STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 258 By: Smith of the Senate

and

Steidley of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to courts; amending 20 O.S. 1991, Sections 1201, 1202, 1203, 1217 and 1226, which relate to law libraries; providing for establishment and control of county law libraries; allowing reasonable charges for certain services; modifying language; requiring transfer of certain monies to certain fund; conforming language; specifying certain amounts which may be transferred to certain fund; amending 22 O.S. 1991, Sections 991c, as last amended by Section 3 of Enrolled Senate Bill No. 119 of the 1st Session of the 45th Oklahoma Legislature, 991d and 1105, which relate to deferred judgments, probation, and bail; providing that county jail time served under deferred sentence cannot exceed maximum jail time set as punishment for offense; providing for certain payments under certain conditions; changing certain fees; requiring deposit of certain fees in certain funds; modifying language; authorizing rules for preparation and execution of orders for release; amending 28 O.S. 1991, Sections 152 and 153, as last amended by Section 5 of Enrolled Senate Bill No. 119 of the 1st Session of the 45th Oklahoma Legislature, which relate to court costs and filing fees; clarifying orders subject to certain fee; changing certain fees; eliminating certain transfer of funds; amending 58 O.S. 1991, Sections 34, 414 and 693, which relate to mailing and proof of mailing, notice and order for sale of certain property, and settlement and distribution of estates; stating persons responsible for mailing certain notice and order; providing for deposit of certain funds; repealing 20 O.S. 1991, Sections 1212, 1214, 1216, 1306, as last amended by Section 4, Chapter 225, O.S.L. 1994 and 1307.1, as amended by Section 25, Chapter 303, O.S.L. 1992 (20 O.S. Supp. 1994, Sections 1306 and 1307.1), which relate to law libraries and the court fund; repealing 22 O.S. 1991, Section 991e, which relates to the Probation and Parole Fund; repealing 22 O.S. 1991, Section 991c, as last amended by Section 1 of Enrolled House Bill No. 1644 of the 1st Session of the 45th Oklahoma Legislature, which is a duplicate section; 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 1201, is amended to read as follows:

Section 1201. A. A county law library may be established in each county of this state. Law libraries in counties having a population of less than three hundred thousand (300,000) shall be established and operated in accordance with rules adopted by the Supreme Court. Law libraries in counties having a population of three hundred thousand (300,000) or more shall be established and operated in accordance with Section 1202 et seq. of this title.

~~The use of such county~~ B. County law ~~library~~ libraries shall be ~~free~~ open to the judges of the state, to state officials, to all the judges of the district, to all county officials, to the members of the Bar, and to the inhabitants of the county, free of charge under proper regulation provided, the Administrative Director of the Courts with approval of the Chief Justice shall establish uniform reasonable charges for the use of services and equipment, including, but not limited to, computer-assisted research, computers, facsimile machines, copiers, and telephone lines.

SECTION 2. AMENDATORY 20 O.S. 1991, Section 1202, is amended to read as follows:

Section 1202. A. 1. Unless the board of law library trustees in a county having a population of three hundred thousand (300,000) or more shall direct that no disbursement be ~~effected~~ made or that a lesser amount than provided in this section be transferred, the court clerk, ~~at~~ within thirty (30) days after the end of each calendar quarter ~~of every calendar year~~, shall transfer to the Law Library Fund ~~from cases which were filed in the district court during the last preceding quarter and in which a cost deposit was made,~~ the funds ~~credited~~ collected for credit to the ~~county~~ Law Library Fund pursuant to Sections 152 and 153 of Title 28 of the Oklahoma Statutes.

2. In counties having a population of less than three hundred thousand (300,000), monies which are deposited into the county Law

Library Fund shall be transferred on a quarterly basis to the Law Library Revolving Fund established under the authority of the Supreme Court.

B. ~~Said~~ Monies in the Law Library Fund ~~shall~~ may be expended ~~in~~ for the purchase of ~~law~~ books ~~and~~, periodicals, and other related materials and legal research services and ~~in~~ for the establishment and maintenance of ~~a~~ law ~~library~~ libraries.

C. A law library may be established at the county seat of ~~said~~ a county at a suitable place provided by the county commissioners of ~~said~~ the county. The county commissioners ~~and the board of law library trustees, or either,~~ may additionally provide a place designated by the board of law library trustees in counties having a population of three hundred thousand (300,000) or more or by the Supreme Court in all other counties elsewhere in the county than the county seat and there establish a branch library of ~~said~~ the law library. ~~Said law library or~~ The law library and any branch law library shall be governed and controlled and ~~said fund~~ funds expended by the board of trustees or by the Supreme Court as provided by law.

SECTION 3. AMENDATORY 20 O.S. 1991, Section 1203, is amended to read as follows:

Section 1203. All money ~~transferred~~ collected for credit to the Law Library Fund shall be paid by the court clerk to the county treasurer ~~of the county in which the law library is situated~~. The money shall be kept in a separate account to be known as the "Law Library Fund". It shall be treated as a continuing fund. It shall neither be diverted to any other account nor be used for any purpose other than ~~that~~ those specified in Section 1202 of ~~Title 20 of the Oklahoma Statutes~~ this title.

SECTION 4. AMENDATORY 20 O.S. 1991, Section 1217, is amended to read as follows:

Section 1217. ~~Whenever the provisions of this act have been put into effect in any county, the~~ The court clerk of ~~said~~ each county ~~may~~ in which a law library is established shall, at the beginning of each fiscal year, transfer to the Law Library Fund ~~of~~

~~said county~~ a sum not to exceed Six Thousand Dollars ($6,000.00)~~, upon the approval of the board of law library trustees, provided, that on the date this act shall become operative in said county, there is a surplus in the court fund of said county sufficient to leave a balance of not less than Three Thousand Dollars ($3,000.00)~~; ~~and~~ provided, that if such transfer shall reduce the court fund of ~~said~~ the county below Three Thousand Dollars ($3,000.00), the sum transferred shall be reduced to an amount sufficient to leave a balance of Three Thousand Dollars ($3,000.00) in the court fund of said county.

SECTION 5. AMENDATORY 20 O.S. 1991, Section 1226, is amended to read as follows:

Section 1226. A. At the request of the board of trustees of the law library in a county having a population of three hundred thousand (300,000) or more, the presiding judge of an administrative district, ~~subject to~~ with the approval of the Chief Justice of the ~~Oklahoma~~ Supreme Court, shall be authorized to ~~approve a~~ transfer ~~of additional money other than the regular quarterly sums prescribed by Section 1202 of this title~~ up to Ten Thousand Dollars ($10,000.00) per fiscal year from the court fund of the county in which the law library is located~~, which additional transfer may not exceed the sum of Five Thousand Dollars ($5,000.00) per year in counties with a population of less than ten thousand (10,000), the sum of Seven Thousand Dollars ($7,000.00) per year in counties with a population of more than ten thousand (10,000) but less than thirty thousand (30,000), the sum of Nine Thousand Dollars ($9,000.00) per year in counties with a population of more than thirty thousand (30,000) but less than fifty-five thousand (55,000), or the sum of Ten Thousand Dollars ($10,000.00) per year in counties with a population of more than fifty-five thousand (55,000)~~ to the Law Library Fund of that county.

B. In counties having a population of less than three hundred thousand (300,000), the court fund of the county in which a law library is located shall annually transfer to the Law Library Revolving Fund the following amounts:

1. In counties having a population of less than ten thousand (10,000), the sum of Five Thousand Dollars ($5,000.00); and

2. In counties having a population of ten thousand or more, but less than thirty thousand (30,000), the sum of Seven Thousand Dollars ($7,000.00); and

3. In counties having a population of thirty thousand (30,000) or more, but less than three hundred thousand (300,000), the sum of Nine Thousand Dollars ($9,000.00).

SECTION 6. AMENDATORY 22 O.S. 1991, Section 991c, as last amended by Section 3 of Enrolled Senate Bill No. 119 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 991c. A. Upon a verdict or plea of guilty or upon a plea of nolo contendere, but before a judgment of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings and place the defendant on probation under the supervision of the ~~State~~ Department of Corrections upon the conditions of probation prescribed by the court. The court shall first consider restitution, administered in accordance with the provisions pertaining thereto, among the various conditions of probation it may prescribe. The court may also consider ordering the defendant to engage in a term of community service without compensation, according to a schedule consistent with the employment and family responsibilities of the defendant. Further, the court may order the defendant confined to the county jail for a period not to exceed ninety (90) days or the maximum amount of jail time provided for the offense, if it is less than ninety (90) days, to be served in conjunction with probation. Further, the court ~~may~~ shall order the defendant to pay a sum into the court fund equal to Fifty Dollars ($50.00) for each month to be served on the deferred sentence but not to exceed the amount of fine authorized for the offense alleged against the defendant or authorized under Section 9 of Title 21 of the Oklahoma Statutes or whatever lesser amount the court determines that the defendant is able to pay and the court may order an amount for reasonable attorney fee, to be paid into the court

fund, if a court-appointed attorney has been provided to defendant.

B. In addition to any conditions of probation provided for in subsection A of this section, the court shall, in the case of a person before the court for the offense of operating or being in control of a motor vehicle while the person was under the influence of alcohol, other intoxicating substance, or a combination of alcohol and another intoxicating substance, or who is before the court for the offense of operating a motor vehicle while the ability of the person to operate such vehicle was impaired due to the consumption of alcohol, require such person to participate in an alcohol and drug substance abuse evaluation program offered by a facility or qualified practitioner certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the facility or qualified practitioner for the evaluation. The Department of Mental Health and Substance Abuse Services shall establish a fee schedule, based upon a person's ability to pay, provided the fee for an evaluation shall not exceed Seventy-five Dollars ($75.00). The evaluation shall be conducted at a certified facility, the office of a qualified practitioner or at another location as ordered by the court. The facility or qualified practitioner shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court for the purpose of assisting the court in its determination of conditions for deferred sentence. No person, agency or facility operating an alcohol and drug substance abuse evaluation program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated pursuant to this subsection for any treatment program or alcohol and drug substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or alcohol and drug substance abuse service

offered by such person, agency or facility. Any evaluation report submitted to the court pursuant to this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation required by this subsection. As used in this subsection, "qualified practitioner" means a person with at least a bachelor's degree in substance abuse treatment, mental health or a related health care field and at least two (2) years' experience in providing alcohol abuse treatment, other drug abuse treatment, or both alcohol and other drug abuse treatment who is certified each year by the Department of Mental Health and Substance Abuse Services to provide these assessments. However, any person who does not meet the requirements for a qualified practitioner as defined herein, but who has been previously certified by the Department of Mental Health and Substance Abuse Services to provide alcohol or drug treatment or assessments, shall be considered a qualified practitioner provided all education, experience and certification requirements stated herein are met within two (2) years from the effective date of this act. The court may also require such person to participate in one or both of the following:

1. An alcohol and drug substance abuse course, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes; and

2. A victims impact panel program, if such a program is offered in the county where the judgment is rendered, and to pay a fee, not less than Five Dollars ($5.00) nor more than Fifteen Dollars ($15.00) as set by the governing authority of the program and approved by the court, to the victims impact panel program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

C. Upon completion of the probation term, which probation term under this procedure shall not exceed five (5) years, and

upon a finding by the court that the conditions of probation have been successfully met and all fines, fees, and monetary assessments have been paid as ordered, the defendant shall be discharged without a court judgment of guilt, and the court shall order the verdict or plea of guilty or plea of nolo contendere to be expunged from the record and the charge shall be dismissed with prejudice to any further action. The procedure to expunge the defendant's record shall be as follows:

1. All references to the defendant's name shall be deleted from the docket sheet;

2. The public index of the filing of the charge shall be expunged by deletion, mark-out or obliteration;

3. Upon expungement, the court clerk shall keep a separate confidential index of case numbers and names of defendants which have been obliterated pursuant to the provisions of this section;

4. No information concerning the confidential file shall be revealed or released, except upon written order of a judge of the district court; and

5. Defendants qualifying under Section 18 of this title may petition the court to have the filing of the indictment and the dismissal expunged from the public index and docket sheet. This section shall not be mutually exclusive of Section 18 of this title.

D. Upon order of the court, the provisions of subsection C of this section shall be retroactive.

E. Upon violation of the conditions of probation, the court may enter a judgment of guilt and proceed as provided in Section 991a of this title. Further, if the probation is for a felony offense, and the defendant violates the conditions of probation by committing another felony offense, the defendant shall not be allowed bail pending appeal.

F. The deferred judgment procedure described in this section shall only apply to defendants not having been previously convicted of a felony.

G. The deferred judgment procedure described in this section shall not apply to defendants who plead guilty or nolo contendere

to a sex offense. The term "sex offense" shall not include a violation of paragraph 1 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes.

SECTION 7. AMENDATORY 22 O.S. 1991, Section 991d, is amended to read as follows:

Section 991d. A. 1. court granting probation shall fix a fee of ~~Twenty Dollars ($20.00)~~ Forty Dollars ($40.00) per month to be paid by the probationer to the Department of Corrections during the probationary period, provided, however, that this mandatory fee will not pertain if, in the judgment of the court, ~~such a~~ the fee would impose an unnecessary hardship on the probationer. In ~~such~~ hardship cases, the court shall expressly waive all or part of the fee. The court shall make payment of the fee a condition of granting or continuing the probation~~, and such condition~~ which shall be imposed whether the probation is incident to the suspending of execution of a sentence ~~or~~, incident to the suspending of imposition of a sentence, or incident to the ~~deferring~~ deferral of proceedings after a verdict or plea of guilty, but such condition shall not be imposed unless probationary services are made available to the defendant.

2. If restitution is ordered by the court, the probation fee will be paid in addition to the restitution ~~so~~ ordered. In addition to the restitution payment and probation fee, a fee of One Dollar ($1.00) per payment is to be paid to the Department of Corrections to cover the expenses of administration of ~~such~~ the restitution.

B. The Pardon and Parole Board shall fix a fee of ~~Twenty Dollars ($20.00)~~ Forty Dollars ($40.00) per month to be paid by the parolee as a condition of parole~~. Such fee~~ which shall be paid to the Department of Corrections. The condition of the fee may not be imposed unless parole services are made available to the parolee. Provided, however, that this mandatory fee will not pertain if, in the judgment of the Pardon and Parole Board, ~~such a~~ the fee would impose an unnecessary hardship on the parolee. In such hardship cases the Pardon and Parole Board shall expressly waive all or part of the fee.

C. Upon Department of Corrections acceptance of an offender whose probation or parole supervision was transferred to Oklahoma through the Interstate Compact Agreement, a fee shall be assessed of ~~Twenty Dollars ($20.00)~~ Fifty Dollars ($50.00) per month to be paid by the offender to the Department of Corrections. If, in the judgment of the Department of Corrections, such a fee would impose an unnecessary hardship on the offender, the fee shall be waived.

D. Except as provided in this subsection, all fees collected pursuant to this section shall be deposited in the Department of Corrections Revolving Fund created pursuant to Section 557 of Title 57 of the Oklahoma Statutes. For the fiscal year ending June 30, 1996, fifty percent (50%) of all collections received from offenders placed on probation or parole after July 1, 1995, shall be transferred to the credit of the General Revenue Fund of the State Treasury until such time as total transfers equal Three Million Three Hundred Thousand Dollars ($3,300,000.00).

SECTION 8. AMENDATORY 22 O.S. 1991, Section 1105, is amended to read as follows:

Section 1105. Upon the allowance of bail and the execution of the requisite recognizance, bond, or undertaking~~,~~ to the state, the magistrate, judge, or court, must, if the defendant is in custody, make and sign an order for ~~his~~ discharge~~, upon the delivery of which to the proper officer the defendant must be discharged~~. The court, in its discretion, may prescribe by court rule the conditions under which the court clerk or deputy court clerk, or the sheriff or deputy sheriff, may prepare and execute an order of release on behalf of the court.

SECTION 9. AMENDATORY 28 O.S. 1991, Section 152, is amended to read as follows:

Section 152. A. In any civil case filed in district court, the court clerk shall collect, at the time of filing, the following flat fees, none of which shall ever be refundable, and which shall be the only charge for court costs, except as is otherwise specifically provided for by law:

1. Actions for divorce, alimony without divorce, separate maintenance, custody or support ~~$62.00~~ $72.00

2. Any ancillary proceeding to modify or vacate a divorce decree ~~or prior order~~ providing for custody or support $30.00

3. Probate and guardianship ..... ~~$62.00~~ $72.00

4. Annual guardianship report $20.00

5. Any proceeding for sale or lease of real or personal property or mineral interest in probate or guardianship $30.00

6. Any proceeding to revoke the probate of a will $30.00

7. Judicial determination of death ..... ~~$35.00~~ $45.00

8. Adoption ..... ~~$62.00~~ $72.00

9. Civil actions and condemnation ..... ~~$62.00~~ $72.00

10. Garnishment $10.00

11. Continuing wage garnishment $50.00

12. Any other proceeding after judgment $20.00

13. All others, including but not limited to actions for forcible entry and detainer, judgments from all other courts, including the Workers' Compensation Court ~~$62.00~~ $72.00

B. Of the ~~amount~~ amounts collected pursuant to subsection A of this section, the sum of Three Dollars ($3.00) shall be deposited to the credit of the ~~county~~ Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. In any case ~~where the~~ in which a litigant claims ~~he has~~ to have a just cause of action~~,~~ and that, by reason of poverty, ~~he~~ the litigant is unable to pay the fees and costs provided for in this section and is financially unable to employ counsel, upon the filing of an affidavit in forma pauperis executed before any officer authorized by law to administer oaths ~~by such litigant in such action~~ to that effect and upon satisfactory showing to the court that ~~said~~ the litigant has no means and is, therefore, unable to pay the applicable fees and costs and to employ counsel, no fees or costs shall be required. The opposing party or parties may ~~in any event~~ file with the court clerk of the court having jurisdiction of the cause an affidavit similarly executed contradicting the allegation of ~~such~~ poverty. In all such cases,

the court shall promptly set for hearing the determination of ~~the~~ eligibility ~~of the original affiant~~ to litigate without payment of fees or costs. Until a final order is entered determining that the ~~ineligibility of such~~ affiant ~~has been entered~~ is ineligible, the clerk shall permit ~~such~~ the affiant to litigate without payment ~~for~~ of fees or costs. Any litigant executing a false affidavit or counter affidavit pursuant to the provisions of this section shall be guilty of perjury.

SECTION 10. AMENDATORY 28 O.S. 1991, Section 153, as last amended by Section 5 of Enrolled Senate Bill No. 119 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 153. A. The clerks of the courts shall collect as costs in every criminal case for each offense of which the defendant is convicted, irrespective of whether or not the sentence is deferred, the following flat charges and no more, except for charges otherwise provided for by law, which fee shall cover docketing of the case, filing of all papers, issuance of process, warrants, orders, and other services to date of judgment:

1. For each defendant convicted of exceeding the speed limit by at least one (1) mile per hour but not more than ten (10) miles per hour, whether charged individually or conjointly with others $57.00

2. For each defendant convicted of a misdemeanor traffic violation other than an offense provided for in paragraph 1 or 5 of this subsection, whether charged individually or conjointly with others $73.00

3. For each defendant convicted of misdemeanor, ~~including violation of any traffic law,~~ other than for driving under the influence of alcohol or other intoxicating substance or an offense provided for in paragraph 1 or 2 of this subsection, whether charged individually or conjointly with others ~~$73.00~~ $83.00

~~3.~~ 4. For each defendant convicted of a felony, other than for driving under the influence of alcohol or other

intoxicating substance, whether charged individually or conjointly with others ~~$93.00~~ $103.00

~~4.~~ 5. For each defendant convicted of the misdemeanor of driving under the influence of alcohol or other intoxicating substance, whether charged individually or conjointly with others ~~$173.00~~ $183.00

~~5.~~ 6. For each defendant convicted of the felony of driving under the influence of alcohol or other intoxicating substance, whether charged individually or conjointly with others ~~$173.00~~ $183.00

~~6.~~ 7. For the services of a court reporter at each trial held in the case $20.00

~~7.~~ 8. For each time a jury is requested..... $30.00

~~8.~~ 9. A sheriff's fee for serving or endeavoring to serve each writ, warrant, order, process, command, or notice or pursuing any fugitive from justice $20.00 or mileage as established by the Oklahoma Statutes, whichever is greater.

B. Of the amount collected pursuant to paragraphs 2 through 5 of subsection A of this section, the sum of Three Dollars ($3.00) shall be deposited to the credit of the ~~county~~ Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. Prior to conviction, parties in criminal cases shall not be required to pay, advance, or post security for the issuance or service of process to obtain compulsory attendance of witnesses. These fees shall be deposited into the court fund except that the sheriff's fee provided for in this section and the amount provided for in Section 153.2 of this title, when collected, shall be transferred to the Sheriff's Service Fee Account, created pursuant to the provisions of Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff in the county in which service is made or attempted.

D. Costs required to be collected pursuant to this section shall not be dismissed or waived.

E. As used in this section, "convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred judgment or suspended sentence.

F. A court clerk may accept in payment for any fee, fine or cost for violation of any traffic law a nationally recognized credit card issued to the applicant. The court clerk may add an amount equal to the amount of the service charge incurred, not to exceed four percent (4%) of the amount of such payment as a service charge for the acceptance of such credit card. For purposes of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services or anything else of value and which is accepted by over one thousand (1,000) merchants in this state. The court clerk shall determine which nationally recognized credit cards will be accepted as payment for fees; provided, the court clerk must ensure that no loss of state revenue will occur by the use of such card.

G. Upon receipt of payment of fines and costs for offenses charged prior to July 1, 1992, the court clerk shall apportion and pay Thirteen Dollars ($13.00) per conviction to the court fund.

SECTION 11. AMENDATORY 58 O.S. 1991, Section 34, is amended to read as follows:

Section 34. ~~Except as otherwise provided in this act, when~~ When mailing is required by ~~this act, such~~ Section 21 et seq. of this title, the mailing shall be made by the court clerk or a deputy court clerk or by the attorney for the party and proof of ~~such~~ the mailing shall be by affidavit of ~~such~~ the court clerk or deputy court clerk or attorney filed in the case. Any mailing made pursuant to this section after June 22, 1988, which is in compliance with the provisions of this section at the time this

act becomes effective, shall be deemed to be in compliance with this section.

SECTION 12. AMENDATORY 58 O.S. 1991, Section 414, is amended to read as follows:

Section 414. The court shall cause copies of the order to show cause to be published once in a newspaper and ~~said~~ the hearing shall ~~not~~ be held not less than ten (10) days from the date of ~~the said~~ publication of ~~such~~ the notice. The court clerk, deputy court clerk, or an attorney shall mail a copy of ~~such~~ the order to all of the then known heirs, legatees, devisees, or their guardians ~~thereof~~, whose addresses are known, at least ten (10) days prior to the date set for hearing. ~~A copy of said order shall be mailed to any guardian of a ward who is an heir, legatee or devisee.~~ The hearing shall not be held less than ten (10) days from the date of mailing of ~~such~~ the order. ~~Should~~ If the executor or administrator ~~file~~ files a verified petition for the sale, setting forth therein the name or names of all of the known heirs, legatees, and devisees obtainable by exercise of due diligence, all of whom ~~shall join~~ have joined in ~~such~~ the petition~~,~~ or ~~signify~~ have signified in writing their assent thereto, no notice shall be required and the court shall proceed forthwith to hear ~~such~~ the petition.

SECTION 13. AMENDATORY 58 O.S. 1991, Section 693, is amended to read as follows:

Section 693. ~~(a)~~ A. Whenever a final account and order of distribution ~~based thereon~~ shall direct the payment of monies to a minor, and no person shall within ninety (90) days thereafter become the legal and qualified guardian for ~~such~~ the minor, so that the executor or administrator may ~~become entitled to his discharge~~ be discharged, the court may ~~make an order directing~~ direct the executor or administrator to ~~deposit such money in the hands of the court clerk, taking his receipt therefor~~ prepare an order directing the county treasurer to make the deposit of funds in a specified institution and for a specified term. Upon receipt of the order, the court clerk shall make a temporary deposit in the case, and forward the court's order to the county treasurer

for deposit of the funds in a specified institution for a specified term, with the same effect as though taken from a legally-qualified guardian of ~~such~~ the minor; and the ~~clerk~~ treasurer shall hold ~~such~~ the monies in trust for ~~such~~ the minor until a guardian shall be appointed and call for the same, or until ~~such~~ the minor shall become of age and demand the same~~. Provided~~; provided, that all ~~such~~ the monies in the hands of the ~~court clerk~~ treasurer at the expiration of ~~his~~ the treasurer's term of office must be turned over to ~~his~~ the successor in office.

~~(b)~~ B. Whenever a final account and order of distribution ~~based thereon~~ shall direct the payment of monies to a legatee, heir, creditor, or claimant, whose address or whereabouts is not known, or who will not accept and receipt for said monies within ninety (90) days thereafter, so that the executor or administrator may ~~become entitled to his discharge~~ be discharged, the court may ~~make an order directing~~ direct the executor or administrator to ~~deposit such money with the court clerk, taking his receipt therefor~~ prepare an order directing the county treasurer to make the deposit of funds in a specified institution and for a specified term. Upon receipt of the order, the court clerk shall make a temporary deposit in the case, and forward the court's order to the county treasurer for deposit of the funds in a specified institution for a specified term, with the same effect as though taken from ~~such~~ the person; and the ~~clerk~~ treasurer shall hold ~~such~~ the monies in trust for ~~such~~ the person until ~~he or his~~ a legal or personal representative shall demand and accept the same~~. Provided~~; provided, that all such monies in the hands of the ~~court clerk~~ treasurer at the expiration of ~~his~~ the treasurer's term of office must be turned over to ~~his~~ the successor in office.

~~(c)~~ C. In the event no person qualified to receive ~~such~~ money ~~so~~ deposited with the court clerk makes demand therefor within thirty (30) days after receipt ~~thereof~~ by the court clerk~~,~~ and ~~said~~ the deposit is in excess of One Hundred Dollars ($100.00), the court clerk is authorized and directed to invest such funds in ~~a~~ one or more savings ~~account or~~ accounts or ~~certificate~~

certificates of deposit in a bank or savings and loan association whose deposits are insured by an agency of the federal government. When the person legally entitled thereto makes request upon the court clerk ~~therefor~~, ~~said~~ the account or fund, together with all accumulations ~~thereto~~, shall be paid over to ~~such~~ the person legally entitled thereto upon the court clerk taking a receipt in full for such payment, which receipt shall be filed in and become a part of the records of the case.

~~(d)~~ D. Whenever a final account and order of distribution based thereon shall direct the payment of monies to an heir or legatee who has died during the pendency of the probate proceedings, and no person shall within ninety (90) days thereafter become the legal and qualified personal representative of ~~such~~ the deceased heir or legatee, so that the executor or administrator may ~~become entitled to his discharge~~ be discharged, the court may make an order directing the executor or administrator to deposit such money in the hands of the court clerk, taking ~~his~~ a receipt therefor, with the same effect as though taken from ~~such~~ a legally-qualified personal representative of ~~such~~ the heir or legatee; and the clerk shall hold such monies in trust until a personal representative shall demand and accept the same~~. Provided~~; provided, that all such monies in the hands of the court clerk at the expiration of ~~his~~ the court clerk's term of office must be turned over to ~~his~~ the successor in office.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1227 of Title 20, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Supreme Court to be designated the "Law Library Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds collected by the clerks of the district court for law libraries as prescribed by law, the sales of any law library books or equipment, charges for services, gifts, grants, private donations, and federal funding. All monies accruing to the credit of the fund are hereby

appropriated and may be budgeted and expended by the Supreme Court upon approval of the Chief Justice for:

1. The payment of charges due and owing by county law libraries at the time this statute is enacted;

2. The purchase of books, journals, publications, computer-assisted research devices and services, computer equipment and maintenance, communication charges, and other necessary equipment, services, and fixtures;

3. The payment of the salaries and benefits of personnel to administer the law libraries and assist in the purchase, sale, and inventory of books and equipment and the payment of all bills due and owing by county law libraries;

4. The payment of incidental expenses as established in rules promulgated by the Supreme Court; and

5. The payment of expenses occurring as the result of a natural disaster, accident, or equipment malfunction which is not reasonably foreseeable.

Expenditures from this 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.

SECTION 15. REPEALER 20 O.S. 1991, Sections 1212, 1214, 1216, 1306, as last amended by Section 4, Chapter 225, O.S.L. 1994 and 1307.1, as amended by Section 25, Chapter 303, O.S.L. 1992 (20 O.S. Supp. 1994, Sections 1306 and 1307.1), are hereby repealed.

SECTION 16. REPEALER 22 O.S. 1991, Section 991e, is hereby repealed.

SECTION 17. REPEALER 22 O.S. 1991, Section 991c, as last amended by Section 1 of Enrolled House Bill No. 1644 of the 1st Session of the 45th Oklahoma Legislature, is hereby repealed.

SECTION 18. This act shall become effective July 1, 1995.

SECTION 19. 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.