

SHORT TITLE: Public finance and revenue and taxation; allowing counties to issue instruments to serve as both check and warrant; eliminating certain surety requirements; allowing payment of ad valorem taxes by credit or debit card; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 358

By: Herbert

AS INTRODUCED

An Act relating to public finance and revenue and taxation; amending 62 O.S. 1991, Sections 471, as amended by Section 8, Chapter 318, O.S.L. 1993 and 555 (62 O.S. Supp. 1996, Section 471), which relate to disbursement of public funds; authorizing board of county commissioners to issue instrument to serve both as a warrant and a check for payment of public funds; requiring certain signatures on such instruments; modifying requirements relating to certain bonds; amending 68 O.S. 1991, Section 2916, which relates to payment of ad valorem taxes; modifying method of payment of certain taxes at option of county treasurer; authorizing additional amount to be charged; and providing an effective date.

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

SECTION 1. AMENDATORY 62 O.S. 1991, Section 471, as amended by Section 8, Chapter 318, O.S.L. 1993 (62 O.S. Supp. 1996, 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 or any board of county commissioners of a county 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, if issued by a school district, shall be signed by the clerk, treasurer and president of the board of education of the school district, or if issued by a county, shall be signed by the chair of the board of county commissioners, the county clerk and the county treasurer. Printing on the instrument shall indicate that the instrument is a "warrant" of the school district or county and a "check" drawn on the account of the school district or county. The provisions of Sections 601 through 606 of this title shall apply to instruments authorized by this subsection.

SECTION 2. AMENDATORY 62 O.S. 1991, Section 555, is amended to read as follows:

Section 555. A. The clerk of any municipal subdivision, county, city, town, or school district, is hereby authorized and empowered to issue a second or duplicate check, warrant or voucher in lieu of any check, warrant or voucher that has been issued and subsequently lost or destroyed. Except as provided in subsection B of this section or unless the treasurer of any municipal subdivision, county, city, town or school district has evidence that a stop-payment order has been issued, no second or duplicate check, warrant or voucher shall be issued until an affidavit setting forth

the facts as to the loss or destruction of ~~said~~ the original check, warrant or voucher has been filed with the clerk, together with an indemnifying bond running to the treasurer of ~~said~~ the municipal subdivision, county, city, town or school district, or to the Treasurer of the State of Oklahoma, in double the amount of such lost or destroyed check, warrant or voucher. The conditions of such bond shall be to indemnify and protect the municipal subdivision, county, city, town or school district, or to the Treasurer of the State of Oklahoma, from any loss or harm occasioned or sustained on account of the issue of such second or duplicate check, warrant or voucher. The bond ~~shall be in such form as the Attorney General shall prescribe, and shall be signed by at least two sureties which shall be satisfactory to the treasurer of such municipality~~ municipal subdivision, county, city, town or school district, or to the Treasurer of the State of Oklahoma, who shall, upon being satisfied as to the sufficiency of ~~said~~ the bond ~~and sureties~~, endorse ~~his~~ approval thereon. ~~Provided, however, such bond may be, at the option of the person or entity providing the same, in the form of a corporate surety bond.~~ The clerk and treasurer shall make such records in their respective offices as will, as nearly as possible, preclude any loss being sustained by the municipal subdivision, county, city, town or school district, or to the Treasurer of the State of Oklahoma, on account of the issue of any second or duplicate check, warrant or voucher. Warrants issued by the State Treasurer against claims submitted through the Director of State Finance in payment of obligations of the state which may subsequently be lost or destroyed will be governed by the provisions of Section 34 of Title 74 of the Oklahoma Statutes.

B. If a board of education of a school district approves, an alternate warrant with a new number may be issued by a school district for a lost or destroyed warrant, upon affidavit of the payee as set forth in subsection A of this section and upon the

treasurer stopping payment on the original warrant, and if such warrant also serves as a check, upon stopping payment of the check by the payor bank.

SECTION 3. AMENDATORY 68 O.S. 1991, Section 2916, is amended to read as follows:

Section 2916. All state, county, school district, city, town, or other taxes shall be paid to the county treasurer, either in lawful currency, or by check or draft upon a bank therein stated, or by post office or express order; ~~and it~~ , or at the option of the county treasurer, by a nationally recognized credit or debit card as determined acceptable by the Oklahoma Tax Commission. If payment is made by a credit or debit card, the county treasurer may add an amount equal to the amount of the service charge incurred for the acceptance of such card. It shall be unlawful for any county treasurer to receive in payment of any taxes to be collected ~~by him~~, any state, county, school district, city or town warrants. No county treasurer shall be required to execute a tax receipt for any taxes except those paid in lawful money, until the check, draft, post office or express order has been actually paid ~~to him~~, and in case any such check, draft, post office or express order should prove to be worthless, it shall not operate as a payment of the tax for the payment of which it was given, and any tax receipt or other receipt given therefor shall be illegal and void.

SECTION 4. This act shall become effective November 1, 1997.

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