

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend House Bill No. 2668, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Pugh

Pugh-MR-FS-Req#4072  
5/11/2020 1:28 PM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 HOUSE BILL NO. 2668

By: Lepak of the House

and

Pugh of the Senate

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8  
9 FLOOR SUBSTITUTE

10 An Act relating to public finance; amending 62 O.S.  
11 2011, Sections 361, as amended by Section 1, Chapter  
12 195, O.S.L. 2013, 365.1, as amended by Section 2,  
13 Chapter 195, O.S.L. 2013, and 365.5 (62 O.S. Supp.  
14 2019, Sections 361 and 365.1), which relate to money  
15 judgments; modifying definitions; adding certain  
16 trusts to exclusive jurisdiction of courts for money  
17 judgments; providing for payment of money judgments  
18 against certain trusts; updating statutory language;  
19 and declaring an emergency.

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

21 SECTION 1. AMENDATORY 62 O.S. 2011, Section 361, as  
22 amended by Section 1, Chapter 195, O.S.L. 2013 (62 O.S. Supp. 2019,  
23 Section 361), is amended to read as follows:

24 Section 361. A. The term "board" as used herein shall be  
construed to mean the board of directors, or the board of education  
of any school district, independent or otherwise, the board of  
trustees of any town or township, the mayor and council of any city,

1 the board of commissioners or city council of any city having a  
2 charter form of government and the board of county commissioners of  
3 any county including, in counties with a population in excess of six  
4 hundred thousand (600,000) persons, the board of trustees of any  
5 jail trust created in Title 60 of the Oklahoma Statutes whose sole  
6 beneficiary is the county, if approved by the Board of County  
7 Commissioners.

8 B. The term "judgment" shall be construed to mean:

9 1. The final determination by any court of competent  
10 jurisdiction in any action or proceeding to determine the rights of  
11 parties; or

12 2. The final judgment, decision and determination of an  
13 administrative law judge or an administrative agency designated by  
14 the State Legislature to issue workers' compensation judgments,  
15 decisions and determinations.

16 C. The term "municipality" as used herein shall be construed to  
17 mean any school district, independent or otherwise, any township,  
18 any city or town, irrespective of the form of government prevailing  
19 in ~~said~~ the city or town, and any county which, in counties with a  
20 population in excess of six hundred thousand (600,000) persons,  
21 hereby includes a jail trust created in Title 60 of the Oklahoma  
22 Statutes whose sole beneficiary is the county, if approved by the  
23 Board of County Commissioners.

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1 SECTION 2. AMENDATORY 62 O.S. 2011, Section 365.1, as  
2 amended by Section 2, Chapter 195, O.S.L. 2013 (62 O.S. Supp. 2019,  
3 Section 365.1), is amended to read as follows:

4 Section 365.1 It is hereby provided that courts of record shall  
5 have exclusive jurisdiction in all actions for money judgment or for  
6 establishing any indebtedness against any county which, in counties  
7 with a population in excess of six hundred thousand (600,000)  
8 persons, hereby includes a jail trust created in Title 60 of the  
9 Oklahoma Statutes whose sole beneficiary is the county, if approved  
10 by the Board of County Commissioners, city, town, board of  
11 education, school district or other municipal subdivisions of the  
12 State of Oklahoma. The administrative law judges and the  
13 administrative agency designated by the State Legislature to  
14 administer workers' compensation laws of this state shall have  
15 exclusive jurisdiction, absent an appeal, in all workers'  
16 compensation actions against any county, city, town, board of  
17 education, school district or other municipal subdivisions of this  
18 state.

19 SECTION 3. AMENDATORY 62 O.S. 2011, Section 365.5, is  
20 amended to read as follows:

21 Section 365.5 Money judgments against any county which, in  
22 counties with a population in excess of six hundred thousand  
23 (600,000) persons, hereby includes a jail trust created in Title 60  
24 of the Oklahoma Statutes whose sole beneficiary is the county, if

1 approved by the Board of County Commissioners or other municipal  
2 subdivisions of the State of Oklahoma shall be paid in the following  
3 manner, and may be paid in no other manner. No payment shall be  
4 made until such judgment is first spread on the budget for levy as  
5 to the first third thereof, and the levy or provision made therefor  
6 has become final. Within thirty (30) days after the final  
7 determination of any ad valorem tax protests as involve levy for  
8 judgments against the county or any of its municipal subdivisions,  
9 or, if no protests be filed, then after termination of the forty-day  
10 protest period, the judgment creditor or attorney for the judgment  
11 creditor shall file with the treasurer of such municipality a claim,  
12 in form as prescribed by the State Auditor and Inspector, itemizing  
13 the judgments to be paid, stating the principal sum thereof, any  
14 sums paid thereon, and the balance due with interest computed on the  
15 unpaid portion of the principal amount of each judgment. The  
16 information required by the claim form shall be supplied by the  
17 treasurer of the municipality or of the county, as the case may be.  
18 Such treasurer shall thereupon canvass his or her sinking fund for  
19 the purpose of ascertaining if there be in his or her sinking fund  
20 for such municipality an amount of actual cash over and above the  
21 amount of cash needed to pay all coupons and bonds matured and  
22 maturing therein within the time such sinking fund will be  
23 replenished from levies made or to be made for such judgment, or  
24 judgments, he or she shall approve such claim in such amount as is

1 neither in excess of such claim nor in excess of the actual cash  
2 reserve necessary for coupons and bonds as hereinbefore defined and  
3 shall transmit it to the clerk of such municipality. For all  
4 purposes of this act, the county clerk shall act for the county and  
5 all townships and dependent school districts therein. Upon receipt  
6 of such claim, the clerk shall audit the same against his or her own  
7 records and, if found correct he shall approve the same and return  
8 it to such treasurer, who shall pay the amount thereof out of such  
9 sinking fund, to the clerk of the court out of which such judgments  
10 issued. Upon receipt thereof such court clerk shall issue his or  
11 her official receipt and deposit ~~said~~ the funds in his or her  
12 official depository account, and at the same time enter a credit in  
13 each case involved in accordance with the claim previously made or  
14 in ratio thereto; and thereafter, upon demand by the judgment  
15 creditor or his or her assignee of record, he or she shall make  
16 payment by his or her own official voucher in the same manner as in  
17 other cases and credit the judgment roll of such judgment with the  
18 amount of payment so made. No poundage or other fee shall be  
19 charged or collected by the court clerk for monies received or paid  
20 under the provisions of this act. If such claim can be only partly  
21 paid, under this section, other claims shall be filed from time to  
22 time thereafter, audited and paid in the same manner. No payment by  
23 the court clerk shall be authorized to be made to the assignee of

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1 any judgment unless such assignment, duly acknowledged, be first  
2 entered of record in such case and on such judgment roll.

3 SECTION 4. It being immediately necessary for the preservation  
4 of the public peace, health or safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

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