

ENROLLED HOUSE
BILL NO. 1834

By: Hamilton (James) and
Steidley of the House

and

Taylor and Haney of the
Senate

An Act relating to funding state judicial entities; making appropriations to the Court of Criminal Appeals; stating purposes; providing for nontransferability of certain funds; providing for exemption from certain limit; limiting the salary of judges; providing budgetary limits; authorizing Court of Criminal Appeals to acquire mainframe computer by lease-purchase; specifying length of lease-purchase agreement; amending Section 25 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to an appropriation to the Supreme Court for the District Courts; modifying certain appropriation; making appropriations to the Supreme Court for the District Courts; stating purposes; limiting the number and salary of judges; limiting number and salary of certain employees; authorizing the payment of certain claims for county law libraries from the State Judicial Fund and providing procedures therefor; stating total limit on amount of certain claims paid from State Judicial Fund; authorizing total or partial refund of payments to the State Judicial Fund by local court funds under certain circumstances; providing procedure for such refunds; authorizing the Supreme Court to expend certain funds from the State Judicial Fund for certain purposes, with restrictions; amending Section 33 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to an appropriation to the Indigent Defense System; modifying appropriation to the Oklahoma Indigent Defense System; stating purposes; providing budgetary limitations; amending Section 42 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to an appropriation to the Supreme Court; modifying appropriation to the Oklahoma Supreme Court; making appropriations to the Oklahoma Supreme Court; stating purposes; limiting the salary of judges; providing budgetary limitations; providing for payment of counsel in certain circumstances; making an appropriation to the Workers' Compensation Court; stating purposes; limiting the salary of judges; providing budgetary limitations; amending 85 O.S. 1991, Section 177, which relates to Workers' Compensation Administration Fund; modifying purposes of 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, 1994, the sum of Sixty-seven Thousand Six Hundred Thirty-eight Dollars (\$67,638.00) or so much thereof as may be required to perform the duties imposed upon the Court of Criminal Appeals by law.

SECTION 2. 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, 1994, the sum of Two Hundred Thousand Dollars (\$200,000.00) or so much thereof as may be required for expenses and temporary employees relative to the backlog of criminal appeal cases of indigent defendants resulting from court cases filed or to be filed, such as Harris v. Champion. The appropriation made in this section shall be expended exclusively for the purpose so stated and shall not be transferable. From the funds appropriated in this section, the Court of Criminal Appeals is authorized to employ such personnel as may be necessary to fulfill the provisions of this section. Personnel employed pursuant to the provisions of this section shall be exempt from the limitation on full-time-equivalent employees provided in Section 3 of this act.

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-six Thousand Seven Hundred Ninety-one Dollars (\$86,791.00) per annum, payable monthly, and the salary of each of the four other Judges shall not exceed Eighty-three Thousand Eight Hundred Seventy-one Dollars (\$83,871.00) per annum, payable monthly. The Court of Criminal Appeals for the fiscal year ending June 30, 1994, 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	\$1,653,300.00
Professional and Personal Services Contracts	\$100,000.00
Lease-Purchase Agreements	\$70,200.00
Purchase of Equipment	\$65,000.00
Total Expenditures for Operations	\$2,038,653.00

SECTION 4. Pursuant to the requirements of paragraphs 4 and 5 of subsection I of Section 85.4 of Title 74 of the Oklahoma Statutes, the Court of Criminal Appeals is hereby authorized to acquire a mainframe computer system by lease-purchase agreement.

Further, the term of the lease-purchase agreement may be in excess of three (3) years but not to exceed five (5) years.

DISTRICT COURTS

SECTION 5. AMENDATORY Section 25 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 25. 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, 1994, the sum of ~~Sixteen Million Sixteen Thousand Four Hundred Dollars (\$16,016,400.00)~~ Fourteen Million Nine Hundred Eighty-nine Thousand Five Hundred Eighty-six Dollars (\$14,989,586.00) 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 Supreme Court from any monies not otherwise appropriated from the State Judicial Fund for the fiscal year ending June 30, 1994, the sum of One Million Two Hundred Seventy-seven Thousand Three Hundred Eighty-five Dollars (\$1,277,385.00) or so much thereof as may be necessary to perform the duties imposed upon the District Courts by law.

SECTION 7. There is hereby appropriated to the 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 Hundred Eighty-nine Thousand Four Hundred Thirty Dollars (\$189,430.00) or so much thereof as may be necessary to perform the duties imposed upon the District Courts by law.

SECTION 8. 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.

TITLE	NUMBER AUTHORIZED	ANNUAL SALARY
District Judge	71	\$71,330.00
Associate District Judge		
County Population over 30,000	32	\$67,281.00
County Population 10,000 to 30,000	30	\$59,859.00
County Population under 10,000	15	\$56,146.00
Special Judge	63	\$56,146.00
		ANNUAL SALARY RANGE
		MINIMUM MAXIMUM
Court Reporter \$26,174.00	171	\$17,236.00
Trial Court Administrator \$52,971.00	2	\$29,264.00
Secretary to Administrative		

Presiding Judge of the Judicial District \$17,027.00	9	\$9,849.00
Secretary Bailiff \$15,351.00	138	\$9,051.00
Budget Analyst \$52,847.00	2	\$30,000.00
TOTAL	533.0	

SECTION 9. When county law library funds are insufficient to meet unpaid expenses authorized by Sections 1201 et seq. of Title 20 of the Oklahoma Statutes or outstanding liabilities for expenses, a claim may be filed with the Administrative Office of the Courts by the trustees of the law library fund, or by the person, persons or corporations to whom money is due as verified by the trustees of the law library fund, 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. The Administrative Office of the Courts is authorized to expend up to Two Hundred Fifty Thousand Dollars (\$250,000.00) for such claims. All such claims may be paid from the State Judicial Fund upon approval of the Chief Justice.

SECTION 10. 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 1994 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, 1994. All such claims may be paid from the State Judicial Fund upon approval of the Chief Justice.

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) 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.

OKLAHOMA INDIGENT DEFENSE SYSTEM

SECTION 12. AMENDATORY Section 33 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 33. 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, 1994, the amount of ~~Eight Million Three Hundred Eighty-seven Thousand Three Hundred Twenty-nine Dollars~~

~~(\$8,387,329.00)~~ Eight Million Two Hundred Ninety-seven Thousand Six Hundred Twenty-four Dollars (\$8,297,624.00) or so much thereof as may be necessary 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, 1994, 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 Deferral Contracts and Longevity Payments Authorized by State Statutes	62.00
Professional and Personal Services Contracts	\$2,293,100.00
Lease-Purchase Agreements	\$1,651,867.00
Purchase of Equipment	\$0.00
Expenditure of Revolving Funds	\$183,554.00
Expenditure of Federal Funds	\$1,200,000.00
Total Expenditures for Operations	\$1,700,000.00
	\$11,734,996.00

SUPREME COURT

SECTION 14. AMENDATORY Section 42 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 42. 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, 1994, the amount of ~~Six Million Nine Hundred Forty-seven Thousand Seven Hundred Seventeen Dollars (\$6,947,717.00)~~ Six Million Nine Hundred Twenty-one Thousand Seven Hundred Sixty-four Dollars (\$6,921,764.00) 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 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, 1994, the amount of Two Hundred Ten Thousand Four Hundred Thirty-seven Dollars (\$210,437.00) 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. There is hereby appropriated to the State Supreme Court from any monies not otherwise appropriated from the Special Cash Fund of the State Treasury, the sum of Three Hundred Thousand Dollars (\$300,000.00) 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 17. 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-six Thousand Seven Hundred Ninety-one Dollars (\$86,791.00) and the salary of each of the eight Supreme Court Justices shall be Eighty-three Thousand Eight Hundred Seventy-one Dollars (\$83,871.00) per annum, payable monthly.

SECTION 18. 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-eight Thousand Six Hundred Sixty Dollars (\$78,660.00) per annum, payable monthly.

SECTION 19. The State Supreme Court and the Court of Appeals for the fiscal year ending June 30, 1994, 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	\$6,580,175.00
Professional and Personal Services Contracts	\$240,000.00
Lease-Purchase Agreements	\$30,351.00
Purchase of Equipment	\$312,077.00
Expenditure of Revolving Funds	\$580,570.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$8,023,771.00

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1355.13A of Title 22, unless there is created a duplication in numbering, reads as follows:

In any case wherein a defendant was subject to the death penalty and counsel was appointed and assigned, prior to July 1, 1991, to represent such defendant in the case because the defendant had no means and was unable to employ counsel, the court shall allow and direct to be paid from the State Judicial Fund, unless otherwise provided by law, reasonable and just compensation to the counsel so assigned for such services as counsel may render, to include expert and investigative services, as approved by the Chief Justice of the Supreme Court. This section shall not apply to cases assigned for trial to the Indigent Defense System.

In any case subject to the provisions of this section, wherein the case is reversed and remanded for new trial on appeal, the case shall be assigned pursuant to the Indigent Defense Act, Section 1355.1 et seq. of Title 22 of the Oklahoma Statutes, or pursuant to Section 138.1 et seq. of Title 19 of the Oklahoma Statutes.

WORKERS' COMPENSATION COURT

SECTION 21. 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, 1994, the amount of Two Hundred Sixty-five Thousand Seven Hundred Sixty-six Dollars (\$265,766.00) or

so much thereof as may be necessary to perform the duties imposed upon the Workers' Compensation Court by law.

SECTION 22. 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 Seventy-one Thousand Three Hundred Thirty Dollars (\$71,330.00) per annum, payable monthly for the fiscal year ending June 30, 1994. The Workers' Compensation Court for the fiscal year ending June 30, 1994, 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	\$2,978,330.00
Professional and Personal Services Contracts	\$65,000.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$90,000.00
Expenditure of Revolving Funds	\$1,000,000.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$4,348,276.00

SECTION 23. AMENDATORY 85 O.S. 1991, Section 177, is amended to read as follows:

Section 177. A. There is hereby established with the State Treasurer a Workers' Compensation Administration Fund to be used for the costs of administering the Workers' Compensation Act and for ~~transfers pursuant to the provisions of Section 3 of this act and the sum of Two Hundred Thousand Dollars (\$200,000.00) annually therefrom for the use by the judicial department~~ other purposes pursuant to legislative appropriation.

No money on deposit with the State Treasurer to the credit of the Workers' Compensation Administration Fund shall be expended except pursuant to legislative appropriation ~~or transfers pursuant to the provisions of Section 3 of this act.~~

B. ~~Until July 1, 1983, for the purpose of providing funds for the Workers' Compensation Administration Fund, each mutual or interinsurance association, stock company, the State Insurance Fund or other insurance carrier writing workers' compensation insurance in this state shall pay to the Oklahoma Tax Commission a tax at a rate of two percent (2%) of all gross direct premiums written during each quarter of the calendar year for workers' compensation insurance on risks located in this state after deducting from such gross direct premiums, return premiums, unabsorbed portions of any deposit premiums, policy dividends, safety refunds, savings and other similar returns paid or credited to policyholders. Such payments to the Tax Commission shall be made not later than the fifteenth day of the month following the close of each quarter of the calendar year in which such gross direct premium is collected or collectible. Contributions made by insurance carriers and the State Insurance Fund, under the provisions of this section, to the Workers' Compensation Administration Fund shall be considered losses for the purpose of computing workers' compensation rates.~~

~~After July 1, 1983, for~~ For the purpose of providing funds for the Workers' Compensation Administration Fund, each mutual or

interinsurance association, stock company, the State Insurance Fund or other insurance carrier writing workers' compensation insurance in this state shall pay to the Oklahoma Tax Commission a tax at a rate of one percent (1%) of all gross direct premiums written during each quarter of the calendar year for workers' compensation insurance on risks located in this state after deducting from such gross direct premiums, return premiums, unabsorbed portions of any deposit premiums, policy dividends, safety refunds, savings and other similar returns paid or credited to policyholders. Such payments to the Tax Commission shall be made not later than the fifteenth day of the month following the close of each quarter of the calendar year in which such gross direct premium is collected or collectible. Contributions made by insurance carriers and the State Insurance Fund, under the provisions of this section, to the Workers' Compensation Administration Fund shall be considered losses for the purpose of computing workers' compensation rates.

~~C. Until July 1, 1983, when an employer is authorized to become a self-insurer, the Administrator as directed by the Court shall so notify the Oklahoma Tax Commission, giving the effective date of such authorization. The Oklahoma Tax Commission shall then assess and collect from the employers carrying their own risk a tax at the rate of four percent (4%) of the total compensation for permanent total disability awards, permanent partial disability awards and death benefits paid out during each quarter of the calendar year by the employers. Such tax shall be payable by the employers and collected by the Oklahoma Tax Commission according to the provisions of this section regarding payment and collection of the tax created in subsections B, D, E and F of this section.~~

~~After July 1, 1983, when~~ When an employer is authorized to become a self-insurer, the Administrator as directed by the Court shall so notify the Oklahoma Tax Commission, giving the effective date of such authorization. The Oklahoma Tax Commission shall then assess and collect from the employers carrying their own risk a tax at the rate of two percent (2%) of the total compensation for permanent total disability awards, permanent partial disability awards and death benefits paid out during each quarter of the calendar year by the employers. Such tax shall be payable by the employers and collected by the Oklahoma Tax Commission according to the provisions of this section regarding payment and collection of the tax created in subsections B, D, E and F of this section.

D. It shall be the duty of the Oklahoma Tax Commission to collect the payments provided for herein. The Oklahoma Tax Commission is hereby authorized to bring an action for the recovery of any delinquent or unpaid payments required in this section. The Oklahoma Tax Commission may also enforce payments by proceeding in accordance with the provisions of Section 42 of Title 85 of the Oklahoma Statutes.

E. The Oklahoma Tax Commission shall pay monthly to the State Treasurer to the credit of the Workers' Compensation Administration Fund all monies collected under the provisions of this section.

F. The refund provisions of Sections 227 through 229 of Title 68 of the Oklahoma Statutes shall be applicable to any payments made to the Workers' Compensation Administration Fund.

SECTION 24. The appropriations made by this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1994. Any unexpended funds remaining after November 15, 1994, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 25. Sections 1 through 3 and Sections 5 through 24 of this act shall become effective July 1, 1993.

SECTION 26. 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 19th day of May, 1993.

Speaker of the House of
Representatives

Passed the Senate the 20th day of May, 1993.

President of the Senate