

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)
3RD CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 364

By: Smith of the Senate

and

Vaughn (Ray) of the House

3RD CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to courts; amending 20 O.S. 1991, Sections 22 and 95.6, which relate to judicial administrative districts and assignment and transfer of cases, Section 11 of Enrolled House Bill No. 1834 of the 1st Session of the 44th Oklahoma Legislature, which relates to the State Judicial Fund, and 28 O.S. 1991, Sections 31 and 32, as amended by Section 1, Chapter 202, O.S.L. 1992 (28 O.S. Supp. 1992, Section 32), which relate to fees; modifying composition of judicial administrative districts; creating the Court of Appeals - Criminal Division; providing for powers and duties; providing for review of decisions; providing for recall of certain cases; declaring finality of certain decisions; providing procedures for court proceedings; providing for appointment of certain judges to certain appellate panels; specifying eligibility requirements; requiring distribution of certain materials; providing for declaration of emergency and activation of panels; defining terms; providing procedures; requiring certain agreement; requiring certain rules; limiting creation and duration of certain panels; providing for forms and publication of opinions; authorizing payment of certain expenses; requiring certain approval; authorizing procedures for transfer of cases; reducing requirement for balance in the State Judicial Fund for certain purposes; deleting exclusion from minimum balance requirement; authorizing collection of certain fees; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 20 O.S. 1991, Section 22, is amended to read as follows:

Section 22. The state is hereby divided into judicial administrative districts as follows:

1. Northeastern. District Court Judicial Districts, Numbers Ten (10), Eleven (11), Twelve (12), and Thirteen (13).

2. Southeastern. District Court Judicial Districts, Numbers Sixteen (16), Seventeen (17), Nineteen (19), and Twenty-five (25).

3. Oklahoma-Canadian Counties. District Court Judicial ~~District~~ Districts, ~~Number~~ Numbers Seven (7) and Twenty-six (26).

4. Northwest-Panhandle. District Court Judicial Districts, Numbers One (1), Two (2), and Four (4).

5. South-Central. District Court Judicial Districts, Numbers Twenty (20), Twenty-one (21), and Twenty-two (22).

6. Tulsa-Pawnee Counties. District Court Judicial District, Number Fourteen (14).

7. East-Central. District Court Judicial Districts, Numbers Fifteen (15), Eighteen (18), and Twenty-four (24).

8. North-Central. District Court Judicial Districts, Numbers Eight (8), Nine (9), and Twenty-three (23).

9. Southwestern. District Court Judicial Districts, Numbers Three (3), Five (5), and Six (6).

CHAPTER 2A - EMERGENCY APPELLATE PANELS

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.1 of Title 20, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established within the Court of Criminal Appeals an Emergency Appellate Division which shall have the power to determine or otherwise dispose of any cases assigned to it by the Court of Criminal Appeals, except cases concerning convictions for murder in the first degree as defined by Section 701.7 of Title 21 of the Oklahoma Statutes.

B. A decision of an emergency appellate panel may be reviewed by the Court of Criminal Appeals upon the filing of a Petition for Review if a majority of judges on the Court of Criminal Appeals directs that such Petition for Review shall be granted. The Court of Criminal Appeals may, by order, recall a case from an emergency appellate panel. Decisions of an emergency appellate panel shall be final unless a Petition for Review is granted.

C. The Emergency Appellate Division shall conduct its proceedings in panels of three (3) judges and shall have no en banc powers or jurisdiction.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.2 of Title 20, unless there is created a duplication in numbering, reads as follows:

A. In the exercise of the powers granted by Section 6 of Article VII of the Constitution of the State of Oklahoma, the Chief Justice of the Supreme Court shall appoint no less than sixty (60) district judges, associate district judges or eligible special judges as temporary judges of the Emergency Appellate Division. Selections shall be made on or before July 1 of each year.

B. In order to be eligible to serve on an emergency appellate panel, a special judge must have a minimum of four (4) years of judicial experience.

C. Within thirty (30) days after assignment by the Chief Justice, the Presiding Judge of the Court of Criminal Appeals shall provide orientation or materials to all judges assigned to the Emergency Appellate Division.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.3 of Title 20, unless there is created a duplication in numbering, reads as follows:

A. An emergency appellate panel of the Emergency Appellate Division may be activated upon request of the Presiding Judge of the Court of Criminal Appeals when the Chief Justice of the Supreme Court declares an emergency to exist. For purposes of this section, "emergency" means any situation in which there are pending in the office of the Clerk of the Court of Criminal Appeals more than one hundred (100) regular felony appeals at issue. For purposes of this section, "at issue" means a case in which responses from both the appellant/petitioner and appellee/respondent (if such response is necessary) have been filed with the Clerk.

B. In the event an emergency is declared, the Presiding Judge of the Court of Criminal Appeals shall appoint emergency appellate panels of three (3) judges each from the judges chosen by the Chief Justice of the Supreme Court, select a Presiding Judge, and assign to each emergency appellate panel such cases as the Court

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of Criminal Appeals deems necessary. At least two judges from each emergency appellate panel must concur in any decision. The Court of Criminal Appeals may prescribe by rule where each emergency appellate panel shall sit and how each panel shall conduct its business and practice before it. The Court of Criminal Appeals shall monitor cases assigned to the Emergency Appellate Division to ensure a timely completion of cases assigned. Cases assigned to the Emergency Appellate Division shall be disposed of within ninety (90) days after assignment or returned to the Court of Criminal Appeals for further assignment resolution.

C. The Presiding Judge of the Court of Criminal Appeals shall determine the number of emergency appellate panels necessary and no emergency appellate panels may be created nor cases assigned to an emergency appellate panel when the number of unassigned regular felony appeals at issue before the Court of Criminal Appeals falls below one hundred (100).

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.4 of Title 20, unless there is created a duplication in numbering, reads as follows:

The opinions of the emergency appellate panels of the Emergency Appellate Division shall be written in the form prescribed by the Court of Criminal Appeals. No opinion of the Emergency Appellate Division shall be binding or cited as a precedent unless it has been approved by the Court of Criminal Appeals for publication in the official reporter. The Court of Criminal Appeals shall prescribe by rule when an opinion or decision, if any, of the Emergency Appellate Division shall be published in the official reporter.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.5 of Title 20, unless there is created a duplication in numbering, reads as follows:

A. The duties and procedures of the Emergency Appellate Division shall be as provided by rules of the Court of Criminal Appeals.

B. No district judge, associate district judge, or special judge who is temporarily assigned to sit on the Emergency Appellate Division shall be entitled to additional compensation for judicial service on the Emergency Appellate Division, unless otherwise authorized by law.

C. Travel expenses of judges of the Emergency Appellate Division incurred in performing their duties shall be reimbursed pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

D. The Court of Criminal Appeals is authorized to expend such funds as may be necessary for the purpose of transmitting case files and other relevant materials to the judges of the Emergency Appellate Division.

E. Expenses of the Emergency Appellate Division authorized by paragraphs C and D of this section shall be paid from the State Judicial Fund on claims approved by the Chief Justice of the Supreme Court. The Emergency Appellate Division shall not incur additional expenses without the approval of the Chief Justice of the Supreme Court.

F. The Court of Criminal Appeals shall prescribe by rule the scope of review it will afford when a Petition for Review to the Court of Criminal Appeals is filed.

G. The Chief Justice of the Supreme Court shall be responsible for the budgeting, management and administration of the Emergency Appellate Division, based upon rules promulgated by the Court of Criminal Appeals and approved by the Supreme Court.

SECTION 7. AMENDATORY 20 O.S. 1991, Section 95.6, is amended to read as follows:

Section 95.6 ~~Where not inconsistent with the rules of the Supreme Court or of the Presiding Judge of the judicial administrative district, if any are promulgated, the~~ The judges in a judicial district may adopt practices in regard to local court rules regarding the assignment and transfer of cases that between judges which will facilitate their disposition final dispositions, and nothing herein shall prevent a judge from transferring a case

to another judge in the district who has consented to such transfer.

SECTION 8. AMENDATORY Section 11 of Enrolled House Bill No. 1834 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 11. The Supreme Court is hereby authorized to expend funds from the State Judicial Fund for salary increases authorized by Section 23 of Enrolled House Bill No. 1973 of the 2nd Session of the 43rd Oklahoma Legislature for the judges of the district courts and their employees who are compensated by the state, as long as a balance of at least ~~Two Million Dollars (\$2,000,000.00)~~ One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) is maintained in the State Judicial Fund. ~~Expenditures for attorney fees and related expenses authorized pursuant to the provisions of Section 20 of this act shall not be subject to the minimum balance established in this section.~~

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 95.9 of Title 20, unless there is created a duplication in numbering, reads as follows:

The Chief Judge of a judicial district may temporarily assign an associate district judge or a special judge to another county within the judicial district to hear any matter which an associate district judge or special judge, respectively, may be assigned.

SECTION 10. AMENDATORY 28 O.S. 1991, Section 31, is amended to read as follows:

Section 31. ~~The~~ Notwithstanding any other provision of law, 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:

Approving bond or undertaking, including
certificate and seal \$3.00
Making copy of an instrument of record or
on file, first page..... 1.00
subsequent pages (each)50
Certifying to any instrument (each)50

Authentication of court records	5.00
Receiving and paying out money in pursuance of law or order of court	1%
provided, however, that such charge shall not exceed \$300.00.	
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
Application, issuing, entering return and recording marriage license	25.00
Conveyance of full-blood Indian heirs to interest in inherited lands, same to be accounted for as other fees	5.00
Storage and indexing of wills	5.00
Posting notice outside the courthouse	10.00
Mailing, by any type of mail, writs, warrants, orders, process, command or notice for each person	5.00
except ordinary mailing of first-class mail in probate cases, for each case	5.00
For the actual cost of all postage in each case in excess of \$5.00	
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 11. AMENDATORY 28 O.S. 1991, Section 32, as amended by Section 1, Chapter 202, O.S.L. 1992 (28 O.S. Supp. 1992, Section 32), is amended to read as follows:

Section 32. A. ~~All~~ Notwithstanding any other provision of law county clerks shall charge and collect the following flat fees to be uniform throughout the state regardless of the recording method used, and the county clerks shall not be required to itemize or charge these fees pursuant to any other schedule, except as specifically provided by law:

1. For recording the first page of deeds, mortgages and any other instruments.....\$8.00
2. For recording each additional page of same instrument.....\$2.00
3. For furnishing hard copies of microfilmed records to bonded abstractors only, per page.....\$1.00
4. For furnishing photographic copies of photographic records, or of typewritten script or printed records, per page.....\$1.00
5. For recording plat of one block or less.....\$10.00
6. For recording plat of more than one block.....\$25.00
7. For certifying to any copy per page.....\$1.00
8. For recording an assignment of Tax Sale Certificate to be paid by the party purchasing.....\$5.00
9. For recording of any mark or brand and giving certificate for same.....\$5.00
10. For recording each certificate for estrays and forwarding description of same, as required by law.....\$1.00

11. a. For recording and filing of mechanics' or
materialmen's liens which includes the
release

thereof.....\$10.00

b. For preparing and mailing notice of
mechanics' or materialmen's
lien.....\$8.00

c. For each additional page or
exhibit.....\$2.00

12. For recording and filing of fictitious name
partnership
certificates.....\$5.00

To this fee shall be added the fees required by
Sections 81 through 86 of Title 54 of the Oklahoma
Statutes.

13. For filing and indexing an original financing
statement or a continuation statement and for
filing a termination statement and a statement
of release
therefor.....\$10.00

(Section 9-403 of Title 12A)

14. For a filing pursuant to Section ~~9~~ 6-209 of
~~this act~~ Title 12A of the Oklahoma
Statutes.....\$10.00

B. The fees prescribed in paragraph 4 of subsection A of this
section shall be deposited into the County Clerk's Lien Fee
Account, created pursuant to Section 265 of Title 19 of the
Oklahoma Statutes in an amount not to exceed Ten Thousand Dollars
(\$10,000.00) each fiscal year.

SECTION 12. This act shall become effective July 1, 1993.

SECTION 13. 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.

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