

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 764

BY: SMITH of the SENATE

and

STEIDLEY of the HOUSE

COMMITTEE SUBSTITUTE [COURT FEES - AMENDING SECTIONS IN TITLES
21, 28 AND 31 - LICENSING - COURT CLERKS REVOLVING FUND -
CODIFICATION -
EMERGENCY]

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 995.3, is amended to read as follows:

Section 995.3 Any organization or association may apply to the district court clerk of the county in which it is situated for a license to conduct bingo games. The application shall be on such form as designed by the Administrative Director of the Courts and shall state sufficient facts to enable a determination as to whether the license should be issued. Except in the case of churches which are naturally immune from taxation according to the Internal Revenue Code, 26 U.S.C., Section 1 et seq., said application shall be accompanied by a copy of the sales tax permit in the name of the organization, a copy of a letter or other certificate from the Internal Revenue Service wherein it is recognized that the applicant

or parent organization or association of the applicant is a nonprofit organization and exempt from payment of federal income taxes, a copy of the minutes of a meeting of such applicant designating current officers of such organization or association and their terms of office; a copy of the minutes of a meeting of such applicant authorizing the application for a bingo license; a certified copy of the applicant's articles of incorporation or corporate trade name report or the organization constitution and bylaws, if unincorporated under Section 501(c)(5) of the Internal Revenue Code; and a copy of the federal identification number of the applicant or of the parent organization or association of the applicant. Said application shall state that the applicant is an organization or association which has been in existence for longer than two (2) years continuously immediately preceding the date of such application; that it proposes to conduct bingo at a specific location and setting forth such location, provided, no more than three licenses may be issued for any one location or building. Except that different organizations may conduct bingo at a single location for not to exceed six (6) days a week, however, bingo shall not be conducted more than two (2) days in a given week on a single license, no license shall be issued if a license has previously been issued and has not expired or been revoked pursuant to the provisions of Section 995.1 et seq. of this title for the location specified in the application; that no commission, salary, compensation, reward or recompense will be paid to any person for conducting such games except when the conducting of such games is only incidental to the regular employment of employees of such organization; that the applicant will abide by all the provisions of this act. Said application shall also state the name and address of some person authorized to receive notice in behalf of said licensee. All of the requirements provided for in this section shall be sworn and attested to by a designated principal officer of said nonprofit

organization or association or by the attorney of record for the organization or association. The applicant applying for such license shall pay to the district court clerk a fee of Thirty Dollars (\$30.00) for the issuance of the initial license. At the end of one (1) calendar year from the date of the issuance of the initial license, the licensee shall renew such license for a period of one (1) year. A charge of Seven Dollars and fifty cents (\$7.50) per year shall be charged for the issuance of such renewal license. All such fees shall be deposited in the court fund. Upon application being filed, the district court clerk shall give five (5) days' notice by causing the same to be posted on the front of the building in which such bingo games are to be conducted. A copy of said notice shall be mailed to the district attorney, the sheriff and the chief of police or marshal of any city or town in which said bingo games are to be held. Said notice shall contain the name of the applicant and the location of said place of business and the time and place the said clerk will act upon said application. If there are no protests and the application is sufficient on its face, then said license shall be granted by the district court clerk. Provided, that if any citizen of the county files a written protest setting forth objections, then the district court clerk shall advise the chief judge who shall hear the application or assign such application to a district judge or associate district judge or special judge for hearing. Said hearing shall be held within thirty (30) days and after due notice. The application for such license must be in writing and verified by the presiding officer of the applicant organization. All testimony before the district court shall be under oath.

A license granted pursuant to the provisions of this section shall not be leased, assigned, sold or transferred to any other organization, person or entity of any nature and no bingo game shall be administered or conducted pursuant to the provisions of Section

995.1 et seq. of this title except by the organization to which a license has been issued.

An applicant organization shall be denied a license if any officer of the organization has been convicted of a felony pursuant to the laws of the United States, this state or any other state.

SECTION 2. AMENDATORY 28 O.S. 1991, Section 31, is amended to read as follows:

Section 31. The clerk of the district court, ~~or the clerk of any other court of record,~~ shall charge and collect the following fees for services by them respectively rendered and none others, except as otherwise provided by law:

1. Approving bond or undertaking, including certificate and seal \$3.00
2. Making copy of an instrument of record or on file, first page..... 1.00
subsequent pages (each)50
3. Certifying to any instrument (each)50
4. Authentication of court records 5.00
5. Receiving and paying out money in pursuance of law or order of court 1%
provided, however, that such charge shall not exceed \$300.00
6. In any case which has been on file and pending without activity for a period of five (5) years and in which there is on hand, unexpended, a balance of deposits for costs, there shall be a charge annually thereafter for accounting, to be deducted from any such balance, and to the extent available therefor, an annual fee of 3.00
7. Application, issuing, entering return and recording marriage license 25.00

<u>8.</u>	Conveyance of full-blood Indian heirs to interest in inherited lands, same to be accounted for as other fees	5.00
<u>9.</u>	Storage and indexing of wills	5.00
<u>10.</u>	Posting notice outside the courthouse	10.00
<u>11.</u>	Mailing, by any type of mail, writs, warrants, orders, process, command or notice for each person	5.00
<u>12.</u>	except ordinary mailing of first-class mail in probate cases, for each case	5.00
<u>13.</u>	For the actual cost of all postage in each case in excess of	5.00
<u>14.</u>	For filing and indexing of disclaimers other than in pending probate or civil cases pursuant to the provisions of Section 751 et seq. of Title 60 of the Oklahoma Statutes	5.00

SECTION 3. AMENDATORY 28 O.S. 1991, Section 151, is amended to read as follows:

Section 151. From and after the effective date of this act, it shall be the duty of the clerks of the district court and other trial courts of record of this state to charge and collect the fees as herein provided, and none others, in all cases, except those wherein the defendant is charged with a misdemeanor or traffic violation, and except cases coming within the purview of the Small Claims Act.

Payment for any fee herein provided may be made by a nationally recognized credit card issued to the applicant. The court clerk may add an amount equal to the amount of the service charge incurred, not to exceed four percent (4%) of the amount of such payment as a service charge for the acceptance of such credit card. For purposes

of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services or anything else of value on credit which is accepted by over one thousand merchants in this state. The court clerk shall determine which nationally recognized credit cards will be accepted as payment for any fee. Provided however the court clerk must ensure that no loss of state revenue will occur by the use of such card and shall implement procedures to ensure that such card is a valid card on the date the payment is made.

SECTION 4. AMENDATORY 28 O.S. 1991, Section 152, is amended to read as follows:

Section 152. A. In any civil case except small claims cases filed in district court, the court clerk shall collect, at the time of filing, ~~the one~~ one following flat ~~fees~~ fee, none of which shall ever be refundable, and which shall be the only charge for court costs through judgment in the case, except as is otherwise specifically provided for by law:

1. ~~Actions~~ All civil actions including, but not limited to, actions for divorce, alimony without divorce, separate maintenance, custody or support, probate and guardianship, judicial determination of death, adoption, condemnation, forcible entry and detainer, enforcement of judgments from all the courts including the Workers' Compensation Court \$62.00
\$85.00
2. Any ancillary proceeding to modify or vacate a divorce decree or prior order providing for custody or support, any proceeding for sale or lease of real or personal property or

	<u>mineral interest in probate or guardianship,</u>	
	<u>or any proceeding to revoke the probate of</u>	
	<u>a will or any other action after judgment</u>	
	<u>including an annual guardianship report</u>	\$30.00
3.	Probate and guardianship	\$62.00
	Garnishment	\$20.00
4.	Annual guardianship report	\$20.00
	Continuing wage garnishment	\$50.00
5.	Any proceeding for sale or lease	
	of real or personal property or	
	mineral interest in probate or	
	guardianship	\$30.00
6.	Any proceeding to revoke the probate	
	of a will	\$30.00
7.	Judicial determination of death	\$35.00
8.	Adoption	\$62.00
9.	Civil actions and condemnation	\$62.00
10.	Garnishment	\$10.00
11.	Continuing wage garnishment	\$50.00
12.	Any other proceeding after judgment	\$20.00
13.	All others, including but not limited	
	to actions for forcible entry and detainer,	
	judgments from all other courts, including	
	the Workers' Compensation Court	\$62.00

B. Of the amount collected pursuant to subsection A of this section, the sum of Three Dollars (\$3.00) shall be deposited to the credit of the county Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. In any case where the litigant claims he has a just cause of action, and that, by reason of poverty, he is unable to pay the fees and costs provided for in this section and financially unable to employ counsel, upon the filing of an affidavit in forma pauperis

executed before any officer authorized by law to administer oaths by such litigant in such action to that effect and upon satisfactory showing to the court that said litigant has no means and is, therefore, unable to pay the applicable fees and costs and to employ counsel, no fees or costs shall be required. The opposing party or parties may in any event file with the court clerk of the court having jurisdiction of the cause an affidavit similarly executed contradicting the allegation of such poverty. In all such cases, the court shall promptly set for hearing the determination of the eligibility of the original affiant to litigate without payment of fees or costs. Until a final order determining the ineligibility of such affiant has been entered, the clerk shall permit such affiant to litigate without payment for fees or costs. Any litigant executing a false affidavit or counter affidavit pursuant to the provisions of this section shall be guilty of perjury.

SECTION 5. This act shall become effective July 1, 1992.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and 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.

43-2-9496

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