and Inspector, attaching receipts and a written explanation of each expenditure as to the date, case number or other identification number, area or location, reason for expenditure and amount expended. A copy of the form shall be submitted to the sheriff for approval and the original form shall be attached to the purchase order and shall be submitted to the board of county commissioners for final approval and payment. A copy of the form shall be retained for the sheriff's records.

F. A sheriff or deputy sheriff shall not receive any reimbursement, pursuant to the provisions of Sections 161 through 166, 180.43 or 541 of ~~Title 19 of the Oklahoma Statutes~~ this title, for any expenses for which a credit card issued pursuant to the provisions of this section has been used.

G. Nothing in this section shall be construed to exempt any county sheriff or deputy sheriff from the purchasing procedures specified in Sections 1500 through 1505 of this title for all other purchases made in the performance of their official duties.

SECTION 10. 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 17th day of May, 1993.

President of the Senate

Passed the House of Representatives the 25th day of May, 1993.

Speaker of the House of
Representatives