

ENROLLED SENATE  
BILL NO. 1068

By: Morgan and Robinson of the  
Senate

and

Mitchell and Bonny of the  
House

An Act relating to courts; amending 12 O.S. 2001, Section 1809, which relates to collection and disposition of court costs and fees; amending 20 O.S. 2001, Section 72, which relates to quarterly accounting to Administrative Director; amending 20 O.S. 2001, Section 73.5, which relates to copies of opinions; amending 20 O.S. 2001, Section 1224, which relates to transfer of surplus funds from Law Library Fund; amending 20 O.S. 2001, Section 1307, as amended by Section 7, Chapter 390, O.S.L. 2002 (20 O.S. Supp. 2003, Section 1307), which relates to report of receipts, expenses and transfers; requiring the Administrative Director of the Courts to provide estimate of funds; amending 20 O.S. 2001, Section 1308, which relates to deposits in State Judicial Retirement Fund and State Judicial Fund; amending 20 O.S. 2001, Section 1309, which relates to time allowed for transfer of remittances to proper fund; amending 20 O.S. 2001, Section 1507, which relates to deposit of fees; modifying fund name; creating the "State Judicial Revolving Fund"; stating purpose; providing for funding; directing the deposit of certain funds; directing the transfer of funds to the district courts; directing the transfer of certain monies to certain fund; repealing 20 O.S. 2001, Section 1310, which relates to the State Judicial Fund; providing for codification; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 12 O.S. 2001, Section 1809, is amended to read as follows:

Section 1809. A. 1. To establish and maintain an alternative dispute resolution system, court costs in the amount of Two Dollars (\$2.00) shall be taxed, collected, and paid as other court costs in all civil cases. When dispute resolution services are sought, a fee in the amount of Five Dollars (\$5.00) shall be assessed by the center and collected from the initiating party. If the responding

party agrees to participate in mediation of the dispute, a fee of Five Dollars (\$5.00) shall be assessed by the center and collected from the responding party.

The fee of an initiating or responding party shall be waived by the center upon receipt of an affidavit in forma pauperis executed under oath by such party.

2. Except for the court costs and fees provided for in this subsection, dispute resolution services shall be provided without cost to participants.

B. The court costs and fees provided for in subsection A of this section, once collected, shall be transferred by the court clerk to the Director who shall deposit them in the State Judicial Revolving Fund.

SECTION 2. AMENDATORY 20 O.S. 2001, Section 72, is amended to read as follows:

Section 72. The Clerk of the Supreme Court shall, on the first Monday of January, April, July and October of each year, make out and present to the Administrative Director an itemized and verified report of all fees earned and collected by him during the preceding quarter, and shall transfer all monies so earned to the State Treasurer for deposit in the State Judicial Revolving Fund.

SECTION 3. AMENDATORY 20 O.S. 2001, Section 73.5, is amended to read as follows:

Section 73.5 From and after the effective date of this act the new opinions of the Supreme Court, the Court of Criminal Appeals and the Court of Appeals shall be promptly furnished, at a cost of twenty-five cents (\$0.25) per page, to any person, firm or corporation who shall request same in writing to the Clerk of the Supreme Court for the purpose of publishing, editing and binding said opinions. For any other purpose, other persons, firms or corporations shall be furnished, upon request in writing to the Clerk of the Supreme Court, copies of said opinions, or any instrument of record or other record filed with the Clerk of the Supreme Court, at that fee mandated by Section 31 of Title 28 of the Oklahoma Statutes, for the copying of any instrument of record or on file. Provided however, said opinions shall be furnished free of cost to the litigants involved, and to the Oklahoma Bar Association for any official publication of said Association.

All monies collected by the Clerk of the Supreme Court for said opinions and other copies shall be by said Clerk deposited monthly to the credit of the State Judicial Revolving Fund of the State of Oklahoma.

SECTION 4. AMENDATORY 20 O.S. 2001, Section 1224, is amended to read as follows:

Section 1224. On August 1 each year the board of trustees shall transmit to the Supreme Court for deposit in the State Judicial Revolving Fund all funds on deposit in the law library fund in

excess of twenty-five percent (25%) of the income to such Fund during the preceding fiscal year, the existing surplus on hand on the effective date of this act being excluded.

SECTION 5. AMENDATORY 20 O.S. 2001, Section 1307, as amended by Section 7, Chapter 390, O.S.L. 2002 (20 O.S. Supp. 2003, Section 1307), is amended to read as follows:

Section 1307. A. Within thirty (30) days after the end of each quarter of every fiscal year, the court clerk of each county shall report to the Administrative Director of the Courts, in the manner prescribed by law for the reporting of information by agencies to the Office of State Finance pursuant to Section 41.1 et seq. of Title 62 of the Oklahoma Statutes, the:

1. Gross receipts to the court fund during the preceding quarter;
2. Total amount of expenses paid during the preceding quarter, including, but not limited to, bond and interest expense and payments to the county general fund; and
3. Total amount of money transferred or to be transferred to the State Judicial Revolving Fund for the entire past fiscal year as set forth in Section 1308 of this title.

B. The Administrative Director of the Courts shall subsequently report the information required by subparagraphs 1 and 2 of subsection A of this section within ten (10) days after receipt of the information to the Office of State Finance in a manner consistent with the policies and procedures of the Office of State Finance for reporting by state agencies pursuant to the provisions of Section 41.1 et seq. of Title 62 of the Oklahoma Statutes.

C. The information required by this section for reporting by court clerks pursuant to subsection A of this section and for reporting by the Administrative Director of the Courts pursuant to subsection B of this section shall be in a form that separates fines, fees, forfeitures and other sources of revenue. The information shall also indicate the amount of receipts used for local court expenses and the amount deposited into the State Judicial Revolving Fund.

D. A ceiling on the amount of local court funds to be allocated by the Chief Justice of the Supreme Court for the local court budgets shall be established in the annual appropriation to the courts.

E. Not later than December 1 and February 1 of each year, the Administrative Director of the Courts shall provide an estimate of the amount of funds to accrue to the State Judicial Revolving Fund in the subsequent fiscal year.

SECTION 6. AMENDATORY 20 O.S. 2001, Section 1308, is amended to read as follows:

Section 1308. Clerks in counties having a population of less than seventy thousand (70,000) must transmit each quarter for deposit in the State Judicial Revolving Fund the amount by which the receipts deposited in the court fund for the quarter, including the interest earned on the court fund, exceeds the expenses for the quarter, provided the court clerk shall retain from the excess amount a sum equal to twenty percent (20%) of the expenses for the quarter. Clerks in counties having a population of seventy thousand (70,000) or more shall transmit each month for deposit in the State Judicial Revolving Fund the amount by which the receipts deposited in the court fund for the reporting period for the report required by Section 1307 of this title, including interest earned on the court fund, exceeds the expenses for the reporting period, provided the clerk shall retain from the excess amount a sum equal to twenty percent (20%) of the expenses for the reporting period. Within thirty (30) days after the end of each fiscal year, the court clerk, in addition to the other amounts due hereunder, shall transmit to the Supreme Court for deposit in the State Judicial Revolving Fund an amount equal to the gross receipts for the entire past fiscal year less the total amount of expenses, as defined in subsection A of Section 1307 of this title, and less the transfers made for the past fiscal year.

SECTION 7. AMENDATORY 20 O.S. 2001, Section 1309, is amended to read as follows:

Section 1309. All remittances transmitted to the Supreme Court for deposit to the State Judicial Revolving Fund and to the State Judicial Retirement Fund shall be placed by the Administrative Director of the Courts in a clearing account and thence transferred to the proper fund after refunds directed by the State Auditor and Inspector have been effected or thirty (30) days of receipt, whichever is the shorter period of time.

SECTION 8. AMENDATORY 20 O.S. 2001, Section 1507, is amended to read as follows:

Section 1507. All fees authorized to be charged shall be paid to the Clerk of the Supreme Court who shall deposit them in the State Judicial Revolving Fund. The Chief Justice shall be authorized to draw against the Supreme Court Revolving Fund such amounts as are lawfully claimed by the Board for its necessary supplies and expenses. When performing essential duties each Board member shall be entitled to his actual expenses and shall receive, in addition thereto, the sum of Fifty Dollars (\$50.00) for each full day of service or a fraction thereof for less than a day's service.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1310.2 of Title 20, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Supreme Court to be designated the "State Judicial Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all receipts designated for deposit thereto pursuant to law and monies appropriated by the Legislature for deposit thereto. All monies

accruing to the credit of said fund are hereby appropriated and may be budgeted by the Supreme Court as necessary to perform the duties imposed upon the district courts by law, and upon the Supreme Court and Court of Civil Appeals pursuant to Section 1310.1 of Title 20 of the Oklahoma Statutes. Expenditures from said 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. The Supreme Court is hereby authorized to transfer funds from the State Judicial Revolving Fund to the district courts for duties imposed by law.

B. On the effective date of this act, the Director of State Finance shall transfer all unbudgeted funds from the State Judicial Fund to the State Judicial Revolving Fund.

SECTION 10. REPEALER 20 O.S. 2001, Section 1310, is hereby repealed.

SECTION 11. Sections 1 through 9 of this act shall become effective July 1, 2004.

SECTION 12. Section 10 of this act shall become effective November 1, 2004.

SECTION 13. 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 Senate the 25th day of May, 2004.

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Presiding Officer of the Senate

Passed the House of Representatives the 26th day of May, 2004.

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Presiding Officer of the House  
of Representatives

