(2ND EXTRAORDINARY SESSION)
ENGROSSED HOUSE
BILL NO. 1149

By: Benge and Newport of the House

and

Crutchfield and Rabon of the Senate

An Act relating to the district courts; requiring budgeting in certain categories and amounts; limiting salaries of certain employees; providing budgetary limitations; authorizing the total or partial refund of payments to the State Judicial Revolving Fund by local court funds under certain circumstances; providing procedures; amending 20 O.S. 2001, Section 122, as amended by Section 8, Chapter 343, O.S.L. 2005 (20 O.S. Supp. 2005, Section 122), which relates to special judges; authorizing appointment of additional judge for certain district; providing lapse dates; requiring and prohibiting certain budget practices; and providing an effective date.

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

SECTION 1. For the fiscal year ending June 30, 2007, 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:

Category	Appropriation	Total
Court Operations	$54,403,272.00	$58,903,272.00

SECTION 2. For the fiscal year ending June 30, 2007, the annual compensation of the following employees of the district courts payable monthly from appropriated funds shall not exceed the following schedule, 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	$29,164.00	$35,832.00
Secretary Bailiff	$27,357.00	$33,412.00

SECTION 3. The district courts, for the fiscal year ending June 30, 2007, 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	75.0
Associate District Judge	
County Population over 30,000	32.0
County Population under 30,000	45.0
Special Judge	89.0
Budgetary Limitation	Amount
Full-time-equivalent Employees	654.0
Lease-Purchase Agreements	$0.00

SECTION 4. A. Payments made by local court funds to the State Judicial Fund pursuant to Section 1308 of Title 20 of the Oklahoma Statutes during the fiscal year ending June 30, 2007, 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, 2007. All such claims may be paid from the Supreme Court Revolving Fund upon approval of the Chief Justice.

SECTION 5. AMENDATORY 20 O.S. 2001, Section 122, as amended by Section 8, Chapter 343, O.S.L. 2005 (20 O.S. Supp. 2005, Section 122), is amended to read as follows:

Section 122. The number of special judges that may be appointed in each judicial administrative district shall be determined as follows:

1. A special judge shall be appointed on the basis of one special judge for each county within the administrative district with a population of at least twenty-four thousand (24,000), as determined by the 1960 Federal Decennial Census. An additional special judge shall be appointed for each additional fifty thousand (50,000) in population in a county within the administrative district, as determined by the 1960 Federal Decennial Census. Such appointment may be made from any county in the administrative district. Such appointments shall be made by the district judges in their respective judicial administrative districts. Any judge of a special sessions court shall be one of the special judges for the balance of his term and shall be within the number prescribed for said district.

2. In addition to the special judges that may be appointed pursuant to the provisions of paragraph 1 of this section, there shall be:

a. one (1) special judge appointed in the Northwest-Panhandle Judicial Administrative District comprised of District Court Judicial Districts Numbers One (1), Two (2) and Four (4), to serve in Custer County;

b. one (1) special judge appointed in the Oklahoma-Canadian Counties Judicial Administrative District comprised of District Court Judicial District Number Seven (7);

c. three (3) special judges appointed in the Tulsa-Pawnee Counties Judicial Administrative District comprised of District Court Judicial District Number Fourteen (14);

d. beginning January 11, 1999, one (1) special judge appointed in the Northeastern Judicial Administrative District comprised of District Court Judicial Districts Numbers Ten (10), Eleven (11), Twelve (12) and Thirteen (13), to serve in Rogers County;

e. one (1) special judge appointed in the North Central Judicial Administrative District comprised of District Court Judicial District Numbers Eight (8), Nine (9) and Twenty-three (23), to serve in Lincoln and Pottawatomie Counties;

f. beginning January 1, 2006, one (1) special judge appointed in the East Central Judicial Administrative District comprised of District Court Judicial District Numbers Fifteen (15), Eighteen (18) and Twenty-four (24), to serve in Pittsburg and McIntosh Counties; ~~and~~

g. beginning January 1, 2006, one (1) special judge appointed in the Northeastern Judicial Administrative District comprised of District Court Judicial District Numbers Ten (10), Eleven (11), Twelve (12) and Thirteen (13), to serve in Washington County; and

h. beginning January 1, 2007, one (1) special judge appointed in the Southeastern Judicial Administrative District comprised of District Court Judicial District Numbers Sixteen (16), Seventeen (17), Nineteen (19), and Twenty-five (25), to serve in LeFlore County.

3. If a vacancy occurs in the office of associate district judge, or if an associate district judge becomes unable to perform the duties of his office, as determined by the presiding judge of the judicial administrative district, a special judge may be appointed within the judicial administrative district to hold office for the duration of said vacancy or incapacity. After the vacancy is filled, or after the associate district judge becomes able to perform the duties of his office, the special judge shall have the power to act in regard to any case which he has already tried, but the presiding judge of the judicial administrative district may transfer such a case to any other judge in the judicial administrative district.

4. The Chief Justice of the Supreme Court may authorize the appointment of such additional special judges as may be necessary for the proper administration of justice. Such additional special judges shall be appointed after application by a majority of the district judges of a judicial administrative district, stating the reason why an additional special judge is needed. Such additional judges need not be based upon population figures.

SECTION 6. Appropriations made by Sections 89 and 90 of Enrolled Senate Bill No. 80 of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2007 (hereafter FY-07), or may be budgeted for the fiscal year ending June 30, 2008 (hereafter FY-08). Funds budgeted for FY-07 may be encumbered only through June 30, 2007, and must be expended by November 15, 2007. Any funds remaining after November 15, 2007, and not budgeted for FY-08, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-08 may be encumbered only through June 30, 2008. Any funds remaining after November 15, 2008, 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-07, and not required to pay obligations for that fiscal year, may be budgeted for FY-08, 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-07 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 8. This act shall become effective July 1, 2006.

Passed the House of Representatives the 21st day of June, 2006.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2006.

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Presiding Officer of the Senate