

EHB 2889

THE STATE SENATE  
Monday, April 8, 2002

ENGROSSED

House Bill No. 2889

ENGROSSED HOUSE BILL NO. 2889 - By: FERGUSON of the House and  
DICKERSON and WILKERSON of the Senate.

[ governmental operations - amending 62 O.S., Section 310.9  
- sworn statement requirements - political subdivisions -  
amending 70 O.S., Section 5-135.3 - school districts -  
amending 74 O.S., Section 3109 - notary requirement -  
invoice - effective date -  
emergency ]

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

SECTION 1. AMENDATORY 62 O.S. 2001, Section 310.9, is  
amended to read as follows:

Section 310.9 A. Except as provided in ~~subsections~~ subsection  
B ~~and C~~ of this section, on every ~~invoice submitted to~~ contract  
entered into by 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)~~ Twenty-five Thousand  
Dollars (\$25,000.00) 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

1 terms of such contract, or executing more than one contract during  
2 the fiscal year with such architect, contractor, supplier or  
3 engineer, may require that the architect, contractor, supplier or  
4 engineer complete a signed and ~~notarized~~ affidavit ~~in substantial~~  
5 ~~form~~ as provided ~~by~~ for in subsection A of this section which shall  
6 apply to all work, services or materials completed or supplied under  
7 the terms of the contract or contracts ~~and shall be in lieu of all~~  
8 ~~individual affidavits for each invoice submitted in relation to such~~  
9 ~~contract or contracts as required in subsection A of this section.~~

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

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

- 17 a. ~~the invoice or claim is true and correct,~~  
18 b. ~~the work, services or materials as shown by the~~  
19 ~~invoice or claim have been completed or supplied in~~  
20 ~~accordance with the plans, specifications, orders or~~  
21 ~~requests furnished the vendor, and~~  
22 c. ~~the vendor has made no payment, directly or~~  
23 ~~indirectly, to any elected official, officer or~~



1 The undersigned (architect, contractor, supplier or engineer),  
2 of lawful age, being first duly sworn, on oath says that this  
3 ~~invoice or claim~~ contract is true and correct. Affiant further  
4 states that the (work, services or materials) ~~as shown by this~~  
5 ~~invoice or claim have been~~ will be (completed or supplied) in  
6 accordance with the plans, specifications, orders or requests  
7 furnished the affiant. Affiant further states that (s)he has made  
8 no payment directly or indirectly to any elected official, officer  
9 or employee of the school district or technology center school  
10 district, of money or any other thing of value to obtain ~~payment of~~  
11 ~~the invoice~~ or procure the contract or purchase order ~~pursuant to~~  
12 ~~which an invoice is submitted.~~

13 \_\_\_\_\_  
14 (Contractor, supplier, engineer or  
15 architect)

16 ~~Subscribed and sworn~~ Attested to before me this \_\_ day of \_\_\_\_\_,  
17 ~~19~~ 20 \_\_\_\_.

18 \_\_\_\_\_  
19 ~~Notary Public (or Officer having Power~~  
20 ~~to Administer Oaths)~~

21 SECTION 3. AMENDATORY 74 O.S. 2001, Section 3109, is  
22 amended to read as follows:

1 Section 3109. A. Except as provided in ~~subsections~~ subsection  
2 ~~B and C~~ of this section, on every ~~invoice submitted to~~ contract  
3 entered into by any county or local subdivision of the state, for  
4 ~~payment to~~ an architect, contractor, engineer or supplier of  
5 material of ~~One Thousand Dollars (\$1,000.00)~~ Twenty-five Thousand  
6 Dollars (\$25,000.00) or more, shall be the following signed ~~and~~  
7 ~~notarized~~ statement:

8 STATE OF OKLAHOMA )  
9 ) ss.  
10 COUNTY OF )

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

23 \_\_\_\_\_

1 (Contractor, architect, supplier or  
2 engineer)  
3 ~~Subscribed and sworn~~ Attested to before me this \_\_\_\_ day of \_\_\_\_\_,  
4 ~~19~~ 20 \_\_\_\_.

5 \_\_\_\_\_  
6 ~~Notary Public (or Clerk or Judge)~~  
7 \_\_\_\_\_  
8 ~~Architect~~

9 ~~Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.~~  
10 \_\_\_\_\_  
11 ~~Notary Public (or Clerk or Judge)~~

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

16 B. Any municipality or school district executing a contract  
17 with any architect, contractor, supplier or engineer for work,  
18 services or materials which are needed on a continual basis from  
19 such architect, contractor, supplier or engineer under the terms of  
20 such contract, may require that the architect, contractor, supplier  
21 or engineer complete a signed ~~and notarized~~ affidavit ~~in substantial~~  
22 ~~form as provided by~~ for in subsection A of this section which shall  
23 apply to all work, services or materials completed or supplied under

1 the terms of the contract and shall be in lieu of all individual  
2 affidavits for each invoice submitted in relation to such contract  
3 as required in subsection A of this section.

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

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

11 a. ~~the invoice or claim is true and correct,~~

12 b. ~~the work, services or materials as shown by the~~  
13 ~~invoice or claim have been completed or supplied in~~  
14 ~~accordance with the plans, specifications, orders or~~  
15 ~~requests furnished the vendor, and~~

16 c. ~~the vendor has made no payment, directly or~~  
17 ~~indirectly, to any elected official, officer or~~  
18 ~~employee of this state or any county or local~~  
19 ~~subdivision of the state, of money or any other thing~~  
20 ~~of value to obtain payment;~~

21 2. ~~Any vendor who submits the signed invoice or accepts payment~~  
22 ~~pursuant to a purchase order containing the notice provided for in~~  
23 ~~paragraph 1 of this subsection shall be deemed to adopt and affirm~~

1 ~~the statement contained in the notice unless the vendor states on~~  
2 ~~the invoice that the statement is incorrect in whole or in part; and~~

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

6 SECTION 4. This act shall become effective July 1, 2002.

7 SECTION 5. It being immediately necessary for the preservation  
8 of the public peace, health and safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT OPERATIONS & AGENCY  
12 OVERSIGHT, dated 4-1-02 - DO PASS, As Coauthored.