

ENROLLED HOUSE
BILL NO. 1250

BY: HAMILTON (James),
STEIDLEY and GLOVER of
the HOUSE

and

TAYLOR and HANEY of the
SENATE

AN ACT RELATING TO THE COURTS; AMENDING SECTION 13 OF ENROLLED SENATE BILL NO. 414 OF THE 1ST SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO APPROPRIATIONS, DELETING CERTAIN APPROPRIATIONS; MAKING APPROPRIATIONS AND REAPPROPRIATION THERETO; STATING THE PURPOSES; PROVIDING FOR THE DUTIES AND COMPENSATION OF EMPLOYEES OF THE STATE SUPREME COURT; PROVIDING THE SALARIES OF THE JUSTICES OF THE STATE SUPREME COURT; PROVIDING FOR THE DUTIES AND COMPENSATION OF EMPLOYEES OF THE COURT OF APPEALS; LIMITING THE SALARIES OF THE JUDGES OF THE COURT OF APPEALS; PROVIDING BUDGETARY LIMITATIONS; REQUIRING ANNUAL REPORT; AMENDING SECTION 5, CHAPTER 260, O.S.L. 1985 (12 O.S. SUPP. 1990, SECTION 1809), WHICH RELATES TO THE DISPUTE RESOLUTION SYSTEM REVOLVING FUND; TRANSFERRING CERTAIN MONIES FROM SAID FUND TO THE SPECIAL CASH FUND; AMENDING 20 O.S. 1981, SECTION 30.11, AS AMENDED BY SECTION 1, CHAPTER 115, O.S.L. 1982 (20 O.S. SUPP. 1990, SECTION 30.11), WHICH RELATES TO JUDGES OF THE COURT OF APPEALS; PROVIDING FOR RETENTION OF JUDGES FROM DISTRICTS FROM WHICH ELECTED OR APPOINTED; SPECIFYING THAT SECTION OF LAW DOES NOT REQUIRE CHANGE OF ADDRESS FOR JUDGE SEEKING RETENTION; AMENDING 20 O.S. 1981, SECTION 1104B, WHICH RELATES TO PER DIEM AND MILEAGE; MODIFYING PER DIEM FOR ACTIVE RETIRED JUDGES; PROVIDING FOR TRANSFER OF CERTAIN MONIES FROM THE COURT FUND TO THE INDIGENT DEFENSE SYSTEM REVOLVING FUND; AMENDING 20 O.S. 1981, SECTION 1308, WHICH RELATES TO THE STATE JUDICIAL RETIREMENT FUND; MODIFYING METHOD OF CALCULATING AMOUNT TRANSFERRED FROM COURT FUND TO THE STATE JUDICIAL RETIREMENT FUND; AMENDING 20 O.S. 1981, SECTION 30.14, AS AMENDED BY SECTION 4, CHAPTER 336, O.S.L. 1982 (20 O.S. SUPP. 1990, SECTION 30.14), WHICH RELATES TO THE COURT OF APPEALS; MODIFYING CERTAIN TERMINATION DATE; AMENDING SECTIONS 26 AND 28 OF ENROLLED HOUSE BILL NO. 1277 OF THE 1ST SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO THE WORKERS' COMPENSATION COURT; MODIFYING APPROPRIATION; MODIFYING SALARY LIMITATION FOR JUDGES OF THE WORKERS' COMPENSATION COURT; PROVIDING LAPSE DATE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 13 of Enrolled Senate Bill No. 414 of the 1st Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 13. There is hereby appropriated to the State Supreme Court from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the sum of ~~Six Million Eight Hundred Forty-six Thousand Two Hundred Thirty-three Dollars (\$6,846,233.00)~~ Six Million Four Hundred Thirty Thousand Three Hundred Dollars (\$6,430,300.00) or so much thereof as may be required to perform the duties imposed upon the State Supreme Court and the Court of Appeals by law.

~~There is hereby appropriated to the State Supreme Court from the Workers' Compensation Administrative Fund for the fiscal year ending June 30, 1992, the sum of Five Hundred Seventy-two Thousand Nine Hundred seven Dollars (\$572,907.00) or so much thereof as may be required to perform the duties imposed upon the State Supreme Court and the Court of Appeals by law.~~

SECTION 2. There is hereby appropriated to the State Supreme Court from any monies not otherwise appropriated from the Workers' Compensation Fund of the State Treasury for the fiscal year ending June 30, 1992, the amount of Seven Hundred Eighty-two Thousand Seven Hundred Thirty-one Dollars (\$782,731.00) or so much thereof as may be necessary to perform the duties imposed upon the State Supreme Court or Court of Appeals by law.

SECTION 3. There is hereby appropriated to the State Supreme Court from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the amount of Forty-nine Thousand One Hundred Forty Dollars (\$49,140.00), or so much thereof as may be necessary to pay the expenses of the members of and provide staff assistance for local review boards pursuant to the provisions of Sections 1116.2 and 1116.5 of Title 10 of the Oklahoma Statutes.

SECTION 4. There is hereby appropriated to the State Supreme Court from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the sum of Five Thousand Four Hundred Sixty Dollars (\$5,460.00) or so much thereof as may be necessary to pay the operating expenses of the Court on the Judiciary.

SECTION 5. There is hereby appropriated to the State Supreme Court from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the sum of Five Thousand Dollars (\$5,000.00) or so much thereof as may be necessary to pay the operating expenses of the Judicial Nominating Commission.

SECTION 6. REAPPROPRIATION The amount of Twenty-six Thousand Dollars (\$26,000.000) originally appropriated by Section 42, Chapter 369, O.S.L. 1989, to the Supreme Court and reappropriated to the Supreme Court and redesignated by Section 102, Chapter 264, O.S.L. 1990, for the expenses of publishing uniform jury instructions is hereby reappropriated for the expenses of publishing uniform jury instructions. The monies reappropriated by this section shall be expended exclusively for the purpose so stated and shall not be transferable.

SECTION 7. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Supreme Court by law shall be set by the Supreme

Court Justices. The salary of the Chief Justice shall be Eighty Thousand Six Hundred Seventy Dollars (\$80,670.00) and the salary of each of the eight Supreme Court Justices shall be Seventy-seven Thousand Nine Hundred Seventy Dollars (\$77,970.00) per annum, payable monthly for the period beginning July 1, 1991 and ending December 31, 1991.

SECTION 8. Beginning January 1, 1992, the salary of the Chief Justice shall be Eighty-two Thousand Six Hundred Fifty-eight Dollars (\$82,658.00) and the salary of each of the eight Supreme Court Justices shall be Seventy-nine Thousand Eight Hundred Seventy-seven Dollars (\$79,877.00) per annum, payable monthly.

SECTION 9. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Court of Appeals by law shall be set by the Court of Appeals, subject to the approval of the State Supreme Court. The salary of the twelve Court of Appeals Judges shall not exceed Seventy-three Thousand One Hundred Fifty-two Dollars (\$73,152.00) per annum, payable monthly for the period beginning July 1, 1991 and ending December 31, 1991.

SECTION 10. Beginning January 1, 1992, the salary of the twelve Court of Appeals Judges shall not exceed Seventy-four Thousand Nine Hundred Fourteen Dollars (\$74,914.00) per annum, payable monthly.

SECTION 11. The State Supreme Court and the Court of Appeals for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations, on full-time-equivalent employees and expenditures, excluding expenditures for capital and special projects and excluding lawful expenditures from the State Judicial Fund, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	139.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$6,091,891.00
Professional and Personal Services Contracts	\$542,500.00
Lease-Purchase Agreements	\$63,308.00
Purchase of Equipment	\$104,844.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$7,786,578.00
Passenger Vehicles, as defined by the Office of Public Affairs Fleet Management Division	0

SECTION 12. The State Supreme Court shall submit a report to the Speaker of the House of Representatives or a designee, the President Pro Tempore of the Senate or a designee, and the Governor or a designee by January 1 of each year describing the findings of the court audit team, including but not limited to the amount of funds determined by the court audit team to be due to the State Judicial Fund but not reported to the State Supreme Court and any recommendations resulting from the activities of the court audit team.

SECTION 13. AMENDATORY Section 5, Chapter 260, O.S.L. 1985 (12 O.S. Supp. 1990, Section 1809), is amended to read as follows:

Section 1809. A. There is hereby created in the State Treasury a revolving fund for the State Supreme Court to be designated the "Dispute Resolution System Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of the court costs and fees provided for in subsection B of

this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Supreme Court by and through the Administrative Director of the Courts for the establishment and maintenance of an alternative dispute resolution system as provided for by law, and personal services and operational expenses incurred in the administration of said dispute resolution system. 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.

B. 1. To establish and maintain an alternative dispute resolution system, court costs in the amount of Two Dollars (\$2.00) shall be taxed, collected, and paid as other court costs in all civil cases. When dispute resolution services are sought, a fee in the amount of Five Dollars (\$5.00) shall be assessed by the center and collected from the initiating party. If the responding party agrees to participate in mediation of the dispute, a fee of Five Dollars (\$5.00) shall be assessed by the center and collected from the responding party.

The fee of an initiating or responding party shall be waived by the center upon receipt of an affidavit in forma pauperis executed under oath by such party.

2. Except for the court costs and fees provided for in this subsection, dispute resolution services shall be provided without cost to participants.

C. 1. The court costs provided for in subsection B of this section, once collected, shall be transferred by the court clerk to the Director who shall deposit them in the Dispute Resolution System Revolving Fund.

2. The fees provided for in subsection B of this section, once collected, shall be transferred by the center to the Director for deposit in the Dispute Resolution System Revolving Fund.

D. In the fiscal year ending June 30, 1991, the Director of State Finance shall transfer the sum of Three Hundred Ninety Thousand Five Hundred Forty-three Dollars (\$390,543.00) from the Dispute Resolution Revolving Fund to the Special Cash Fund of the State Treasury.

SECTION 14. AMENDATORY 20 O.S. 1981, Section 30.11, as amended by Section 1, Chapter 115, O.S.L. 1982 (20 O.S. Supp. 1990, Section 30.11), is amended to read as follows:

Section 30.11 Judges of the Court of Appeals shall be elected or appointed from the Congressional Districts with the boundaries as they exist at the time the Judge is elected or appointed to office. However, should the boundaries of the six Congressional Districts be revised and elections for the office of United States Representative be conducted using the revised boundaries, then the revised boundaries shall also be used in the conduct of any elections required for the office of Judge of the Court of Appeals; except that Judges of the Court of Appeals seeking retention shall be retained in the original Congressional District from which they were elected or appointed. Provided, however, nothing in this section shall be construed as to require a change of residence of a Judge of the Court of Appeals seeking retention. Should the number of Congressional Districts be increased or decreased the sections which define the area of each of the six Congressional Districts shall remain in effect for the purpose of this act, and at that time the sections shall be renumbered and codified in this title of the Oklahoma Statutes following this act.

SECTION 15. AMENDATORY 20 O.S. 1981, Section 1104B, as amended by Section 6, Chapter 320, O.S.L. 1985 (20 O.S. Supp. 1990, Section 1104B), is amended to read as follows:

Section 1104B. Any retired Justice or judge who is assigned and who performs active duty after his retirement date shall be reimbursed at a rate of ~~One Hundred Dollars (\$100.00)~~ Two Hundred Dollars (\$200.00) per diem plus mileage.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1307.1 of Title 20, unless there is created a duplication in numbering, reads as follows:

For the fiscal year ending June 30, 1992, the court clerk of each county shall transmit to the Supreme Court for deposit to the Indigent Defense System Revolving Fund, two and one half percent (2 1/2%) of the amount collected in the court fund for the quarter. Beginning July 1, 1992, the court clerk of each county shall transmit to the Supreme Court for deposit to the Indigent Defense System Revolving Fund, twelve percent (12%) of the amount collected in the court fund for the quarter.

SECTION 17. AMENDATORY 20 O.S. 1981, Section 1308, is amended to read as follows:

Section 1308. At the time the quarterly 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 minus any statutory transfers to the Indigent Defense System Revolving Fund and must also transmit for deposit in the State Judicial Fund the amount by which the receipts deposited in the court fund for the quarter, including the interest earned on said court fund, exceeds the expenses for said quarter, provided the court clerk shall retain from said excess amount a sum equal to twenty percent (20%) of the expenses for said quarter. ~~Payments made to the county general fund and State Judicial Retirement Fund shall be counted in computing said percentage. The percentage of the expenses retained, as herein provided, shall be regarded as an item of receipt to the court fund during the quarter in which it was retained.~~ 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 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 of Section 1307 of this title, and less the four quarterly transfers made for the past fiscal year.

SECTION 18. AMENDATORY 20 O.S. 1981, Section 30.14, as amended by Section 4, Chapter 336, O.S.L. 1982 (20 O.S. Supp. 1990, Section 30.14), is amended to read as follows:

Section 30.14 A. In addition to the provisions of Sections 30.1 through 30.12 of Title 20 of the Oklahoma Statutes, and in addition to the four permanent divisions established by Section 30.2 of Title 20 of the Oklahoma Statutes, the Court of Appeals shall consist of as many additional divisions as the Supreme Court may deem advisable to convene for prompt disposition of its docket. Each division shall consist of three (3) Judges, at least two of whom shall concur in any decision. In the exercise of its powers granted by Article VII, Section 6 of the Oklahoma Constitution, the Supreme Court shall make temporary assignments of judicial officers, active or retired, and lawyers, having prior to their assignment the qualifications of a district judge, to sit on a division of the Court of Appeals convened under the authority of this act. Each division of the Court of Appeals shall select its presiding Judge. The Supreme Court may prescribe by rule where the division shall sit

and how that Court shall conduct its business and practice before it.

B. Each division of the Court of Appeals convened under the authority of this act shall have jurisdiction to determine or otherwise dispose of any case assigned to it by the Supreme Court, and its decisions, when final, shall be neither appealable to the Supreme Court nor be subject to reexamination by another division of the Court of Appeals or by the Judges of that Court sitting en banc. The Supreme Court may recall a case from the Court of Appeals; it may review a decision of the Court of Appeals when a majority of its Justices direct that certiorari be granted. In any case assigned to it by the Supreme Court, the Court of Appeals shall have the power to issue writs of habeas corpus, mandamus, quo warranto, certiorari and prohibition.

C. The opinions of the Court of Appeals shall be written in ~~such~~ the form as prescribed by the Supreme Court ~~prescribes~~. No opinion of the Court of Appeals shall be binding or cited as a precedent unless it has been approved by the Supreme Court for publication in the official ~~report~~ reporter. The Supreme Court shall prescribe by rule which opinion or decision, if any, of the Court of Appeals shall be published in the unofficial reporter.

D. The jurisdiction, powers, duties and procedures of the Court of Appeals shall be as provided by rules of the Supreme Court ~~until~~ unless otherwise provided by statute.

E. No judicial officer, except as otherwise authorized by law, temporarily assigned to sit on the Court of Appeals shall be entitled to additional compensation for judicial service on that Court. Expenses of judicial officers and lawyers assigned to the Court of Appeals incurred in performing their duties shall be reimbursed by the state at the rate authorized by law.

F. The Supreme Court shall prescribe by rule the scope of review it will afford when a petition for certiorari to the Court of Appeals is filed.

G. The provisions of this section shall terminate on December 31, ~~1983~~ 1993, unless sooner terminated by law.

SECTION 19. AMENDATORY Section 26 of Enrolled House Bill No. 1277 of the 1st Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 26. There is hereby appropriated to the Workers' Compensation Court from any monies not otherwise appropriated from the Workers' Compensation Administration Fund of the State Treasury for the fiscal year ending June 30, 1992, the following amount or so much thereof as may be necessary to perform the duties imposed upon the Workers' Compensation Court by law:

TOTAL OPERATIONS	\$3,021,727.00
	<u>\$3,035,604.00</u>

SECTION 20. AMENDATORY Section 28 of Enrolled House Bill No. 1277 of the 1st Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 28. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Workers' Compensation Court by law shall be set by the Administrator. The salary of the nine (9) Judges of the Workers' Compensation Court shall not exceed Sixty-five Thousand One Hundred Eighteen Dollars (\$65,118.00) per annum, payable monthly for the fiscal year ending June 30, 1992 period beginning July 1, 1991 and ending December 31, 1991. Beginning January 1, 1992, the salary of the nine (9) Judges of the Workers' Compensation Court shall not

exceed Sixty-seven Thousand Nine Hundred Thirty-three Dollars (\$67,933.00) per annum, payable monthly. The Workers' Compensation Court for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations, on full-time-equivalent employees and expenditures, excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	84.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$2,378,868.00 <u>\$2,450,074.00</u>
Professional and Personal Services Contracts	\$31,600.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$90,000.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$3,577,122.00 <u>\$3,590,999.00</u>

SECTION 21. The appropriations made by this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1992. Any unexpended funds remaining after November 15, 1992, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 22. Sections 1 through 12 and Sections 14 through 21 of this act shall become effective July 1, 1991.

SECTION 23. 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 23rd day of May, 1991.

Speaker of the House of
Representatives

Passed the Senate the 23rd day of May, 1991.

President of the Senate