

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
HOUSE BILL NO. 1539

By: Mass and Bonny of the
House

and

Haney and Hobson of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to state judicial entities; making an appropriation to the Court of Criminal Appeals; stating purpose; requiring budgeting in certain categories and amounts; authorizing employment of temporary employees; exempting temporary employees from budgetary limitations; providing for the duties and compensation of employees; providing budgetary limitations; amending Sections 161, 162 and 163 of Enrolled House Bill No. 1564 of the 1st Session of the 48th Oklahoma Legislature; modifying appropriation amounts for the district courts; requiring the Director of State Finance to transfer certain funds; requiring budgeting in certain categories and amounts; limiting salaries of certain employees; providing budgetary limitations on certain full-time-equivalent employees; authorizing the total or partial refund of payments to the State Judicial Fund by local court funds under certain circumstances; providing procedure; authorizing expenditures from the Supreme Court Revolving Fund in certain circumstances; making an appropriation to the Council on Judicial Complaints; stating purpose; requiring budgeting in certain categories and amounts; exempting certain travel reimbursements from contract limits; providing for the duties and compensation of employees; providing budgetary limitations; providing limit on salary of the Director; making an appropriation to the Supreme Court; stating purpose; amending Section 164 of Enrolled House Bill No. 1564 of the 1st Session of the 48th Oklahoma Legislature, which relates to an appropriation to the Supreme Court; modifying appropriation; requiring budgeting in certain categories and amounts; providing for the duties and compensation of employees of the Supreme Court; providing for the duties and compensation of employees of the Court of Civil Appeals; providing budgetary limitations; establishing a Management Information Services Division in the Office of the Administrative Director of the Courts; directing that the administrative head of the division shall be the Project Manager; providing for selection of Project Manager; making appropriations nonfiscal; providing

lapse dates; providing for codification; 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, 2002, the sum of One Hundred Twenty-six Thousand One Hundred Forty-six Dollars (\$126,146.00) or so much thereof as may be necessary to perform the duties imposed upon the Court of Criminal Appeals by law.

SECTION 2. For the fiscal year ending June 30, 2002, the Court of Criminal Appeals shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Court Operations	\$2,861,916.00	\$3,001,916.00

SECTION 3. The Court of Criminal Appeals is authorized to employ temporary employees as may be necessary to maintain timely disposition of criminal appeal cases. Personnel employed pursuant to the provisions of this section shall be exempt from the limitation on full-time-equivalent employees provided in Section 4 of this act.

SECTION 4. 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 Court of Criminal Appeals, for the fiscal year ending June 30, 2002, shall be subject to the following budgetary limitations on full-time-equivalent employees, 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	36.0
Lease-Purchase Agreements	\$0.00

DISTRICT COURTS

SECTION 5. AMENDATORY Section 161 of Enrolled House Bill No. 1564 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 161. There is hereby appropriated to the Supreme Court from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of ~~Sixteen Million Three Hundred Eighty-seven Thousand Seven Hundred Seventy-five Dollars (\$16,387,775.00)~~ Seventeen Million Nine Hundred Eight Thousand Seven Hundred Six Dollars (\$17,908,706.00) or so much thereof as may be necessary to perform the duties imposed upon the District Courts by law.

SECTION 6. AMENDATORY Section 162 of Enrolled House Bill No. 1564 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 162. There is hereby appropriated to the Supreme Court from any monies not otherwise appropriated from the State Judicial Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of ~~Twenty-one Million Four Hundred Twenty-four Thousand Two Hundred Seventy-one Dollars (\$21,424,271.00)~~ Twenty-two Million Three Hundred Twenty-four Thousand Two Hundred Seventy-one Dollars (\$22,324,271.00) or so much thereof as may be necessary to perform the duties imposed upon the District Courts by law.

SECTION 7. AMENDATORY Section 163 of Enrolled House Bill No. 1564 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 163. There is hereby appropriated to the Supreme Court from any monies not otherwise appropriated from the State Judicial Fund of the State Treasury for the fiscal year ending June 30, 2000,

the sum of ~~One Million Three Hundred Forty-six Thousand Six Hundred Ninety-eight Dollars (\$1,346,698.00)~~ Four Hundred Forty-six Thousand Six Hundred Ninety-eight Dollars (\$446,698.00) or so much thereof as may be necessary to perform the duties imposed upon the District Courts by law.

SECTION 8. On the effective date of this section, the Director of State Finance shall transfer the sum of Nine Hundred Thousand Dollars (\$900,000.00) from the State Judicial Fund of the State Treasury for the fiscal year ending June 30, 2000, to the Special Cash Fund of the State Treasury.

SECTION 9. For the fiscal year ending June 30, 2002, the Supreme Court shall budget all funds appropriated or otherwise made available for the operation of the district courts in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Court Operations	\$40,679,675.00	\$42,329,705.00

SECTION 10. For the Fiscal Year ending June 30, 2002, the annual compensation of the following employees of the district courts payable monthly from appropriated funds shall not exceed the following schedule for the fiscal year ending June 30, 2001, 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.

	MINIMUM	MAXIMUM
Secretary to Administrative		
Presiding Judge of the		
Judicial District	\$21,575.00	\$30,526.00
Secretary Bailiff	\$19,854.00	\$28,221.00

SECTION 11. The district courts, for the fiscal year ending June 30, 2002, shall be subject to the following budgetary limitations on full-time-equivalent employees excluding active

retired judges, and except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes.

TITLE	NUMBER AUTHORIZED
District Judge	73.0
Associate District Judge	
County Population over 30,000	32.0
County Population under 30,000	45.0
Special Judge	82.0
<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	635.0
Lease-Purchase Agreements	\$0.00

SECTION 12. A. 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 2002 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 Supreme Court Revolving Fund.

B. 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 or corporation 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, 2002. All such claims may be paid from the Supreme Court Revolving Fund upon approval of the Chief Justice.

COUNCIL ON JUDICIAL COMPLAINTS

SECTION 13. There is hereby appropriated to the Council on Judicial Complaints from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of Three Hundred One Thousand Six Hundred Eighty-one Dollars (\$301,681.00) or so much thereof as may be necessary to perform the duties imposed upon the Council on Judicial Complaints by law.

SECTION 14. For the fiscal year ending June 30, 2002, the Council on Judicial Complaints shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
General Operations	\$211,681.00	\$251,681.00
Attorney Services		
Contract	<u>90,000.00</u>	<u>95,000.00</u>
TOTAL	\$301,681.00	\$346,681.00

Travel reimbursements authorized by law shall be paid exclusive of the Attorney Services Contract limit.

SECTION 15. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Council on Judicial Complaints by law shall be set by the Director. For the Fiscal Year ending June 30, 2002, the salary of the Director shall not exceed Seventy-six Thousand Three Hundred Twenty Dollars (\$76,320.00) per annum, payable monthly. The Council on Judicial Complaints for the fiscal year ending June 30, 2002, 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	2.0

SUPREME COURT

SECTION 16. There is hereby appropriated to the Supreme Court from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of Eight Hundred Thirty Thousand Dollars (\$830,000.00) to transfer to the Legal Services Revolving Fund created pursuant to subsection G of Section 921.1 of Title 12 of the Oklahoma Statutes.

SECTION 17. AMENDATORY Section 164 of Enrolled House Bill No. 1564 of the 1st Session of the 48th Oklahoma Legislature is amended to read as follows:

Section 164. There is hereby appropriated to the Supreme Court from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of ~~Twelve Million Seven Hundred Thirty-nine Thousand Two Hundred Thirty-one Dollars (\$12,739,231.00)~~ Twelve Million Ninety-three Thousand Three Hundred Forty-three Dollars (\$12,093,343.00) or so much thereof as may be necessary to perform the duties imposed upon the Supreme Court or Court of Civil Appeals by law.

SECTION 18. For the fiscal year ending June 30, 2002, the State Supreme Court shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Supreme Court Justices	\$ 4,409,547.00	\$ 4,519,547.00
Court of Civil Appeals	3,851,254.00	3,901,254.00
Administrative Office of the Courts	2,050,436.00	5,831,880.00
Court Clerk's Office	572,842.00	602,842.00
Legal Aid Services Contract	830,000.00	830,000.00
Management Information Services	1,379,063.00	8,414,063.00
Dispute Mediation	<u>730,201.00</u>	<u>790,201.00</u>
TOTAL	\$13,823,343.00	\$24,899,787.00

SECTION 19. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed

upon the Supreme Court by law shall be set by the Supreme Court Justices by majority vote.

SECTION 20. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Court of Civil Appeals by law shall be set by the Court of Civil Appeals, subject to the approval of the Supreme Court.

SECTION 21. The Supreme Court and the Court of Civil Appeals for the fiscal year ending June 30, 2002, shall be subject to the following budgetary limitations on full-time-equivalent employees, excluding active retired judges, 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	176.0
Lease-Purchase Agreements	\$50,000.00

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1315.1 of Title 20, unless there is created a duplication in numbering, reads as follows:

There shall be established a Management Information Services Division in the Office of the Administrative Director of the Courts which shall be responsible for the implementation and management of the Oklahoma Court Information System. The administrative head of the Division shall be the Project Manager who shall be selected by a committee composed of the State Auditor and Inspector of the State of Oklahoma, the Administrator of the Courts, and the President of the Oklahoma Court Clerks Association, subject to the approval of the Oklahoma Supreme Court.

SECTION 23. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2002 (hereafter FY-02) or may be

budgeted for the fiscal year ending June 30, 2003 (hereafter FY-03). Funds budgeted for FY-02 may be encumbered only through June 30, 2002, and must be expended by November 15, 2002. Any funds remaining after November 15, 2002, and not budgeted for FY-03, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-03 may be encumbered only through June 30, 2003. Any funds remaining after November 15, 2003, shall lapse to the credit of the proper fund for the then current fiscal year. These appropriations may not be budgeted in both fiscal years simultaneously. Funds budgeted in FY-02, and not required to pay obligations for that fiscal year, may be budgeted for FY-03, after the agency to which the funds have been appropriated has prepared and submitted a budget work program revision removing these funds from the FY-02 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 24. Sections 1 through 7 and 9 through 23 of this act shall become effective July 1, 2001.

SECTION 25. 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.

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