

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 756

By: Martin

AS INTRODUCED

An Act relating to state government; amending 12 O.S. 1991, Section 941, which relates to attorney fees, witness fees, and court costs in certain actions by state agencies; clarifying language; deleting obsolete language; providing for recodification; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 1991, Section 941, is amended to read as follows:

Section 941. A. The defendant in any civil action brought in any court of this state by any state agency, board, commission, department, authority, or bureau authorized to make rules or formulate orders shall be entitled to recover ~~against such~~ from the state entity court costs, witness fees, and reasonable attorney fees if the court determines that the action was brought without reasonable basis or is frivolous. ~~This subsection shall apply to any action commenced on or after October 1, 1982.~~

B. The respondent in any individual proceeding brought before any state administrative tribunal by any state agency, board, commission, department, authority, or bureau authorized to make rules or formulate orders shall be entitled to recover ~~against such~~ from the state entity court costs, witness fees, and reasonable attorney fees if the tribunal or a court of proper jurisdiction determines that the proceeding was brought without reasonable basis or is frivolous; provided, however, if the tribunal is required by law to act upon complaints and determines that the complaint had no

reasonable basis or is frivolous, the tribunal may assess the respondent's costs, witness fees, and reasonable attorney fees against the complainant. ~~This subsection shall apply to any proceeding before any state administrative tribunal commenced on or after November 1, 1987.~~

SECTION 2. RECODIFICATION 12 O.S. 1991, Section 941, shall be recodified as Section 173 of Title 51 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 3. This act shall become effective November 1, 1999.

47-1-599 MHR 6/12/2015 1:54:07 AM