

ENROLLED HOUSE
BILL NO. 1378

By: Hamilton (Jeff) of the
House

and

Herbert of the Senate

An Act relating to fees; amending 28 O.S. 1991, Section 156, which relates to fees for notice by publication; modifying payment procedure for fees for notice by publication; and providing an effective date.

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

SECTION 1. AMENDATORY 28 O.S. 1991, Section 156, is amended to read as follows:

Section 156. A. In all cases or proceedings in the district courts or other courts of record, in which notice by publication is required or requested, ~~there must be deposited with~~ the court clerk at the time of the filing of the petition ~~therein~~ shall:

1. Collect a deposit in the sum of Twenty-five Dollars (\$25.00). ~~Said sum which shall be in addition to the flat all other fees herein established required by law and shall be used only for the purpose of paying the publisher's fee for publishing such notice or notices;~~ or

2. Accept proof of a direct billing agreement between a publisher authorized to publish such notice or notices and the person filing the petition. Proof of such an agreement may consist of a list of persons with whom a publisher has such an agreement which shall be provided by the publisher to the court clerk and updated no more often than monthly nor less often than annually or by a letter from the publisher addressed to the court clerk stating the existence of such an agreement.

B. In the event it cannot be ascertained at the time the petition is filed that notice by publication will be required or requested and the required deposit for publication is not paid at that time, ~~then when~~ the court clerk shall, upon the filing of an affidavit for service by publication or, a verified petition or any other pleading is filed for the first time the court clerk shall collect the said sum of Twenty-five Dollars (\$25.00) to be used only to pay the publisher's fee for publishing such notice or notices; any part of said amount requiring notice by publication, follow the procedure provided in subsection A of this section to secure payment for the publication.

C. Any deposit or part thereof which is not actually charged for publication costs shall be refunded.

D. Prior to accepting any final decree or dismissal for filing in any case in which notice by publication is required or requested, the court clerk shall collect for transmittal to the publisher such fees as are necessary to pay for all costs of publication or have on file a statement or receipt from the publisher that the same have been paid and, provided further, that proof of publication shall be

held by the court clerk but not filed until such time as such publication fees have been collected in full or such statement or receipt from the publisher that the same have been paid has been filed.

SECTION 2. This act shall become effective September 1, 1993.
Passed the House of Representatives the 27th day of April, 1993.

Speaker of the House of
Representatives

Passed the Senate the 13th day of April, 1993.

President of the Senate