

ENROLLED SENATE
BILL NO. 389

By: Weedn of the Senate

and

Steidley of the House

An Act relating to public finance; amending 62 O.S. 1991, Section 310.9, as last amended by Section 1, Chapter 205, O.S.L. 1995 (62 O.S. Supp. 1996, Section 310.9) and 74 O.S. 1991, Section 3109, as amended by Section 3, Chapter 205, O.S.L. 1995 (74 O.S. Supp. 1996, Section 3109), which relate to invoices submitted to political subdivisions; specifying certain procedure to be followed in lieu of submission of certain affidavit; and providing an effective date.

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

SECTION 1. AMENDATORY 62 O.S. 1991, Section 310.9, as last amended by Section 1, Chapter 205, O.S.L. 1995 (62 O.S. Supp. 1996, Section 310.9), is amended to read as follows:

Section 310.9 A. Except as provided in subsections B ~~and~~, 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. In lieu of the affidavit required in subsection A of this section, the following procedures may be used:

1. A purchase order issued by a county or a political subdivision of the state shall require the signature of the vendor and include a notice to the vendor that the vendor's submission of

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. In lieu of the affidavit required in subsection A of this section, the following procedures may be used:

1. A purchase order issued by a county or a local subdivision of the state shall require the signature of the vendor and include a notice to the vendor that the vendor's submission of the signed invoice or acceptance of payment pursuant to the purchase constitutes a statement by the vendor that:

- a. the invoice or claim is true and correct,
- b. the work, services or materials as shown by the invoice or claim have been completed or supplied in accordance with the plans, specifications, orders or requests furnished the vendor, and
- c. the vendor has made no payment, directly or indirectly, to any elected official, officer or employee of this state or any county or local subdivision of the state, of money or any other thing of value to obtain payment;

2. Any vendor who submits the signed invoice or accepts payment pursuant to a purchase order containing the notice provided for in paragraph 1 of this subsection shall be deemed to adopt and affirm the statement contained in the notice unless the vendor states on the invoice that the statement is incorrect in whole or in part; and

3. The county or local subdivision may recover from the vendor the full amount paid pursuant to the purchase order if the statement adopted and affirmed by the vendor is false.

SECTION 3. This act shall become effective November 1, 1997.

Passed the Senate the 24th day of February, 1997.

President of the Senate

Passed the House of Representatives the 8th day of April, 1997.

Speaker of the House of Representatives