

SHORT TITLE: Fees; requiring certain parties to pay certain fees;  
requiring State Fire Marshal to remit certain fees to the State  
Treasurer; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 812

By: Capps

AS INTRODUCED

An Act relating to fees; amending 28 O.S. 1991,

Section 91, which relates to fees of witnesses and jurors; requiring subpoenaing party to pay when certain person gives a deposition; requiring fee be paid to State Fire Marshal to be deposited into the Fire Marshal Fund; State Treasurer; deleting language requiring notice of receipt of fee; and declaring an emergency.

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

SECTION 1. AMENDATORY 28 O.S. 1991, Section 91, is amended to read as follows:

Section 91. In civil cases in which the state is not a party, if the State Fire Marshal or an employee of the Office of the State Fire Marshal is subpoenaed as a witness to testify or give a deposition in any city, county, state or federal court on any matter pertaining to a fire investigation conducted by the Office of the State Fire Marshal, the party causing the subpoena to be issued shall pay an expert witness fee to be set by the State Fire Marshal. Said fee shall be paid to the ~~court clerk~~ State Fire Marshal before the witness is required to testify. ~~The court clerk shall remit the fee to the State Treasurer to be deposited to the General Revenue Fund of the state.~~ All monies collected by the State Fire Marshal pursuant to this act shall be deposited in the Fire Marshal Fund,

created in Section 50001 of Title 68 of the Oklahoma Statutes, and shall be used by the State Fire Marshal in administering this act.

~~Notice of receipt of the required fee shall be transmitted by the court clerk to the State Fire Marshal or employee who has been subpoenaed.~~ If the expert witness fee is not received before the witness is required to testify, the witness shall not be compelled to obey the subpoena.

If the expert witness fee is paid and, for any reason, the witness fails to obey the subpoena, said fee shall be returned to the party causing the subpoena to be issued.

SECTION 2. 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.

44-2-1842

RH