

ENGROSSED HOUSE
BILL NO. 1747

BY: STEIDLEY and COZORT of
the HOUSE

and

MICKLE of the SENATE

(STATE JUDICIAL FUND - AMENDING 10 SECTIONS
IN TITLE 20 - AMENDING 22 O.S. 1991,
SECTION 562 -

EMERGENCY)

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1310A of Title 20, unless there is created a duplication in numbering, reads as follows:

On June 30, 1992, the State Judicial Fund shall be closed and the unencumbered balance shall be transferred by the Director of State Finance to the General Revenue Fund of this state.

SECTION 2. AMENDATORY 20 O.S. 1991, Section 72, is amended to read as follows:

Section 72. The Clerk of the Supreme Court shall, on the first Monday of January, April, July and October of each year, make out and present to the Administrative Director an itemized and verified report of all fees earned and collected by him during the preceding quarter, and shall transfer all monies so earned to the State Treasurer for deposit in the State ~~Judicial~~ General Revenue Fund.

SECTION 3. AMENDATORY 20 O.S. 1991, Section 73.5, is amended to read as follows:

Section 73.5 From and after the effective date of this act the new opinions of the Supreme Court, the Court of Criminal Appeals and the Court of Appeals shall be promptly furnished, at a cost of twenty-five cents (\$0.25) per page, to any person, firm or corporation who shall request same in writing to the Clerk of the Supreme Court for the purpose of publishing, editing and binding said opinions. For any other purpose, other persons, firms or corporations shall be furnished, upon request in writing to the Clerk of the Supreme Court, copies of said opinions at that fee mandated by Section 31 of Title 28 of the Oklahoma Statutes, for the copying of any instrument of record or on file. Provided however, said opinions shall be furnished free of cost to the litigants involved, and to the Oklahoma Bar Association for any official publication of said Association.

All monies collected by the Clerk of the Supreme Court for said opinions shall be by said Clerk deposited monthly to the credit of the State ~~Judicial~~ General Revenue Fund of the State of Oklahoma.

SECTION 4. AMENDATORY 20 O.S. 1991, Section 103.1, is amended to read as follows:

Section 103.1 A. Any judge of the district court designated by the Chief Justice to hold a term of court in another district, or appointed by the Chief Justice to hold court in another district when the public business shall require, or any judge pro tempore agreed upon by the parties or elected by the members of the bar of the district or designated by the chief judge of the district court and approved by the Chief Justice, shall have continuing authority, without further assignment, to make final disposition of any matter regularly submitted or tried before him during the term or period of time of his designation, appointment or election, including motions and petitions for new trial and for judgment notwithstanding the verdict, and of all applications and proceedings pertaining to the making, serving, amendment, settlement, signing, correcting,

extending time and completing of case made, transcript, or original record for appeal, notwithstanding the term or period of time for which he was designated or appointed has expired; and when necessary for him to return to the district for the purpose of acting on such matters, his necessary travel expense shall be paid as provided by Section 105.1 of this title. Judges pro tempore designated by the chief judge of a district court, shall receive per diem and expenses as approved by the Chief Justice to be paid ~~from the State Judicial Fund~~ on claims filed with and approved by the Administrative Director of the Courts.

B. When any judge of the district court has been lawfully designated or appointed and be sitting in any county of his own district, he may make any order of a nature not requiring notice and hearing in any cause theretofore heard, or being heard, by him in a district to which he has been properly designated or appointed; and he may sign the journal entry of any order, judgment or decree theretofore made by him, as such designated or appointed judge, if such journal entry be approved as to form by all parties affected thereby, or by their attorneys; and he may extend the time for the completion, serving, settling and signing of cases made, transcripts, or original record for appeal, and he may sign and settle any case made, transcript or original record for appeal, under the foregoing circumstances, if the parties affected thereby or their attorneys have stipulated that he may do so. If any action is taken under the foregoing circumstances, the judge shall make a minute of his action and forthwith transmit said minute to the court clerk of the county in which the action is pending.

SECTION 5. AMENDATORY 20 O.S. 1991, Section 1224, is amended to read as follows:

Section 1224. On August 1 each year the board of trustees shall transmit to the Supreme Court for deposit in the State ~~Judicial~~ General Revenue Fund all funds on deposit in the law library fund in

excess of twenty-five percent (25%) of the income to such fund during the preceding fiscal year, the existing surplus on hand on the effective date of this act being excluded.

SECTION 6. AMENDATORY 20 O.S. 1991, Section 1307, is amended to read as follows:

Section 1307. a. A. Within ~~thirty (30)~~ fifteen (15) days after the end of each ~~quarter~~ month of every calendar year, the court clerk of each county shall report to the Supreme Court, in such manner as prescribed by the Supreme Court, the receipts that have been deposited in the court fund and the disbursements therefrom for the preceding ~~quarter~~ month of the year and the total amount in the fund at the end of the ~~quarter~~ month. Ten percent (10%) of the amount collected in the court fund minus any statutory transfers to the Indigent Defense System Revolving Fund shall be transferred to the State Judicial Retirement Fund at the end of each ~~quarter~~ month.

~~b.~~ B. In the report for the last ~~quarter~~ month of every fiscal year, the court clerk shall, in addition to other information required, submit the following data: (1) the gross receipts to the court fund during the entire last fiscal year, (2) the total amount of expenses paid during the entire last fiscal year, including bond and interest expense as well as payments to the county general fund and (3) the total amount of money transferred, and to be transferred, to the State ~~Judicial~~ General Revenue Fund and the State Judicial Retirement Fund for the entire last fiscal year as set forth in Section 1308 of this title.

SECTION 7. AMENDATORY 20 O.S. 1991, Section 1308 (Section 17, Chapter 286, O.S.L. 1991), is amended to read as follows:

Section 1308. At the time the ~~quarterly~~ monthly report required by Section 1307 of this title is made, the court clerk must transmit to the Supreme Court for deposit in the State Judicial Retirement Fund, ten percent (10%) of the amount collected in the court fund

for the ~~quarter~~ month minus any statutory transfers to the Indigent Defense System Revolving Fund and must also transmit for deposit in the State ~~Judicial~~ General Revenue Fund the amount by which the receipts deposited in the court fund for the ~~quarter~~ month, including the interest earned on said court fund, exceeds the expenses for said ~~quarter~~ month, provided the court clerk shall retain from said excess amount a sum equal to twenty percent (20%) of the expenses for said quarter. Within thirty (30) days of the end of each fiscal year, the court clerk, in addition to the other amounts due hereunder, shall transmit to the Supreme Court for deposit in the State ~~Judicial~~ General Revenue Fund an amount equal to the gross receipts for the entire past fiscal year less the total amount of expenses, as defined in subsection ~~B~~ B of Section 1307 of this title, and less the four quarterly transfers made for the past fiscal year.

SECTION 8. AMENDATORY 20 O.S. 1991, Section 1309, is amended to read as follows:

Section 1309. All remittances transmitted to the Supreme Court for deposit to the State ~~Judicial~~ General Revenue Fund and to the State Judicial Retirement Fund shall be placed by the Administrative Director of the Courts in a clearing account and thence transferred to the proper fund after refunds directed by State Auditor and Inspector have been effected or ninety (90) days of receipt, whichever is the shorter period of time.

SECTION 9. AMENDATORY 20 O.S. 1991, Section 1311, is amended to read as follows:

Section 1311. When the court fund in any county becomes so exhausted that it appears that a party cannot procure an immediate trial by jury, the Administrative Director of the Courts upon the request of the presiding judge of the judicial administrative district and upon the approval by the Chief Justice of the Supreme Court, shall transfer from ~~the State Judicial Fund~~ funds

appropriated to the Supreme Court for that purpose to the court fund of said county an amount that will be sufficient to permit an immediate jury trial of all cases that are triable by a jury and that are ready for trial.

SECTION 10. AMENDATORY 20 O.S. 1991, Section 1507, is amended to read as follows:

Section 1507. All fees authorized to be charged shall be paid to the Clerk of the Supreme Court who shall deposit them in the State ~~Judicial~~ General Revenue Fund. The Chief Justice shall be authorized to draw against this fund for such amounts as are lawfully claimed by the Board for its necessary supplies and expenses. When performing essential duties each Board member shall be entitled to his actual expenses and shall receive, in addition thereto, the sum of Fifty Dollars (\$50.00) for each full day of service or a fraction thereof for less than a day's service. ~~On the effective date of this act the Clerk of the Supreme Court shall transfer and deposit to the State Judicial Fund all monies which he presently holds in the Certified Reporters Fund under the provisions of Section 962 of Title 59 of the Oklahoma Statutes.~~

SECTION 11. AMENDATORY 20 O.S. 1991, Section 1660, is amended to read as follows:

Section 1660. All expenses incurred under the provisions of ~~this act~~ Sections 1651 through 1659 of this title shall be paid ~~out~~ ~~of the State Judicial Fund~~ upon a claim approved by the Administrative Director of the Courts.

SECTION 12. AMENDATORY 22 O.S. 1991, Section 562, is amended to read as follows:

Section 562. The order of removal from the county must be entered upon the minutes and the court clerk must thereupon make out, and within ten (10) days transmit to the county to which the action is removed, a certified copy of the order of removal and the record, and shall transmit the pleadings including the undertaking

for the appearance of the defendant, and of the witnesses, and the cause must be docketed and stand for trial within six (6) months from the date the cause was ordered removed. The State ~~Judicial Fund~~ Supreme Court, from funds appropriated for this purpose, shall be liable for the expense and charge of removing, delivering and keeping the prisoner, and the fees of jurors and witnesses in attendance during the trial, court reporter's fees, all fees and mileage of the sheriff, and the per diem of bailiffs during the time said cause is on trial, and such other expenses as may be lawfully incurred incident to the trial, which costs and expenses shall be approved by the Court Administrator of the Supreme Court of the State of Oklahoma and certified by the clerk of the court to which the action was transferred to the court clerk of the county from which the cause was removed and shall show the name of each person and the amount due to him. ~~On receipt of such certificate, the clerk of the court from which the action was transferred shall draw his warrants on the State Judicial Fund for the total amount of costs allowed by the transferee court, payable to the order of the court fund of the transferee court subject to the order of the person entitled thereto, and forward the same to the clerk of the court where the cause was tried, who shall deposit it in the court fund. All fees not claimed two (2) years after having been received by the clerk of the transferee court, shall by him be returned to the clerk of the transferor court to be held in the court fund for the benefit of the owner for a period of one (1) year, and, if not claimed within that time, such fees shall become the property of the court fund of the county.~~

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1310B of Title 20, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Supreme Court, to be designated the "District Court Change

of Venue Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated to the fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Supreme Court for the purpose of holding trial when a change of venue has been ordered. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1310C of Title 20, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Supreme Court, to be designated the "District Court Trial Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated to the fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Supreme Court for the purpose of holding trial when the court fund in a county is exhausted. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 15. REPEALER 20 O.S. 1991, Sections 1308 (Section 29, Chapter 238, O.S.L. 1991), and 1310, are hereby repealed.

SECTION 16. This act shall become effective July 1, 1992.

SECTION 17. 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.

Passed the House of Representatives the 4th day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate