

ENGROSSED HOUSE
BILL NO. 2373

By: Askins of the House
and
Hobson of the Senate

An Act relating to the State Treasurer; amending 47 O.S. 1991, Section 11-1009, as amended by Section 1, Chapter 153, O.S.L. 1993 (47 O.S. Supp. 1995, Section 11-1009), which relates to certain parking violations; modifying authorized system for payment; amending 62 O.S. 1991, Section 7.1, as amended by Section 1, Chapter 212, O.S.L. 1995 and Section 29, Chapter 260, O.S.L. 1993 (62 O.S. Supp. 1995, Sections 7.1 and 89.6), which relate to special accounts and fees; authorizing use of agency special accounts for certain purposes; authorizing deposit of certain instruments; authorizing maintenance of certain balances in accounts; eliminating certain fees charged by State Treasurer; amending 74 O.S. 1991, Section 34, which relates to replacement of warrants or bonds; deleting requirement for certain bond related to replacement of warrants or bonds; deleting requirement related to accounting of transactions; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 11-1009, as amended by Section 1, Chapter 153, O.S.L. 1993 (47 O.S. Supp. 1995, Section 11-1009), is amended to read as follows:

Section 11-1009. A. No person shall place, stop, park, or stand any vehicle including trailers or implements of husbandry contrary to any official sign reserving, restricting, or regulating the placing, stopping, standing, or parking of a vehicle within the boundaries of the following:

1. State Capitol Park as defined in Section 1811.4 of Title 74 of the Oklahoma Statutes;

2. Cowboy Hall of Fame Park; and

3. State Capitol Complex in Tulsa.

B. The Department of Public Safety shall be responsible for the enforcement of subsection A of this section.

C. Any person violating the provisions of subsection A of this section shall be subject to a civil fine. A violation shall be indicated by the placing of a notice of such violation on the windshield of the vehicle improperly placed, stopped, parked, or standing.

The notice shall be on a form prescribed by the Commissioner of Public Safety. The civil fine for such violation shall be Five Dollars (\$5.00) if paid within ten (10) days from the date of the violation and Twenty Dollars (\$20.00) if paid after ten (10) days from the date of the violation.

D. The fine may be paid by mailing or personally delivering the notice and a personal check or money order to cover the fine to the ~~Office of State Treasurer of Oklahoma~~ Department of Public Safety. Should the violator elect to object to the imposition of the fine and to have a hearing on the violation, the person may so indicate on the notice and mail or present it to the ~~State Treasurer~~

Department of Public Safety with a bond by cash or money order equal to the amount of the fine pending the outcome of the hearing. The bond may be used to pay the fine in the event the determination of the hearing examiner upholds the imposition of the civil fine. If no bond accompanies the request for hearing, no hearing shall be granted.

E. The request for a hearing shall be ~~forwarded by the State Treasurer~~ submitted to the Department of Public Safety and the violation shall be set for hearing before a hearing examiner appointed by the Commissioner. The person requesting the hearing shall be notified of the time and place of the hearing by the Department of Public Safety by mailing a copy of the notice by regular mail to the address indicated on the request for hearing. The hearing examiner may take evidence of the violation and shall determine if there has been a violation of the provisions of subsection A of this section. If it is determined that there was a violation, the hearing examiner shall enforce the fine indicated on the notice.

F. Any vehicle having outstanding fines against it may be impounded by the Department of Public Safety. The vehicle may be retained by the Department pending the payment of all fines, towing, and storage charges and shall be retained by the Department until the owner furnishes to the Department proof of security or an affidavit that the vehicle is insured by a policy of liability insurance or will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title. The State of Oklahoma shall have a possessory lien against any vehicle which is found to have outstanding fines against it until such fines are paid. The lien may be foreclosed pursuant to the procedures provided for in Sections 91 through 96 of Title 42 of the Oklahoma Statutes.

G. All the monies generated from such fines shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

SECTION 2. AMENDATORY 62 O.S. 1991, Section 7.1, as amended by Section 1, Chapter 212, O.S.L. 1995 (62 O.S. Supp. 1995, Section 7.1), is amended to read as follows:

Section 7.1 A. There is hereby created in the official depository in the State Treasury an agency clearing account for each state officer, department, board, commission, institution or agency of the state, hereinafter referred to collectively as state agencies. An agency special account established under Section 7.2 of this title may be used for the purposes of an agency clearing account.

B. It shall be the duty of each state agency, officer or employee, to deposit in the agency clearing account, or agency special account, established under Section 7.2 of this title, all monies of every kind, including, but not limited to:

1. Tax revenues;
2. Receipts from licenses, examinations, per diem and all other reimbursements, fees, permits, fines, forfeitures and penalties; and
3. Income from money and property, grants and contracts, refunds, receipts, reimbursements, judgments, sales of materials and services of employees, and nonrevenue receipts, received by a state agency, officer or employee by reason of the existence of and/or operation of a state agency.

C. All such monies collected pursuant to this section shall be deposited as follows in the agency clearing account or agency special account established therefor:

1. Receipts of One Hundred Dollars (\$100.00) or more shall be deposited on the same banking day as received.
2. Receipts of less than One Hundred Dollars (\$100.00) may be held until accumulated receipts equal One Hundred Dollars (\$100.00)

or for five (5) business days, whichever occurs first, and shall then be deposited no later than the next business day.

- a. Each state agency that has custody of receipts of less than One Hundred Dollars (\$100.00) shall provide adequate safekeeping of such receipts,
- b. No disbursements shall be made from such receipts prior to this deposit, and
- c. All checks received must be restrictively endorsed immediately upon receipt.

D. The State Treasurer is authorized to accept deposits directly to State Treasury funds, consisting of cash, bank drafts, bank cashier's checks, federal treasury checks and other forms of remittance which are uniformly honored for payment. The State Treasurer is further authorized to accept checks deposited directly into State Treasury funds if the depositing state agency maintains sufficient balances in their agency clearing account to cover return items. Notwithstanding the provisions of subsection E of this section, state agencies are authorized to maintain sufficient balances in their agency clearing account to cover returned checks, credit card adjustments, credit card returns, and other debit items. Amounts of said balances shall be subject to approval by the State Treasurer.

All checks, drafts, orders and vouchers so deposited shall be credited and cleared at par and should payment be refused on any such check, draft, order or voucher, or should the same prove otherwise worthless, the amount thereof shall be charged by the State Treasurer against the account or fund theretofore credited with the same; and the person issuing the check, draft, order or voucher shall be charged a fee of Twenty-five Dollars (\$25.00) to cover the costs of processing each returned check; provided, such charge shall not be made unless efforts have been made to present such check, draft, order or voucher for payment a second time.

Unless otherwise provided by law, such fee shall be deposited to the revolving fund of the state agency to which the check, draft, order or voucher was issued. If no revolving fund exists for the state agency, then such fee shall be deposited to the General Revenue Fund. The State Treasurer shall not accept for deposit to any agency clearing account, or any agency special account, created pursuant to the provisions of Section 7.2 of this title, any warrant, check, order or voucher drawn against any state fund or account in favor of any individual or other person except the state officer, department, institution or agency for which account or fund the deposit is made, or a bona fide student enrolled at any of the state institutions of higher learning when such warrant, check, order or voucher is endorsed to the institution as payment of any fees or other accounts due such institution.

E. At least once each month each state agency shall transfer monies deposited in agency clearing accounts to the various funds or accounts, subdivisions of the state, or functions as may be provided by statute and no money shall ever be disbursed from the agency clearing account for any other purpose, except in refund of erroneous or excessive collections and credits. Provided, however, that state parks and lodges under the control of the Oklahoma Tourism and Recreation Department and district offices under the control of the Corporation Commission shall be permitted to make deposit of receipts on a monthly basis, provided that such receipts must be deposited within the month received or when such receipts equal or exceed Five Hundred Dollars (\$500.00) for state parks and lodges under the control of the Oklahoma Tourism and Recreation Department, or One Hundred Dollars (\$100.00) for district offices under the control of the Corporation Commission, whichever first occurs.

F. Funds and revenues of the Oklahoma Municipal Power Authority, the Grand River Dam Authority, the Oklahoma Ordnance

Works Authority and the Midwestern Oklahoma Development Authority are exempt from the requirements of this section.

G. Monies used for investment purposes by the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, the Uniform Retirement System for Justices and Judges, the Oklahoma Law Enforcement Retirement System, the Oklahoma Public Employees Retirement System, the Teachers' Retirement System of Oklahoma, the Oklahoma State Regents for Higher Education, the State and Education Employees Group Insurance Board and the Commissioners of the Land Office are exempt from the requirements of this section, and shall be placed with the respective custodian bank or trust company.

SECTION 3. AMENDATORY Section 29, Chapter 260, O.S.L. 1993 (62 O.S. Supp. 1995, Section 89.6), is amended to read as follows:

Section 89.6 The State Treasurer shall charge and collect the following fees:

1. For any returned check, a fee of Twenty-five Dollars (\$25.00);
2. ~~For issuing copies of certified warrants, a fee of Two Dollars (\$2.00) per copy shall be paid by state agencies and a fee of Twenty Dollars (\$20.00) per copy by nonstate entities;~~
3. ~~For court-ordered account maintenance, a fee of One Hundred Twenty Dollars (\$120.00) per year plus Ten Dollars (\$10.00) per transaction;~~
4. ~~For credit card programs administered by the State Treasurer, a fee of up to fifty (50) basis points per transaction;~~
5. For handling and processing rejected warrant items processed by the State Treasurer, a fee of forty-two cents (\$0.42) per item; and
6. 3. For handling a stop-payment item processed by the State Treasurer on behalf of a state agency, a fee of Ten Dollars (\$10.00)

for each item up to a maximum fee of Two Hundred Fifty Dollars (\$250.00) per day.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 34, is amended to read as follows:

Section 34. The State Treasurer is hereby authorized and empowered to issue a replacement warrant or bond in lieu of any warrant or bond that has been lost or destroyed; provided, that no replacement warrant or bond shall be issued until an affidavit setting forth the facts as to the loss or destruction of said original warrant or bond has been filed with the State Treasurer, ~~together with an indemnifying bond running to the state, the form of which shall be as follows:~~

~~AFFIDAVIT OF LOST OR DESTROYED WARRANT~~

~~State of Oklahoma Warrant Dollars, issued to lost or destroyed. The loss or destruction occurred on or about 19~~The warrant was (not)

~~Signature of Original Payee~~

~~Subscribed to before me this~~ _____ ~~Notary Public~~

~~My Commission expires~~ INDEMNIFYING BOND

~~In consideration of the issuance of a replacement warrant, the undersigned Principal and Sureties, residents of Oklahoma at the addresses shown, agree to indemnify and protect the State of Oklahoma from any loss or harm arising from the issuance of such replacement warrant. For this purpose, we agree and do bind ourselves to the State of Oklahoma in the sum of~~

~~(\$ (Double Amount of Warrant))~~

Dated _____ PRINCIPAL (Original Payee)

of _____ Street Address

City or Town _____ Zip

SURETY _____ SURETY

of _____ Street Address _____ Street Address

City or Town _____ Zip _____ City or Town _____ Zip

~~Approved: STATE TREASURER~~

~~The State Treasurer shall, upon being satisfied as to the sufficiency of said bond and sureties, endorse his approval thereon.~~
The Director of State Finance and the State Treasurer shall make such records in their respective offices as will, as nearly as possible, preclude any loss being sustained by the state on account of the issue of any replacement warrant or bond.

Such entries shall include a stop payment order against the original warrant which will, as nearly as possible, cancel said original warrant. The Director of State Finance shall transfer to the Canceled Warrant Fund the payable amount of lost or destroyed warrants on which payment has been stopped pursuant to the provisions of this section from the fund and account against which said warrant had been drawn. Warrants issued to replace lost or destroyed warrants pursuant to the provisions of this section shall be drawn against the Canceled Warrant Fund. ~~The expenditure shall be recorded in the fund and account against which the warrant being replaced was originally issued.~~

SECTION 5. This act shall become effective July 1, 1996.

SECTION 6. 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 29th day of February, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President

of the Senate