

ENROLLED SENATE
BILL NO. 189

By: Morgan and Crutchfield of
the Senate

and

Benge, Newport, Duncan and
Morgan (Danny) of the
House

An Act relating to the district courts; authorizing expenditure from the Supreme Court Revolving Fund; stating purpose of expenditure; making an appropriation to the Supreme Court for the district courts; stating purpose; 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 92.13, which relates to judicial districts; modifying number of judges for certain district; amending 20 O.S. 2001, Section 122, which relates to special judges; modifying number of judges for certain district; authorizing appointment of additional judges for certain purpose; providing lapse dates; requiring and prohibiting certain budget procedures; providing effective dates; and declaring an emergency.

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

SECTION 1. The Supreme Court is hereby authorized to expend during the fiscal year ending June 30, 2006, from the State Judicial Revolving Fund of the State Treasury, the sum of Forty-six Million Three Hundred Thirty-seven Thousand Nine Hundred Thirty-one Dollars (\$46,337,931.00) or so much thereof as may be necessary to perform the duties imposed upon the district courts by law.

SECTION 2. 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, 2006, the sum of Nine Hundred Sixty-two Thousand Sixty-nine Dollars (\$962,069.00) or so much thereof as may be necessary to perform the duties imposed upon the district courts by law.

SECTION 3. For the fiscal year ending June 30, 2006, 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	\$962,069.00	\$50,300,000.00

SECTION 4. For the fiscal year ending June 30, 2006, 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	\$25,575.00	\$31,926.00
Secretary Bailiff	\$22,454.00	\$29,621.00

SECTION 5. The district courts, for the fiscal year ending June 30, 2006, 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	87.0
<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	653.0
Lease-Purchase Agreements	\$0.00

SECTION 6. A. Payments made by local court funds to the State Judicial Revolving Fund pursuant to Section 1308 of Title 20 of the Oklahoma Statutes during the fiscal year ending June 30, 2006, 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, 2006. All such claims may be paid from the Supreme Court Revolving Fund upon approval of the Chief Justice.

SECTION 7. AMENDATORY 20 O.S. 2001, Section 92.13, is amended to read as follows:

Section 92.13 District No. 12. The counties of Rogers, Mayes and Craig. Said district shall have ~~two (2)~~ three (3) district judges to be nominated and elected at large.

SECTION 8. AMENDATORY 20 O.S. 2001, 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. ~~two (2)~~ three (3) special judges appointed in the Tulsa-Pawnee Counties Judicial Administrative District comprised of District Court Judicial District Number Fourteen (14); ~~and~~

- 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.

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 9. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2006 (hereafter FY-06), or may be budgeted for the fiscal year ending June 30, 2007 (hereafter FY-07). Funds budgeted for FY-06 may be encumbered only through June 30, 2006, and must be expended by November 15, 2006. Any funds remaining after November 15, 2006, and not budgeted for FY-07, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-07 may be encumbered only through June 30, 2007. Any funds remaining after November 15, 2007, 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-06, and not required to pay obligations for that fiscal year, may be budgeted for FY-07, 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-06 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 10. Section 7 of this act shall become effective January 1, 2006.

SECTION 11. Sections 1 through 6, 8 and 9 of this act shall become effective July 1, 2005.

SECTION 12. 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 27th day of May, 2005.

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of May, 2005.

Presiding Officer of the House
of Representatives