

ENROLLED SENATE  
BILL NO. 723

BY: TAYLOR and HANEY of the  
SENATE

and

HAMILTON (James), STEIDLEY  
and GLOVER of the HOUSE

AN ACT FUNDING STATE JUDICIAL ENTITIES; MAKING AN APPROPRIATION TO THE COURT OF CRIMINAL APPEALS; MAKING A REAPPROPRIATION AND REDESIGNATING CERTAIN FUNDS TO THE OKLAHOMA COURT OF CRIMINAL APPEALS; STATING PURPOSES; PROVIDING FOR THE DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF JUDGES; PROVIDING BUDGETARY LIMITATIONS; MAKING AN APPROPRIATION TO THE SUPREME COURT FOR THE DISTRICT COURTS; STATING PURPOSES; AMENDING SECTION 23 OF ENROLLED HOUSE BILL NO. 2420 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO APPROPRIATIONS; MODIFYING AMOUNT OF CERTAIN APPROPRIATION; LIMITING THE NUMBER AND SALARY OF JUDGES; LIMITING NUMBER AND SALARY OF CERTAIN EMPLOYEES; REQUIRING ADMINISTRATIVE DIRECTOR OF THE COURTS TO COLLECT CERTAIN INFORMATION; REQUIRING SUBMISSION OF REPORT; SPECIFYING CONTENTS OF SUCH REPORT; REQUIRING SAID DIRECTOR TO PREPARE AND SUBMIT CERTAIN REPORT AND STATING CONTENTS OF REPORT; MAKING AN APPROPRIATION TO THE OKLAHOMA INDIGENT DEFENSE SYSTEM; STATING PURPOSES; PROVIDING FOR THE DUTIES AND COMPENSATION OF EMPLOYEES; PROVIDING BUDGETARY LIMITATIONS; EXEMPTING CERTAIN EXPENDITURES AND EMPLOYEES FROM FULL-TIME-EQUIVALENT EMPLOYEE AND BUDGETARY LIMITATIONS; MAKING APPROPRIATIONS TO THE OKLAHOMA SUPREME COURT; STATING PURPOSES; REAPPROPRIATING CERTAIN AMOUNTS; AUTHORIZING CERTAIN EXPENDITURES BY THE SUPREME COURT; REQUIRING CERTAIN FUNDS NOT BE TRANSFERABLE; AMENDING SECTION 43 OF ENROLLED HOUSE BILL NO. 2420 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO APPROPRIATIONS; MODIFYING NAME OF CERTAIN COURT; AMENDING SECTION 44 OF ENROLLED HOUSE BILL NO. 2420 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO APPROPRIATIONS; MODIFYING NAME OF CERTAIN COURT; SPECIFYING CERTAIN PROCEDURES RELATED TO THE STATE JUDICIAL FUND; PROVIDING FOR CERTAIN REFUNDS; AUTHORIZING CERTAIN CLAIMS AND PAYMENT OF SUCH; PROVIDING FOR THE DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF JUDGES; PROVIDING BUDGETARY LIMITATIONS; AMENDING 20 O.S. 1991, SECTION 122, WHICH RELATES TO SPECIAL JUDGES; DELETING CERTAIN LANGUAGE RELATING TO APPOINTMENT OF SPECIAL JUDGES;

AUTHORIZING THE APPOINTMENT OF LAW STUDENT CLERKS AND PROVIDING RESTRICTIONS UPON SUCH EMPLOYMENT; CREATING A REVOLVING FUND; MAKING AN APPROPRIATION TO THE WORKERS' COMPENSATION COURT; STATING PURPOSES; ALLOWING WORKERS' COMPENSATION FRAUD CONTRACT BETWEEN ATTORNEY GENERAL AND THE STATE INSURANCE FUND; PROVIDING FOR THE DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF JUDGES; PROVIDING BUDGETARY LIMITATIONS; AMENDING 85 O.S. 1991, SECTION 24.1, WHICH RELATES TO CERTAIN RECORDS; MODIFYING PENALTIES; AMENDING 85 O.S. 1991, SECTION 61, WHICH RELATES TO EMPLOYEES COMPENSATION; MODIFYING PENALTIES; AMENDING 85 O.S. 1991, SECTION 93, WHICH RELATES TO WORKERS' COMPENSATION FILING FEES; DIRECTING THE DEPOSIT OF CERTAIN FEES; MODIFYING SAID FEES; AMENDING 85 O.S. 1991, SECTION 101, WHICH RELATES TO DEPOSITS TO THE WORKERS' COMPENSATION ADMINISTRATION FUND; REQUIRING CERTAIN FINES BE DEPOSITED INTO CERTAIN FUND; PROVIDING FOR CODIFICATION; PROVIDING A LAPSE DATE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:  
COURT OF CRIMINAL APPEALS

SECTION 1. There is hereby appropriated to the Court of Criminal Appeals from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1993, the sum of Twenty-nine Thousand Eight Hundred Ten Dollars (\$29,810.00) or so much thereof as may be required to perform the duties imposed upon the Court of Criminal Appeals by law.

SECTION 2. REAPPROPRIATION AND REDESIGNATION The amount of Twenty-three Thousand Four Hundred Sixty-three Dollars (\$23,463.00), originally appropriated by Section 10, Chapter 304, O.S.L. 1991, to the Court of Criminal Appeals, from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury, for the fiscal year ending June 30, 1992, to perform duties imposed upon the Court of Criminal Appeals by law is hereby reappropriated to the Court of Criminal Appeals for payment of court judgments assessed against the Court of Criminal Appeals for any personnel disputes.

SECTION 3. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Court of Criminal Appeals by law shall be set by the Judges of the Court of Criminal Appeals. The salary of the Presiding Judge shall not exceed Eighty-two Thousand Six Hundred Fifty-eight Dollars (\$82,658.00) per annum, payable monthly, and the salary of each of the four other Judges shall not exceed Seventy-nine Thousand Eight Hundred Seventy-seven Dollars (\$79,877.00) per annum, payable monthly. The Court of Criminal Appeals for the fiscal year ending June 30, 1993, 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	33.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$1,574,569.00
Professional and Personal Services Contracts	\$3,000.00
Lease-Purchase Agreements	\$70,200.00
Purchase of Equipment	\$65,000.00
Total Expenditures for Operations	\$1,827,656.00

#### DISTRICT COURTS

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, 1993, the sum of Three Hundred Sixty-three Thousand Three Hundred Sixty-one Dollars (\$363,361.00) or so much thereof as may be necessary to perform the duties imposed upon the District Courts by law.

SECTION 5. There is hereby appropriated to the State Supreme court from any monies not otherwise appropriated from the State Judicial Fund of the State Treasury for the fiscal year ending June 30, 1993, the sum of Three Hundred Eighty Thousand Dollars (\$380,000.00) or so much thereof as may be necessary to perform the duties imposed upon the District courts by law.

SECTION 6. There is hereby appropriated to the State Supreme Court from cash on hand in the State Judicial Fund of the State Treasury designated by the Office of State Finance as the "400 Fund" for the State Supreme Court, the sum of One Million Dollars (\$1,000,000.00) to perform the duties imposed upon the District Courts by law.

SECTION 7. There is hereby appropriated to the State Supreme Court from any monies not otherwise appropriated from the State Judicial Fund of the State Treasury for the fiscal year ending June 30, 1991, the sum of Two Thousand Seven Hundred Thirty-nine Dollars (\$2,739.00) or so much thereof as may be necessary to perform the duties imposed upon the District Courts by law.

SECTION 8. AMENDATORY Section 23 of Enrolled House Bill No. 2420 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 23. 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, 1993, the sum of ~~Fourteen Million Seven Hundred Eighty Thousand Two Hundred Forty-eight Dollars (\$14,780,248.00)~~ Thirteen Million Three Hundred Ninety-seven Thousand Five Hundred Nine Dollars (\$13,397,509.00) or so much thereof as may be necessary to perform the duties imposed upon the District Courts by law.

SECTION 9. The annual compensation of officials and employees of the district courts payable monthly from appropriated funds shall not exceed the following schedule, exclusive of overtime and longevity payments, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes.

NUMBER ANNUAL

TITLE	AUTHORIZED	ANNUAL SALARY RANGE	
		MINIMUM	MAXIMUM
District Judge	71		\$67,933.00
Associate District Judge			
County Population over 30,000	32		\$64,077.00
County Population 10,000 to 30,000	30		\$57,009.00
County Population under 10,000	15		\$53,472.00
Special Judge	63		\$53,472.00
Court Reporter	171	\$16,415.00	\$24,928.00
Trial Court Administrator	2	\$27,870.00	\$50,449.00
Secretary to Administrative Presiding Judge of the Judicial District	9	\$9,380.00	\$16,216.00
Secretary Bailiff	<u>138</u>	\$8,620.00	\$14,620.00
TOTAL	531		

SECTION 10. The Administrative Director of the Courts shall collect information on the number and type of cases filed in the state district court of each county which are assigned to a court-appointed attorney or a public defender due to the indigent status of the defendant. The Administrative Director of the Court shall submit a report to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate by March 1, 1993, showing the number of such cases in each county reported during the previous fiscal year and the period of July 1992 to December 1992. Cases in which the defendant is subject to the death penalty shall be identified separately. Cases for mental health, juvenile and domestic shall be identified separately.

SECTION 11. The Administrative Director of the Courts shall prepare a report by February 1, 1993, showing the actual collections, expenditures, and other distributions from the court fund for the state district court in each county for the fiscal year ending June 30, 1992. The report shall also show the budgeted collections, expenditures, and other distributions from the court fund for the state district court in each county for the fiscal year ending June 30, 1991. The report shall identify the number and type of part-time and full-time personnel paid or budgeted to be paid from each county court fund for the fiscal years ending June 30,

1991, June 30, 1992, and June 30, 1993. Expenditures from the court fund in each county shall be shown in at least the following categories:

1. Juror and witness expense;
2. Attorney fees for trial court and appeal;
3. Public defender programs;
4. Attorney and physician fees for mental health hearings;
5. Transcripts ordered by the court;
6. General operating expenditures;
7. Restricted operating expenditures;
8. Personnel related expenditures;
9. Distributions to the local law library fund;
10. Distributions to the Council on Law Enforcement Education and Training Fund;
11. Distributions to the county general fund;
12. Distributions to the judicial retirement fund; and
13. Distributions to the dispute resolution fund.

The report shall be submitted to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.

#### OKLAHOMA INDIGENT DEFENSE SYSTEM

SECTION 12. There is hereby appropriated to the Oklahoma Indigent Defense System from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1993, the sum of Eight Million One Hundred Twenty-nine Thousand Five Hundred Sixteen Dollars (\$8,129,516.00) or so much thereof as may be required to perform the duties imposed upon the Oklahoma Indigent Defense System by law.

SECTION 13. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Indigent Defense System by law shall be set by the Executive Director. The Indigent Defense System for the fiscal year ending June 30, 1993, shall be subject to the following budgetary limitations, on full-time-equivalent employees except those used for the statewide Trial Indigent Defense System 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 Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	62.0      \$2,263,100.00
Professional and Personal Services Contracts	\$889,500.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$183,554.00
Expenditure of Revolving Funds	\$1,624,500.00
Expenditure of Federal Funds	\$1,602,850.00
Total Expenditures for Operations	\$12,546,604.00

SECTION 14. From monies appropriated to the Oklahoma Indigent Defense System in Section 32 of Enrolled House Bill No. 2420 of the 2nd Session of the 43rd Oklahoma Legislature and in Section 12 of this act the Oklahoma Indigent Defense System is authorized to expend an amount as necessary for Statewide Trial Indigent Defense. For the fiscal year ending June 30, 1993, expenditures for Statewide Trial Indigent Defense and full-time-equivalent employees employed for Statewide Trial Indigent Defense shall not be subject to

budgetary limitations or limitations on full-time-equivalent employees for the State Indigent Defense System.

SUPREME COURT

SECTION 15. 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, 1993, the amount of Three Hundred Thirty Thousand One Hundred Thirty-four Dollars (\$330,134.00) or so much thereof as may be necessary to perform the duties imposed upon the State Supreme Court and the Court of Appeals by law.

SECTION 16. The State Supreme Court is hereby authorized to pay from monies appropriated in Section 15 of this act, an amount not to exceed Eleven Thousand Dollars (\$11,000.00) for the expenses of the Sovereignty Symposium.

SECTION 17. The State Supreme Court is hereby authorized to pay from monies appropriated by Section 15 of this act, an amount not to exceed Seventy-five Thousand Dollars (\$75,000.00) as the State of Oklahoma Assessment for the National Center for State Courts.

SECTION 18. 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, 1993, the amount 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 19. 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, 1993, the amount 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 20. REAPPROPRIATION The amount of Six Thousand Dollars (\$6,000.00) of the amount of Twenty-six Thousand Dollars (\$26,000.00) originally appropriated by Section 42, Chapter 369, O.S.L. 1989, as last reappropriated by Section 6, Chapter 286, O.S.L. 1991, 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 21. AMENDATORY Section 43 of Enrolled House Bill No. 2420 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 43. 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, 1993, the sum of Two Million Two Hundred Fifty-eight Thousand Thirty-two Dollars (\$2,258,032.00) or so much thereof as may be required to perform the duties imposed upon the State Supreme Court and the Court of Criminal Appeals by law.

SECTION 22. AMENDATORY Section 44 of Enrolled House Bill No. 2420 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 44. There is hereby appropriated to the State Supreme Court from any monies not otherwise appropriated from the Workers' Compensation Administration Fund of the State Treasury for the fiscal year ending June 30, 1993, the amount of Four Million Nine Hundred Sixty-five Thousand Four Hundred Fifty-nine Dollars (\$4,965,459.00) or so much thereof as may be necessary to perform the duties imposed upon the State Supreme Court and the Court of Criminal Appeals by law.

SECTION 23. Quarterly payments made by local court funds to the State Judicial Fund pursuant to Section 1308 of Title 20 of the Oklahoma Statutes during fiscal year 1993 may be totally or partially refunded upon approval by the Chief Justice to meet unpaid expenses authorized by Section 1304 of Title 20 of the Oklahoma Statutes. All such refunds shall be paid from the State Judicial Fund.

When local court funds are insufficient to meet unpaid expenses authorized by Section 1304 of Title 20 of the Oklahoma Statutes or outstanding liabilities for constitutionally mandated services and items of expense, a claim may be filed with the Administrative Office of the Courts by a Court Fund Governing Board, or by the person, persons or corporations to whom money is due as verified by the Court Fund Governing Board, or by the Administrative Office of the Courts. All such claims shall be filed with the Administrative Office of the Courts by July 31, 1993. All such claims may be paid from the State Judicial Fund upon approval of the Chief Justice.

SECTION 24. 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-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 25. 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-four Thousand Nine Hundred Fourteen Dollars (\$74,914.00) per annum, payable monthly.

SECTION 26. The State Supreme Court and the Court of Appeals for the fiscal year ending June 30, 1993, 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	140.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$6,580,175.00
Professional and Personal Services Contracts	\$240,000.00
Lease-Purchase Agreements	\$30,351.00
Purchase of Equipment	\$312,077.00
Expenditure of Revolving Funds	\$445,570.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$7,648,420.00

SECTION 27. AMENDATORY 20 O.S. 1991, Section 122, is amended to read as follows:

Section 122. The number of special judges that may be appointed in each judicial administrative district shall be determined as follows:

1. A special judge shall be appointed on the basis of one special judge for each county within the administrative district with a population of at least twenty-four thousand (24,000), as

determined by the 1960 Federal Decennial Census. An additional special judge shall be appointed for each additional fifty thousand (50,000) in population in a county within the administrative district, as determined by the 1960 Federal Decennial Census. ~~In any county in which there is a city not the county seat and having a population in excess of thirty-five thousand (35,000), as determined by the latest Federal Decennial Census, one of the special judges shall be appointed from and shall hold court in said city.~~ Such appointment may be made from any county in the administrative district. Such appointments shall be made by the district judges in their respective judicial administrative districts. Any judge of a special sessions court shall be one of the special judges for the balance of his term and shall be within the number prescribed for said district.

2. In addition to the special judges that may be appointed pursuant to the provisions of paragraph 1 of this section, there shall be:

- a. one (1) special judge appointed in the Northwest-Panhandle Judicial Administrative District comprised of District Court Judicial Districts Numbers One (1), Two (2) and Four (4), to serve in Custer County;
- b. one (1) special judge appointed in the Oklahoma-Canadian Counties Judicial Administrative District comprised of District Court Judicial District Number Seven (7); and
- c. two (2) special judges appointed in the Tulsa-Pawnee Counties Judicial Administrative District comprised of District Court Judicial District Number Fourteen (14).

3. If a vacancy occurs in the office of associate district judge, or if an associate district judge becomes unable to perform the duties of his office, as determined by the presiding judge of the judicial administrative district, a special judge may be appointed within the judicial administrative district to hold office for the duration of said vacancy or incapacity. After the vacancy is filled, or after the associate district judge becomes able to perform the duties of his office, the special judge shall have the power to act in regard to any case which he has already tried, but the presiding judge of the judicial administrative district may transfer such a case to any other judge in the judicial administrative district.

4. The Chief Justice of the Supreme Court may authorize the appointment of such additional special judges as may be necessary for the proper administration of justice. Such additional special judges shall be appointed after application by a majority of the district judges of a judicial administrative district, stating the reason why an additional special judge is needed. Such additional judges need not be based upon population figures.

SECTION 28. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1316 of Title 20, unless there is created a duplication in numbering, reads as follows:

A. The Chief Justice of the Supreme Court is authorized to appoint law student clerks for the Supreme Court, Court of Appeals, or the district courts. All personnel appointed under this section shall be appointed by and serve at the pleasure of the Chief Justice of the Supreme Court. No personnel employed under the provisions of this section shall be employed for more than one thousand (1,000) hours per year.

B. There is hereby created in the State Treasury a revolving fund for the Supreme Court, to be designated the "Grants and

Donations Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Supreme Court, from gifts, grants, private donations, and federal funding for the payment of salaries and benefits for law student clerks for the Supreme Court, Court of Appeals, or the district courts. 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 the payment of salaries and benefits for law student clerks for the Supreme Court, Court of Appeals, or the district courts. Expenditures from said fund and personnel employed under the provisions of this section shall be exempt from FTE and budgetary limitations. 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.

WORKERS' COMPENSATION COURT

SECTION 29. There is hereby appropriated to the Workers' Compensation Court from any monies not otherwise appropriated from the Workers' Compensation Administrative Fund of the State Treasury for the fiscal year ending June 30, 1993, the amount of Twelve Thousand Six Hundred Seventy-two Dollars (\$12,672.00) or so much thereof as may be necessary to perform the duties imposed upon the Workers' Compensation Court by law.

SECTION 30. For Fiscal Year 1993, the Office of Attorney General is authorized to contract with the State Insurance Fund to provide additional funding for the creation and maintenance of a Workers' Compensation Fraud Unit.

SECTION 31. 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 Judges of the Workers' Compensation Court shall not exceed Sixty-eight Thousand Three Hundred Seventy-four Dollars (\$68,374.00) per annum, payable monthly for the fiscal year ending June 30, 1993. The Workers' Compensation Court for the fiscal year ending June 30, 1993, 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	85.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$2,391,540.00
Professional and Personal Services Contracts	\$65,000.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$90,000.00
Expenditure of Revolving Funds	\$1,367,625.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$4,536,449.00

SECTION 32. AMENDATORY 85 O.S. 1991, Section 24.1, is amended to read as follows:

Section 24.1 A. Every employer shall keep a record of injuries, which result in the loss of time beyond the shift or which require medical attention away from the work site, fatal or otherwise, received by his employees in the course of their employment.

B. Within ten (10) days or a reasonable time thereafter, after the occurrence of such injury a report thereof shall be made in writing by the employer to the Court and to the employer's workers' compensation insurance carrier, if any, upon blanks to be procured from the Court for that purpose. Such reports shall state the name and nature of the business of the employer, the location of his establishment or place of work, the name, address and occupation of the injured employee, the time, nature, and cause of the injury and such other information as may be required by the Administrator.

C. Any employer who refuses or neglects to make a report as required by this section shall be ~~guilty of a misdemeanor, punishable by~~ liable for an administrative violation and subject to a fine by the Administrator of not more than Five Hundred Dollars (\$500.00) One Thousand Dollars (\$1,000.00).

SECTION 33. AMENDATORY 85 O.S. 1991, Section 61, is amended to read as follows:

Section 61. A. An employer shall secure compensation to his employees in one of the following ways:

1. By insuring and keeping insured the payment of such compensation with any stock corporation, mutual association, or other concerns authorized to transact the business of workers' compensation insurance in this state, or by exchanging contracts of indemnity or interinsurance, pursuant to reasonable rules or regulations prescribed by the Administrator providing for and securing the payment of the compensation provided for in the Workers' Compensation Act. When an insurer issues a policy to provide workers' compensation benefits pursuant to the provisions of the Workers' Compensation Act, the insurer shall file, or cause to be filed, with the Administrator a notice in such form and detail as the Administrator may prescribe by rule and regulation. The notice shall contain the name, address, and principal occupation of the employer, the number, effective date, and expiration date of the policy, and such other information as may be required by the Administrator. The notice shall be filed by the insurer within thirty (30) days after the effective date of the policy. Any insurer who ~~knowingly~~ fails to file the notice required by this subsection, ~~upon conviction, is guilty of a misdemeanor and shall be fined in an amount not to exceed Two Hundred Dollars (\$200.00) for each such offense~~ shall be liable for an administrative violation and subject to a fine by the Administrator of not more than One Thousand Dollars (\$1,000.00).

2. By obtaining and keeping in force guaranty insurance with any company authorized to do guaranty business in this state. Each company that issues such guaranty insurance shall file a copy of the contract with the Administrator within thirty (30) days after the effective date of the contract. Any company that ~~knowingly~~ fails to file a copy of the contract as required by this subsection, ~~upon conviction, is guilty of a misdemeanor and shall be fined in an amount not to exceed Two Hundred Dollars (\$200.00) for each such offense~~ shall be liable for an administrative violation and subject to a fine by the Administrator of not more than One Thousand Dollars (\$1,000.00).

3. Subject to the approval of the Administrator, by entering into or continuing an agreement with his employees to provide a scheme of compensation, benefits, or insurance in lieu of the compensation and insurance provided for in the Workers' Compensation Act. The scheme shall not provide less than the benefits secured by the Workers' Compensation Act nor vary the compensation period for disabilities or the provisions of the Workers' Compensation Act with respect to periodic payments or the percentage that those payments

shall bear to weekly wages, except that the sums required may be increased. The Administrator shall approve a scheme that provides for contributions by workers, only when it confers benefits commensurate with such contributions and in addition to those required by the Workers' Compensation Act.

4. By furnishing satisfactory proof to the Administrator of the employer's financial ability to pay such compensation. The Administrator, pursuant to rules adopted by the Court or the Administrator for an individual self-insured, an own risk carrier or a group self-insurance association, shall require an employer that has:

- a. less than one hundred (100) employees or less than One Million Dollars (\$1,000,000.00) in net assets to:
  - (1) deposit with the Administrator securities, an irrevocable letter of credit or a surety bond payable to the state, in an amount determined by the Administrator which shall be at least an average of the yearly claims for the last three (3) years; or
  - (2) provide proof of excess coverage with such terms and conditions as is commensurate with their ability to pay the benefits required by the provisions of the Workers' Compensation Act.
- b. one hundred (100) or more employees and One Million Dollars (\$1,000,000.00) or more in net assets to:
  - (1) secure a surety bond payable to the state, or an irrevocable letter of credit, in an amount determined by the Administrator which shall be at least an average of the yearly claims for the last three (3) years; or
  - (2) secure excess insurance.

The Administrator may waive the requirements of this paragraph in an amount which is commensurate with the ability of the individual self-insured, own risk carrier or group self-insurance association to pay the benefits required by the provisions of the Workers' Compensation Act. Irrevocable letters of credit required by this section shall contain such terms as may be prescribed by the Administrator and shall be issued for the benefit of the Workers' Compensation Court by a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation.

B. An employer who fails to comply with the provisions of this section shall be subject to the penalty provided for in Section 12 of this title.

C. Any employer that knowingly provides false information to the Administrator for purposes of becoming self-insured, an own risk carrier or a group self-insurance association shall be subject to the perjury laws of this state.

D. The provisions of this title shall not be construed to limit or restrict the ability of political subdivisions of this state or employers subject to the provisions of the Workers' Compensation Act from joining together to form group self-insurance associations pursuant to law or rules promulgated by the Court or the Administrator.

SECTION 34. AMENDATORY 85 O.S. 1991, Section 93, is amended to read as follows:

Section 93. A. A fee of ~~Thirty-five Dollars (\$35.00)~~ Fifty Dollars (\$50.00) per case shall be collected by the Administrator and such fee shall be taxed as cost to be paid by the party against whom any award becomes final.

B. Twenty-five Dollars (\$25.00) of the fees collected under the provisions of subsection A shall be deposited to the credit of the Workers' Compensation Administration Fund created by Section 177 of this title.

C. ~~Ten Dollars (\$10.00)~~ Fifteen Dollars (\$15.00) of the fees collected pursuant to the provisions of subsection A of this section shall be deposited to the credit of the Administrator of the Workers' Compensation Revolving Fund created by Section 95 of Title 85.

D. Ten Dollars (\$10.00) of the fees collected pursuant to the provisions of subsection A of this section shall be deposited to the credit of the Office of the Attorney General's Workers' Compensation Fraud Unit Revolving Fund created by Section 41.8 of Title 62 of the Oklahoma Statutes.

SECTION 35. AMENDATORY 85 O.S. 1991, Section 101, is amended to read as follows:

Section 101. All penalties and fines imposed by the Workers' Compensation Act, upon collection, shall be deposited to the credit of the Administrator of the Workers' Compensation Administration Revolving Fund.

SECTION 36. The appropriations made by this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1993. Any unexpended funds remaining after November 15, 1993, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 37. This act shall become effective July 1, 1992.

SECTION 38. 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 Senate the 22d day of May, 1992.

President of the Senate

Passed the House of Representatives the 22d day of May, 1992.

Speaker of the House of Representatives