

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

HOUSE BILL NO. 1138

By: Fetgatter and Lawson of the
House

5 and

6 Kidd of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to public finance; 62 O.S. 2021,
11 Section 555, which relates to warrants; requiring the
12 initiation of a stop-payment order under certain
13 circumstance; authorizing the issuance of a second or
14 duplicate check, warrant, or voucher without a stop-
payment order if certain conditions are met; updating
statutory language; and providing an effective date.

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

16 SECTION 1. AMENDATORY 62 O.S. 2021, Section 555, is
17 amended to read as follows:

18 Section 555. ~~The clerk of any county, city or town, is hereby~~
19 ~~authorized and empowered to issue~~ If a check, warrant, or voucher
20 has been issued and is subsequently lost or destroyed, the treasurer
21 of any county, city, or town shall initiate a stop-payment order or
22 submit a positive pay file providing the payee, amount, and serial
23 number of the check, warrant, or voucher to the depository prior to
24 the clerk of the county, city, or town issuing a second or duplicate

1 check, warrant, or voucher. If the treasurer of any county, city,
2 or town is unable to initiate a stop-payment order or submit a
3 positive pay file providing the payee, amount, and serial number of
4 the check, warrant, or voucher to the depository, clerks are
5 authorized and empowered to issue a second or duplicate check,
6 warrant, or voucher in lieu of any check, warrant or voucher that
7 has been issued and subsequently lost or destroyed. ~~Unless the~~
8 ~~treasurer of any county, city or town has evidence that a stop-~~
9 ~~payment order has been issued, no second or duplicate check, warrant~~
10 ~~or voucher shall be issued until an~~ if the following conditions are
11 met:

12 1. An affidavit setting forth the facts as to the loss or
13 destruction of the original check, warrant, or voucher has been
14 filed with the clerk, ~~together with an~~; and

15 2. An indemnifying bond running to the treasurer of the county,
16 city, or town, or to the State Treasurer ~~of the State of Oklahoma,~~
17 in double the amount of such lost or destroyed check, warrant, or
18 voucher.

19 The conditions of such bond shall be to indemnify and protect
20 the county, city, or town, or to the State Treasurer ~~of the State of~~
21 ~~Oklahoma,~~ from any loss or harm occasioned or sustained on account
22 of the issue of such second or duplicate check, warrant, or voucher.
23 The bond shall be satisfactory to the treasurer of such county,
24 city, or town, or to the State Treasurer ~~of the State of Oklahoma,~~

1 who shall, upon being satisfied as to the sufficiency of the bond,
2 endorse approval thereon. The clerk and treasurer shall make such
3 records in their respective offices as will, as nearly as possible,
4 preclude any loss being sustained by the county, city, or town, or
5 to the State Treasurer ~~of the State of Oklahoma~~, on account of the
6 issue of any second or duplicate check, warrant, or voucher.
7 Warrants issued by the State Treasurer against claims submitted
8 through the Director of the Office of Management and Enterprise
9 Services in payment of obligations of the state which may
10 subsequently be lost or destroyed will be governed by the provisions
11 of Section 34.81 of this title.

12 SECTION 2. This act shall become effective November 1, 2022.

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