

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1613

By: Williamson

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5
6 AS INTRODUCED

7 An Act relating to public finance; amending 62 O.S.
8 2001, Section 373, which relates to taxpayer
9 lawsuits; modifying number of persons required to
institute certain suit; and providing an effective
date.

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

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

15 Section 373. Upon the refusal, failure, or neglect of the
16 proper officers of the state or of any county, township, city, town,
17 or school district, after written demand signed, verified and served
18 upon them by ~~ten resident taxpayers~~ a number of the registered
19 voters equal to no less than ten percent (10%) of the total number
20 of votes cast at the preceding general election, of the state or
21 such county, township, city, town, or school district, to institute
22 or diligently prosecute proper proceedings at law or in equity for
23 the recovery of any money or property belonging to the state, or
24 such county, township, city, town, or school district, paid out or

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

1 property belonging to the state, or such county, township, city,
2 town or school district in pursuance of any alleged unauthorized,
3 unlawful, fraudulent, or void claim paid or contract or conveyance
4 made, or attempted to be made, by such officer or officers.

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

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