

SB 1613

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THE STATE SENATE  
Thursday, February 21, 2008

Senate Bill No. 1613  
As Amended

SENATE BILL NO. 1613 - By: WILLIAMSON of the Senate and DUNCAN of the House.

[ public finance - taxpayer lawsuits - effective date ]

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

SECTION 1. AMENDATORY 62 O.S. 2001, Section 373, is amended to read as follows:

Section 373. Upon the refusal, failure, or neglect of the proper officers of the state or of any county, township, city, town, or school district, after written demand signed, verified and served upon them by ~~ten resident taxpayers~~ a number of the registered voters equal to no less than ten percent (10%) of the total number of votes cast at the preceding general election, of the state or such county, township, city, town, or school district, to institute or diligently prosecute proper proceedings at law or in equity for the recovery of any money or property belonging to the state, or such county, township, city, town, or school district, paid out or transferred by any officer thereof in pursuance of any unauthorized, unlawful, fraudulent, or void contract made, or attempted to be made, by any of its officers for the state or any such county, township, city, town, or school district, or for the penalty

1 provided in the preceding section, any resident taxpayer of the  
2 state or such county, township, city, town, or school district  
3 affected by such payment or transfer after serving the notice  
4 aforesaid and after giving security for cost, may in the name of the  
5 State of Oklahoma as plaintiff, institute and maintain any proper  
6 action which the proper officers of the state, county, township,  
7 city, town, or school district might institute and maintain for the  
8 recovery of such property, or for said penalty; and such  
9 municipality shall in such event be made defendant, and one-half  
10 (1/2) the amount of money and one-half (1/2) the value of the  
11 property recovered in any action maintained at the expense of a  
12 resident taxpayer under this section, shall be paid to such resident  
13 taxpayer as a reward. If all claims stated by the resident  
14 taxpayers in the written demand are determined in a court of  
15 competent jurisdiction to be frivolous, the resident taxpayers who  
16 signed such demand and who are parties to the lawsuit in which such  
17 claims are determined to be frivolous shall be jointly and severally  
18 liable for all reasonable attorney fees and court costs incurred by  
19 any public officer or officers or any other person alleged in such  
20 demand to have paid out, transferred, or received any money or  
21 property belonging to the state, or such county, township, city,  
22 town or school district in pursuance of any alleged unauthorized,

1 unlawful, fraudulent, or void claim paid or contract or conveyance  
2 made, or attempted to be made, by such officer or officers.

3 SECTION 2. This act shall become effective November 1, 2008.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-19-08 - DO  
5 PASS, As Amended and Coauthored.