

SB 1855

THE STATE SENATE
Monday, February 25, 2008

Senate Bill No. 1855
As Amended

SENATE BILL NO. 1855 - By: GARRISON of the Senate and McDANIEL (Randy) of the House.

[public finance - agency clearing accounts - Oklahoma
Tourism and Recreation Department - effective date -
emergency]

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

SECTION 1. AMENDATORY 62 O.S. 2001, Section 7.1, is amended to read as follows:

Section 7.1 A. There is hereby created in the official depository in the State Treasury an agency clearing account for each state officer, department, board, commission, institution or agency of the state, hereinafter referred to collectively as state agencies. An agency special account established under Section 7.2 of this title may be used for the purposes of an agency clearing account.

B. It shall be the duty of each state agency, officer or employee, to deposit in the agency clearing account, or agency special account, established under Section 7.2 of this title, all monies of every kind, including, but not limited to:

- 1. Tax revenues;

1 2. Receipts from licenses, examinations, per diem and all other
2 reimbursements, fees, permits, fines, forfeitures and penalties; and

3 3. Income from money and property, grants and contracts,
4 refunds, receipts, reimbursements, judgments, sales of materials and
5 services of employees, and nonrevenue receipts, received by a state
6 agency, officer or employee by reason of the existence of and/or
7 operation of a state agency.

8 C. All such monies collected pursuant to this section shall be
9 deposited as follows in the agency clearing account or agency
10 special account established therefor:

11 1. Receipts of One Hundred Dollars (\$100.00) or more shall be
12 deposited on the same banking day as received~~;~~ and

13 2. Receipts of less than One Hundred Dollars (\$100.00) may be
14 held until accumulated receipts equal One Hundred Dollars (\$100.00)
15 or for five (5) business days, whichever occurs first, and shall
16 then be deposited no later than the next business day.

17 a. Each state agency that has custody of receipts of less
18 than One Hundred Dollars (\$100.00) shall provide
19 adequate safekeeping of such receipts~~;~~ .

20 b. No disbursements shall be made from such receipts
21 prior to this deposit~~,~~ and.

22 c. All checks received must be restrictively endorsed
23 immediately upon receipt.

1 D. The State Treasurer is authorized to accept deposits
2 directly to State Treasury funds, consisting of cash, bank drafts,
3 bank cashier's checks, federal treasury checks and other forms of
4 remittance which are uniformly honored for payment. The State
5 Treasurer is further authorized to accept checks deposited directly
6 into State Treasury funds if the depositing state agency maintains
7 sufficient balances in their agency clearing account to cover return
8 items. Notwithstanding the provisions of subsection E of this
9 section, state agencies are authorized to maintain sufficient
10 balances in their agency clearing account to cover returned checks,
11 credit card adjustments, credit card returns, and other debit items.
12 Amounts of said balances shall be subject to approval by the State
13 Treasurer.

14 All checks, drafts, orders and vouchers so deposited shall be
15 credited and cleared at par and should payment be refused on any
16 such check, draft, order or voucher, or should the same prove
17 otherwise worthless, the amount thereof shall be charged by the
18 State Treasurer against the account or fund theretofore credited
19 with the same; and the person issuing the check, draft, order or
20 voucher shall be charged a fee of Twenty-five Dollars (\$25.00) to
21 cover the costs of processing each returned check; provided, such
22 charge shall not be made unless efforts have been made to present
23 such check, draft, order or voucher for payment a second time.

1 Unless otherwise provided by law, such fee shall be deposited to the
2 revolving fund of the state agency to which the check, draft, order
3 or voucher was issued. If no revolving fund exists for the state
4 agency, then such fee shall be deposited to the General Revenue
5 Fund. The State Treasurer shall not accept for deposit to any
6 agency clearing account, or any agency special account, created
7 pursuant to the provisions of Section 7.2 of this title, any
8 warrant, check, order or voucher drawn against any state fund or
9 account in favor of any individual or other person except the state
10 officer, department, institution or agency for which account or fund
11 the deposit is made, or a bona fide student enrolled at any of the
12 state institutions of higher learning when such warrant, check,
13 order or voucher is endorsed to the institution as payment of any
14 fees or other accounts due such institution.

15 E. ~~At~~ 1. Except as provided in paragraph 2 of this subsection,
16 at least once each month each state agency shall transfer monies
17 deposited in agency clearing accounts to the various funds or
18 accounts, subdivisions of the state, or functions as may be provided
19 by statute and no money shall ever be disbursed from the agency
20 clearing account for any other purpose, except in refund of
21 erroneous or excessive collections and credits. ~~Provided, however,~~
22 ~~that state parks and lodges under the control of the Oklahoma~~
23 ~~Tourism and Recreation Department and district~~

1 2. District offices under the control of the Corporation
2 Commission shall be permitted to make deposit of receipts on a
3 monthly basis, provided that such receipts must be deposited within
4 the month received or when such receipts equal or exceed ~~Five~~
5 ~~Hundred Dollars (\$500.00) for state parks and lodges under the~~
6 ~~control of the Oklahoma Tourism and Recreation Department, or One~~
7 ~~Hundred Dollars (\$100.00) for district offices under the control of~~
8 ~~the Corporation Commission, whichever first occurs. The Oklahoma~~
9 Tourism and Recreation Department and entities under its control
10 shall be required to make deposit of receipts on a weekly basis,
11 provided that such receipts must be deposited within seven (7)
12 calendar days from the date received or when such deposits equal or
13 exceed Five Hundred Dollars (\$500.00), whichever first occurs.

14 F. Funds and revenues of the Oklahoma Municipal Power
15 Authority, the Grand River Dam Authority, the Oklahoma Ordnance
16 Works Authority and the Midwestern Oklahoma Development Authority
17 are exempt from the requirements of this section.

18 G. Monies used for investment purposes by the Oklahoma
19 Firefighters Pension and Retirement System, the Oklahoma Police
20 Pension and Retirement System, the Uniform Retirement System for
21 Justices and Judges, the Oklahoma Law Enforcement Retirement System,
22 the Oklahoma Public Employees Retirement System, the Teachers'
23 Retirement System of Oklahoma, the Oklahoma State Regents for Higher

1 Education, the State and Education Employees Group Insurance Board
2 and the Commissioners of the Land Office are exempt from the
3 requirements of this section, and shall be placed with the
4 respective custodian bank or trust company.

5 SECTION 2. This act shall become effective July 1, 2008.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-20-08 - DO
11 PASS, As Amended and Coauthored.