

1 ENGROSSED SENATE  
2 BILL NO. 490

By: Crain of the Senate

and

Sullivan of the House

3  
4  
5  
6 [ public finance - taxpayer instituted lawsuits -  
7 effective date ]  
8

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

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

12 Section 373. Upon the refusal, failure, or neglect of the  
13 proper officers of the state or of any county, township, city, town,  
14 or school district, after written demand signed, verified and served  
15 upon them by ~~ten~~ a number of resident taxpayers of the state or such  
16 county, township, city, town, or school district equal to one-tenth  
17 (1/10) of one percent (1%) of the population that resides within the  
18 county, township, city, town or school district according to the  
19 latest federal census, or twenty-five (25) persons, whichever number  
20 is greater, to institute or diligently prosecute proper proceedings  
21 at law or in equity for the recovery of any money or property  
22 belonging to the state, or such county, township, city, town, or  
23 school district, paid out or transferred by any officer thereof in  
24 pursuance of any unauthorized, unlawful, fraudulent, or void

1 contract made, or attempted to be made, by any of its officers for  
2 the state or any such county, township, city, town, or school  
3 district, or for the penalty provided in the preceding section, any  
4 resident taxpayer of the state or such county, township, city, town,  
5 or school district affected by such payment or transfer after  
6 serving the notice aforesaid and after giving security for cost, may  
7 in the name of the State of Oklahoma as plaintiff, institute and  
8 maintain any proper action which the proper officers of the state,  
9 county, township, city, town, or school district might institute and  
10 maintain for the recovery of such property, or for said penalty; and  
11 such municipality shall in such event be made defendant, and  
12 one-half (1/2) the amount of money and one-half (1/2) the value of  
13 the property recovered in any action maintained at the expense of a  
14 resident taxpayer under this section, shall be paid to such resident  
15 taxpayer as a reward. If all claims stated by the resident  
16 taxpayers in the written demand are determined in a court of  
17 competent jurisdiction to be frivolous, the resident taxpayers who  
18 signed such demand and who are parties to the lawsuit in which such  
19 claims are determined to be frivolous shall be jointly and severally  
20 liable for all reasonable attorney fees and court costs incurred by  
21 any public officer or officers or any other person alleged in such  
22 demand to have paid out, transferred, or received any money or  
23 property belonging to the state, or such county, township, city,  
24 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, 2009.

4 Passed the Senate the 26th day of February, 2009.

5

6

\_\_\_\_\_  
Presiding Officer of the Senate

7

8 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
9 2009.

10

11

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

12

13

14

15

16

17

18

19

20

21

22

23

24