

ENGROSSED HOUSE  
BILL NO. 2334

By: Boyd (Betty) and  
Pettigrew of the House

and

Long (Ed) of the Senate

An Act relating to public finance; amending 62 O.S.

1991, Sections 479 and 480, which relate to liability of certain officers for certain indebtedness; modifying liability standard; exempting certain school officials from civil liability under certain conditions; exempting certain school officials from criminal liability under certain conditions; and providing an effective date.

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

SECTION 1. AMENDATORY 62 O.S. 1991, Section 479, is amended to read as follows:

Section 479. A. It shall be unlawful for the board of county commissioners, the county purchasing agent, the city council or the commissioners of any city, the trustees of any town, township board, school district board of education or any member or members of the aforesaid commissioners, or of any of the above-named boards, to willfully or knowingly make any contract for, incur, acknowledge, approve, allow or authorize any indebtedness against their respective municipality, county or school district or authorize it

to be done by others, in excess of the estimate made and approved by the excise board for such purpose for ~~such~~ the current fiscal year, or in excess of the specific amount authorized for such purpose by a bond issue.

B. Any Except as otherwise provided for in subsection C of this section, any such indebtedness, contracted, incurred, acknowledged, approved, allowed or authorized in excess of the estimate made and approved for such purposes for ~~such~~ the current fiscal year or in excess of the specific amount authorized for such purpose by a bond issue, shall not be a charge against the municipality, county or school district whose officer or officers contracted, incurred, acknowledged, approved, allowed or authorized or attested the evidence of said indebtedness, but may be collected by civil action from any official willfully or knowingly contracting, incurring, acknowledging, approving or authorizing or attesting ~~such~~ to the indebtedness, or from ~~his~~ the bondsmen of the official.

C. An individual member of a board of education of a school district who votes against any expenditure, contract or action which authorizes indebtedness in excess of the estimate made and approved by the excise board for the current fiscal year or in excess of the amount authorized for the purpose of a bond issue shall not be subject to civil liability as provided in subsection B of this section.

SECTION 2. AMENDATORY 62 O.S. 1991, Section 480, is amended to read as follows:

Section 480. A. Any officer willfully or knowingly contracting, incurring, acknowledging, authorizing, allowing or approving any indebtedness, or any officer issuing, drawing, or attesting any warrant or certificate of indebtedness in excess of the estimate made and approved by the excise board for such purpose for ~~such~~ the current fiscal year or in excess of the specific amount authorized for such purpose by a bond issue, or who violates any

other provision of Section 471 et seq. of this act title, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail for not to exceed one (1) year, or by both ~~such~~ the fine and imprisonment, and shall forfeit and be removed from office pursuant to Section 1181 et seq. of Title 22 of the Oklahoma Statutes or Section 91 et seq. of Title 51 of the Oklahoma Statutes.

B. An individual member of a board of education of a school district who votes against any expenditure, contract or action which authorizes indebtedness in excess of the estimate made and approved by the excise board for the current fiscal year or in excess of the amount authorized for the purpose of a bond issue shall not be in violation of the provisions of subsection A of this section.

SECTION 3. This act shall become effective November 1, 1996.

Passed the House of Representatives the 6th day of March, 1996.

Speaker of the House of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1996.

President of the Senate