

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1214

By: Fields

AS INTRODUCED

An Act relating to school activity funds; amending 62 O.S. 1991, Section 310.9, as amended by Section 2, Chapter 318, O.S.L. 1993 (62 O.S. Supp. 1994, Section 310.9), which relates to sworn statement requirements for certain invoices; modifying requirements for school districts; providing an exemption for invoices paid from certain school funds; amending 74 O.S. 1991, Section 3109, which relates to the affidavit form for certain invoices; modifying requirements for school districts; providing an exemption for invoices paid from certain school funds; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 62 O.S. 1991, Section 310.9, as amended by Section 2, Chapter 318, O.S.L. 1993 (62 O.S. Supp. 1994, Section 310.9), is amended to read as follows:

Section 310.9 A. Except as provided in ~~subsection~~ subsections B, C and D 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.

C. The sworn statement required by Section 3109 of Title 74 of the Oklahoma Statutes shall be required on every invoice submitted to a school district in the state, for payment of an architect, contractor, engineer or supplier of materials of Two Thousand Dollars (\$2,000.00) or more.

D. The sworn statement required in subsection A of this section shall not be required on an invoice submitted to a school district which is to be paid from a school activity fund established pursuant to Section 5-129 of Title 70 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 3109, is amended to read as follows:

Section 3109. A. Except as provided in ~~subsection~~ subsections B, C and D of this section, on every invoice submitted to any county or local subdivision of the state, for payment to an architect, contractor, engineer or supplier of material of One Thousand Dollars

(\$1,000.00) or more shall be the following signed and notarized statement:

STATE OF OKLAHOMA )

) ss

COUNTY OF )

The undersigned (architect, contractor, supplier or engineer), of lawful age, being first duly sworn, on oath says that this invoice or claim is true and correct. Affiant further states that the (work, services or materials) as shown by this invoice or claim have been (completed or supplied) in accordance with the plans, specifications, orders or requests furnished the affiant. Affiant further states that (s)he has made no payment directly or indirectly to any elected official, officer or employee of the State of Oklahoma, any county or local subdivision of the state, of money or any other thing of value to obtain payment of the invoice or procure the contract or purchase order pursuant to which an invoice is required.

\_\_\_\_\_

(Contractor, supplier or engineer)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_

Notary Public (or Clerk or Judge)

\_\_\_\_\_

Architect

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_

Notary Public (or Clerk or Judge)

A notarized statement of noncollusion shall not be required on purchase orders to procure materials and equipment, provided this provision shall not exempt the requirement for a notarized statement of noncollusion on invoices for services or materials and equipment.

B. Any 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.

C. The sworn statement required in subsection A of this section shall be on every invoice submitted to a school district in the state, for payment to an architect, contractor, engineer or supplier of material of Two Thousand Dollars (\$2,000.00) or more.

D. The sworn statement required in subsection A of this section shall not be required on an invoice submitted to a school district which is to be paid from a school activity fund established pursuant to Section 5-129 of Title 70 of the Oklahoma Statutes.

SECTION 3. This act shall become effective July 1, 1995.

SECTION 4. 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.

45-1-5029

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