An Act

ENROLLED HOUSE
BILL NO. 2668

By: Lepak and Moore of the House

and

Pugh of the Senate

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

SUBJECT: Public finance

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

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

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, the board of commissioners or city council of any city having a charter form of government and the board of county commissioners of any county <u>including, in counties with a population in excess of six hundred thousand (600,000) persons, the board of trustees of any jail trust created in Title 60 of the Oklahoma Statutes whose sole beneficiary is the county, if approved by the board of county commissioners</u>.

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

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

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

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

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

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

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

Section 365.5 Money judgments against any county which, in counties with a population in excess of six hundred thousand (600,000) persons, hereby includes a jail trust created in Title 60 of the Oklahoma Statutes whose sole beneficiary is the county, if approved by the board of county commissioners or other municipal subdivisions of the State of Oklahoma shall be paid in the following manner, and may be paid in no other manner. No payment shall be made until such judgment is first spread on the budget for levy as to the first third thereof, and the levy or provision made therefor has become final. Within thirty (30) days after the final determination of any ad valorem tax protests as involve levy for judgments against the county or any of its municipal subdivisions, or, if no protests be filed, then after termination of the forty-day protest period, the judgment creditor or attorney for the judgment creditor shall file with the treasurer of such municipality a claim, in form as prescribed by the State Auditor and Inspector, itemizing the judgments to be paid, stating the principal sum thereof, any sums paid thereon, and the balance due with interest computed on the unpaid portion of the principal amount of each judgment. The information required by the claim form shall be supplied by the treasurer of the municipality or of the county, as the case may be. Such treasurer shall thereupon canvass his or her sinking fund for the purpose of ascertaining if there be in his or her sinking fund for such municipality an amount of actual cash over and above the amount of cash needed to pay all coupons and bonds matured and maturing therein within the time such sinking fund will be replenished from levies made or to be made for such judgment, or judgments, he or she shall approve such claim in such amount as is neither in excess of such claim nor in excess of the actual cash reserve necessary for coupons and bonds as hereinbefore defined and shall transmit it to the clerk of such municipality. For all purposes of this act, the county clerk shall act for the county and all townships and dependent school districts therein. Upon receipt of such claim, the clerk shall audit the same against his or her own records and, if found correct he or she shall approve the same and return it to such treasurer, who shall pay the amount thereof out of such sinking fund, to the clerk of the court out of which such judgments issued. Upon receipt thereof such court clerk shall issue his or her official receipt and deposit ~~said~~ the funds in his or her official depository account, and at the same time enter a credit in each case involved in accordance with the claim previously made or in ratio thereto; and thereafter, upon demand by the judgment creditor or his or her assignee of record, he or she shall make payment by his or her own official voucher in the same manner as in other cases and credit the judgment roll of such judgment with the

amount of payment so made. No poundage or other fee shall be charged or collected by the court clerk for monies received or paid under the provisions of this act. If such claim can be only partly paid, under this section, other claims shall be filed from time to time thereafter, audited and paid in the same manner. No payment by the court clerk shall be authorized to be made to the assignee of any judgment unless such assignment, duly acknowledged, be first entered of record in such case and on such judgment roll.

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

Passed the House of Representatives the 14th day of May, 2020.

Presiding Officer of the House
of Representatives

Passed the Senate the 12th day of May, 2020.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 14th

day of May, 2020, at 11:59 o'clock p. M.

By: Sumer Curry

Approved by the Governor of the State of Oklahoma this 20th

day of May, 2020, at 10:01 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 20

day of May, 2020, at 11:54 o'clock a M.

By: Nicole Rogers