

CS for SB 1901

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**THE STATE SENATE**  
**Monday, February 20, 2006**

**Committee Substitute for**  
**Senate Bill No. 1901**

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1901 - By: LERBLANCE of the Senate and McMULLEN of the House.

[ civil procedure - transfer of cases - service - class action funds - codification - effective date ]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 140.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

When the court orders the transfer of a case upon a showing by a party that the venue is or should be in some other county, the clerk of the court shall prepare a transcript of all the papers filed, orders entered, and a bill of the costs accrued. The clerk shall collect a new filing fee and shall forthwith transmit by certified mail such files and transcript of the cause and the filing fee which shall be due to the clerk of the court to which transfer is ordered. Unless otherwise ordered by the court, the plaintiff shall be responsible for appropriate filing fees when a case is brought in the wrong venue and transferred to a court having proper venue. In all other instances, the moving party shall be responsible for fees.

1 The fees for the transfer shall be paid within ten (10) days of the  
2 transfer order.

3 SECTION 2. AMENDATORY 12 O.S. 2001, Section 696.2, is  
4 amended to read as follows:

5 Section 696.2 A. After the granting of a judgment, decree or  
6 appealable order, it shall be reduced to writing in conformance with  
7 Section 696.3 of this title, signed by the court, and filed with the  
8 court clerk. The court may direct counsel for any party to the  
9 action to prepare a draft for the signature of the court, in which  
10 event, the court may prescribe procedures for the preparation and  
11 timely filing of the judgment, decree or appealable order,  
12 including, but not limited to, the time within which it is to be  
13 submitted to the court. If a written judgment, decree or appealable  
14 order is not submitted to the court by the party directed to do so  
15 within the time prescribed by the court, then any other party may  
16 reduce it to writing and submit it to the court.

17 B. A file-stamped copy of every judgment, decree, or appealable  
18 order shall be ~~mailed to~~ served upon all parties, including those  
19 parties who are ~~not~~ in default for failure to appear in the action,  
20 by the counsel for a party or party who prepared it, or by a person  
21 designated by the trial court, promptly and no later than three (3)  
22 days after it is filed. The ~~mailing~~ service shall be done in the  
23 manner provided in Section 2005 of ~~Title 12 of the Oklahoma Statutes~~

1 this title for the service of papers, and a certificate of service  
2 must be filed with the court clerk. If the judgment, decree or  
3 appealable order was prepared by the court, the court may direct a  
4 bailiff, court clerk or party to perform the ~~mailing~~ service and  
5 certificate of service required by this subsection. In cases in  
6 which a party has failed to appear in the action, it shall be  
7 sufficient to mail a file-stamped copy of the judgment, decree or  
8 appealable order by first-class mail to the party's last-known  
9 address, or if the service of process was on a registered agent, to  
10 the address of the registered agent. No mailing is required to a  
11 party who has failed to appear in the action if that party was  
12 served by publication.

13 C. In any probate, guardianship, or conservatorship proceeding  
14 commenced on or after October 1, 1996, where a party, heir, devisee,  
15 legatee, or other interested party or representative of a party has  
16 received notice of a hearing which resulted in the issuance of a  
17 judgment, decree, or appealable order and did not file an entry of  
18 appearance, no further ~~mailing~~ service of any judgment, decree, or  
19 appealable order shall be required to be sent to such party, heir,  
20 devisee, legatee, or other interested party or representative of a  
21 party, unless otherwise specifically required by law. No  
22 certificate of ~~mailing~~ service shall be required to be filed where

1 no party, heir, devisee, legatee, or other interested party, or  
2 representative of a party has filed an entry of appearance.

3 D. The filing with the court clerk of a written judgment,  
4 decree or appealable order, prepared in conformance with Section  
5 696.3 of this title and signed by the court, shall be a  
6 jurisdictional prerequisite to the commencement of an appeal. The  
7 following shall not constitute a judgment, decree or appealable  
8 order: A minute entry; verdict; informal statement of the  
9 proceedings and relief awarded, including, but not limited to, a  
10 letter to a party or parties indicating the ruling or instructions  
11 for preparing the judgment, decree or appealable order.

12 E. A judgment, decree or appealable order, whether  
13 interlocutory or final, shall not be enforceable in whole or in part  
14 unless or until it is signed by the court and filed; except that the  
15 adjudication of any issue shall be enforceable when pronounced by  
16 the court in the following actions: divorce; separate maintenance;  
17 annulment; post-decree matrimonial proceedings; paternity; custody;  
18 adoption; termination of parental rights; mental health;  
19 guardianship; juvenile matters; habeas corpus proceedings; or  
20 proceedings for temporary restraining orders, temporary injunctions,  
21 permanent injunctions, conservatorship, probate proceedings, special  
22 executions in foreclosure actions, quiet title actions, partition  
23 proceedings or contempt citations. The time for appeal shall not

1 begin to run until a written judgment, decree or appealable order,  
2 prepared in conformance with Section 696.3 of this title, is filed  
3 with the court clerk, regardless of whether the judgment, decree, or  
4 appealable order is effective when pronounced or when it is filed.

5 F. The preparation of orders, decisions and awards and the  
6 taking of appeals in workers' compensation cases shall be governed  
7 by the provisions of Title 85 of the Oklahoma Statutes.

8 SECTION 3. AMENDATORY 12 O.S. 2001, Section 696.3, as  
9 amended by Section 1, Chapter 181, O.S.L. 2004 (12 O.S. Supp. 2005,  
10 Section 696.3), is amended to read as follows:

11 Section 696.3 A. Judgments, decrees and appealable orders that  
12 are filed with the clerk of the court shall contain:

13 1. A caption setting forth the name of the court, the names and  
14 designation of the parties, the file number of the case and the  
15 title of the instrument;

16 2. A statement of the disposition of the action, proceeding or  
17 motion, including a statement of the relief awarded to a party or  
18 parties and the liabilities and obligations imposed on the other  
19 party or parties, including the amount of any prejudgment interest;

20 3. The signature and title of the court; and

21 4. Any other matter approved by the court.

22 B. Judgments, decrees and appealable orders that are filed with  
23 the clerk of the court may contain a statement of costs, attorney

1 fees and interest other than prejudgment interest, or any of them,  
2 if they have been determined prior to the time the judgment, decree  
3 or appealable order is signed by the court in accordance with this  
4 section.

5 C. The clerk shall endorse on the judgment, decree or  
6 appealable order the date it was filed and the name and title of the  
7 clerk.

8 D. A file-stamped copy of the judgment, decree, or appealable  
9 order shall be ~~mailed to~~ served upon all parties, including those  
10 parties who are ~~not~~ in default for failure to appear in the action,  
11 as provided in Section 696.2 of this title.

12 SECTION 4. AMENDATORY 12 O.S. 2001, Section 1083, is  
13 amended to read as follows:

14 Section 1083. Any action ~~which is not at issue and~~ in which no  
15 pleading has been filed or other action taken for a year and in  
16 which no motion or demurrer has been pending during any part of said  
17 year shall be dismissed without prejudice by the court on its own  
18 motion after notice to the parties or their attorneys of record;  
19 providing, the court may upon written application and for good cause  
20 shown, by order in writing allow the action to remain upon its  
21 docket.

1 SECTION 5. AMENDATORY 12 O.S. 2001, Section 2004.1, as  
2 last amended by Section 21, Chapter 468, O.S.L. 2002 (12 O.S. Supp.  
3 2005, Section 2004.1), is amended to read as follows:

4 Section 2004.1

5 SUBPOENA

6 A. SUBPOENA; FORM; ISSUANCE.

7 1. Every subpoena shall:

8 a. state the name of the court from which it is issued  
9 and the title of the action, ~~and~~ and

10 b. command each person to whom it is directed to attend  
11 and give testimony or to produce and permit inspection  
12 and copying of designated books, documents or tangible  
13 things in the possession, custody or control of that  
14 person, or to permit inspection of premises, at a time  
15 and place therein specified.

16 2. A subpoena shall issue from the court where the action is  
17 pending, and it may be served at any place within the state.

18 a. Deposition in Action Pending Outside of This State.

19 If the action is pending outside of this state, the district  
20 court for the county in which the deposition is to be taken shall  
21 issue the subpoena and, upon application, any other order or process  
22 that may be appropriate in aid of discovery in that action. Proof  
23 of service of a notice to take deposition constitutes a sufficient

1 authorization for the issuance ~~by the clerk~~ of subpoenas for the  
2 persons named or described therein; ~~provided, any person aggrieved~~  
3 ~~by the issuance or enforcement of the subpoena may obtain judicial~~  
4 ~~review upon the filing of a civil action and payment of the required~~  
5 ~~fees.~~

6 b. Subpoena for Production or Inspection in Action Pending  
7 Outside of This State.

8 If the action is pending outside of this state, the district  
9 court for the county in which the production or inspection is to be  
10 made shall issue a subpoena for production or inspection as provided  
11 in subparagraph b of paragraph 1 of subsection A of this section, if  
12 separate from a subpoena commanding the attendance of a person, and  
13 upon application, any other order or process that may be appropriate  
14 in aid of discovery in that action. Proof of service of a notice of  
15 request for production of documents without a deposition constitutes  
16 a sufficient authorization for the issuance of a subpoena for  
17 production or inspection, and

18 c. Judicial Assistance or Review Available.

19 Any person seeking an order or process in aid of discovery or  
20 any person aggrieved by the issuance or enforcement of a subpoena  
21 issued in aid of discovery for an action pending outside of this  
22 state may obtain judicial assistance or review upon the filing of a  
23 civil action and payment of required fees.

1           3. A witness shall be obligated upon service of a subpoena to  
2 attend a trial or hearing at any place within the state and to  
3 attend a deposition or produce or allow inspection of documents at a  
4 location that is authorized by subsection B of Section 3230 of this  
5 title.

6           4. The clerk shall issue a subpoena, or a subpoena for the  
7 production of documentary evidence, signed and sealed but otherwise  
8 in blank, to a party requesting it, who shall fill it in before  
9 service. As an officer of the court, an attorney authorized to  
10 practice law in this state may also issue and sign a subpoena on  
11 behalf of a court of this state.

12          5. Leave of court for issuance of a subpoena for the production  
13 of documentary evidence shall be required if the plaintiff seeks to  
14 serve a subpoena for the production of documentary evidence on any  
15 person who is not a party prior to the expiration of thirty (30)  
16 days after service of the summons and petition upon any defendant.

17          6. Notwithstanding any other provision of law, a court clerk of  
18 this state shall not be subject to a subpoena in matters relating to  
19 court records unless the court makes a specific finding that the  
20 appearance and testimony of the court clerk are both material and  
21 necessary because of a written objection to the introduction of the  
22 court records made by a party prior to trial.

1           B. 1. SERVICE. Service of a subpoena upon a person named  
2 therein shall be made by delivering or mailing a copy thereof to  
3 such person and, if the person's attendance is demanded, by  
4 tendering to that person the fees for one (1) day's attendance and  
5 the mileage allowed by law. Service of a subpoena may be  
6 accomplished by any person who is eighteen (18) years of age or  
7 older. A copy of any subpoena that commands production of documents  
8 and things or inspection of premises before trial shall be served on  
9 each party in the manner prescribed by subsection B of Section 2005  
10 of this title. If the subpoena commands production of documents and  
11 things or inspection of premises from a nonparty before trial but  
12 does not require attendance of a witness, the subpoena shall specify  
13 a date for the production or inspection that is at least seven (7)  
14 days after the date that the subpoena and copies of the subpoena are  
15 served on the witness and all parties, and the subpoena shall  
16 include the following language: "In order to allow objections to  
17 the production of documents and things to be filed, you should not  
18 produce them until the date specified in this subpoena, and if an  
19 objection is filed, until the court rules on the objection."

20           2. Service of a subpoena by mail may be accomplished by mailing  
21 a copy thereof by certified mail with return receipt requested and  
22 delivery restricted to the person named in the subpoena. The person  
23 serving the subpoena shall make proof of service thereof to the

1 court promptly and, in any event, before the witness is required to  
2 testify at the hearing or trial. If service is made by a person  
3 other than a sheriff or deputy sheriff, such person shall make  
4 affidavit thereof. If service is by mail, the person serving the  
5 subpoena shall show in the proof of service the date and place of  
6 mailing and attach a copy of the return receipt showing that the  
7 mailing was accepted. Failure to make proof of service does not  
8 affect the validity of the service, but service of a subpoena by  
9 mail shall not be effective if the mailing was not accepted by the  
10 person named in the subpoena. Costs of service shall be allowed  
11 whether service is made by the sheriff, the sheriff's deputy, or any  
12 other person. When the subpoena is issued on behalf of a state  
13 department, board, commission, or legislative committee, fees and  
14 mileage shall be paid to the witness at the conclusion of the  
15 testimony out of funds appropriated to the state department, board,  
16 commission, or legislative committee.

17 C. PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

18 1. A party or an attorney responsible for the issuance and  
19 service of a subpoena shall take reasonable steps to avoid imposing  
20 undue burden or expense on a person subject to that subpoena. The  
21 court on behalf of which the subpoena was issued shall enforce this  
22 duty and impose upon the party or attorney, or both, in breach of

1 this duty an appropriate sanction, which may include, but is not  
2 limited to, lost earnings and a reasonable attorney fee.

3 2. a. A person commanded to produce and permit inspection  
4 and copying of designated books, papers, documents or  
5 tangible things, or inspection of premises need not  
6 appear in person at the place of production or  
7 inspection unless commanded to appear for deposition,  
8 hearing or trial.

9 b. Subject to paragraph 2 of subsection D of this  
10 section, a person commanded to produce and permit  
11 inspection and copying or any party may, within  
12 fourteen (14) days after service of the subpoena or  
13 before the time specified for compliance if such time  
14 is less than fourteen (14) days after service, serve  
15 written objection to inspection or copying of any or  
16 all of the designated materials or of the premises.  
17 An objection that all or a portion of the requested  
18 material will or should be withheld on a claim that it  
19 is privileged or subject to protection as trial  
20 preparation materials shall be made within this time  
21 period and in accordance with subsection D of this  
22 section. If the objection is made by the witness, the  
23 witness shall serve the objection on all parties; if

1 objection is made by a party, the party shall serve  
2 the objection on the witness and all other parties.  
3 If objection is made, the party serving the subpoena  
4 shall not be entitled to inspect and copy the  
5 materials or inspect the premises except pursuant to  
6 an order of the court by which the subpoena was  
7 issued. For failure to object in a timely fashion,  
8 the court may assess reasonable costs and attorney  
9 fees or take any other action it deems proper;  
10 however, a privilege or the protection for trial  
11 preparation materials shall not be waived solely for a  
12 failure to timely object under this section. If  
13 objection has been made, the party serving the  
14 subpoena may, upon notice to the person commanded to  
15 produce, move at any time for an order to compel the  
16 production. Such an order to compel production shall  
17 protect any person who is not a party or an officer of  
18 a party from significant expense resulting from the  
19 inspection and copying commanded.

20 3. a. On timely motion, the court by which a subpoena was  
21 issued shall quash or modify the subpoena if it:

22 (1) fails to allow reasonable time for compliance;

23 ~~or~~

- 1 (2) requires a person to travel to a place beyond the  
2 limits allowed under paragraph 3 of subsection A  
3 of this section~~;~~ or  
4 (3) requires disclosure of privileged or other  
5 protected matter and no exception or waiver  
6 applies~~;~~ or  
7 (4) subjects a person to undue burden~~;~~ or  
8 (5) requires production of books, papers, documents  
9 or tangible things that fall outside the scope of  
10 discovery permitted by Section 3226 of this  
11 title.

12 b. If a subpoena:

- 13 (1) requires disclosure of a trade secret or other  
14 confidential research, development, or commercial  
15 information~~;~~ or  
16 (2) requires disclosure of an unretained expert's  
17 opinion or information not describing specific  
18 events or occurrences in dispute and resulting  
19 from the expert's study made not at the request  
20 of any party,

21 the court may, to protect a person subject to or  
22 affected by the subpoena, quash or modify the  
23 subpoena. However, if the party in whose behalf the

1 subpoena is issued shows a substantial need for the  
2 testimony or material that cannot be otherwise met  
3 without undue hardship and assures that the person to  
4 whom the subpoena is addressed will be reasonably  
5 compensated, the court may order appearance or  
6 production only upon specified conditions.

7 D. DUTIES IN RESPONDING TO SUBPOENA.

8 1. A person responding to a subpoena to produce documents shall  
9 produce them as they are kept in the usual course of business or  
10 shall organize and label them to correspond with the categories in  
11 the demand.

12 2. When information subject to a subpoena is withheld on a  
13 claim that it is privileged or subject to protection as trial  
14 preparation materials, the claim shall be made expressly and shall  
15 be supported by a description of the nature of the documents,  
16 communications, or things not produced that is sufficient to enable  
17 the demanding party to contest the claim.

18 E. CONTEMPT.

19 Failure by any person without adequate excuse to obey a subpoena  
20 served upon him or her may be deemed a contempt of the court from  
21 which the subpoena issued.

22 SECTION 6. AMENDATORY 12 O.S. 2001, Section 2005, is  
23 amended to read as follows:

1 Section 2005.

2 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

3 A. SERVICE: WHEN REQUIRED. Except as otherwise provided in  
4 this title, every order required by its terms to be served, every  
5 pleading subsequent to the original petition unless the court  
6 otherwise orders because of numerous defendants, every paper  
7 relating to discovery required to be served upon a party or any  
8 other person unless the court otherwise orders, every written motion  
9 other than one which may be heard ex parte, and every written  
10 notice, appearance, demand, offer of judgment, and similar paper  
11 shall be served upon each of the parties. No service need be made  
12 on parties in default for failure to appear except that pleadings  
13 asserting new or additional claims for relief against them shall be  
14 served upon them in the manner provided for service of summons in  
15 Section 2004 of this title.

16 B. SERVICE: HOW MADE. Whenever pursuant to this act service  
17 is required or permitted to be made upon a party represented by an  
18 attorney the service shall be made upon the attorney unless service  
19 upon the party himself is ordered by the court or final judgment has  
20 been rendered and the time for appeal has expired. Service upon the  
21 attorney or upon a party shall be made by delivering a copy to him  
22 or by mailing it to him at his last-known address or, if no address

1 is known, by leaving it with the clerk of the court. Delivery of a  
2 copy within this section means:

3 1. Handing it to the attorney or to the party; ~~or~~

4 2. Leaving it at his office with his clerk or other person in  
5 charge thereof; ~~or~~

6 3. If there is no one in charge, leaving it in a conspicuous  
7 place therein; or

8 4. If the office is closed or the person to be served has no  
9 office, leaving it at his dwelling house or usual place of abode  
10 with some person residing therein who is fifteen (15) years of age  
11 or older.

12 Except for service of the summons and the original petition, service  
13 by mail is complete upon mailing. If the court clerk or a party is  
14 required to serve a judgment or other paper by first-class mail,  
15 service in accordance with any method permitted by this section is  
16 sufficient to comply with such requirement.

17 C. SERVICE: NUMEROUS DEFENDANTS. In any action in which there  
18 are unusually large numbers of defendants, the court, upon motion or  
19 of its own initiative, may order that service of the pleadings of  
20 the defendants and replies thereto need not be made as between the  
21 defendants and that any cross-claim, counterclaim, or matter  
22 constituting an avoidance or affirmative defense contained therein  
23 shall be deemed to be denied or avoided by all other parties and

1 that the filing of any such pleading and service thereof upon the  
2 plaintiff constitutes due notice of it to the parties. A copy of  
3 every such order shall be served upon the parties in such manner and  
4 form as the court directs.

5 D. FILING. All papers after the petition required to be served  
6 upon a party shall be filed with the court either before service or  
7 within a reasonable time thereafter, but the court may on motion of  
8 a party or on its own initiative order that depositions upon oral  
9 examination and interrogatories, requests for documents, requests  
10 for admission, and answers and responses thereto not be filed unless  
11 on order of the court or for use in the proceeding. All papers  
12 filed with the court shall include a statement setting forth the  
13 names of the persons served and the date, place, and method of  
14 service.

15 E. FILING WITH THE COURT DEFINED.

16 1. The filing of papers with the court as required by this act  
17 shall be made by filing them with the clerk of the court, except  
18 that the judge may permit the papers to be filed with him, in which  
19 event he shall note thereon the filing date and forthwith transmit  
20 them to the office of the clerk.

21 2. A duplicate of any paper shall be acceptable for filing with  
22 the court and shall have the same force and effect as an original.  
23 For purposes of this section a duplicate is a copy produced on

1 unglazed white or eggshell paper by mechanical, chemical or  
2 electronic means, or by other equivalent technique, which accurately  
3 reproduces the original. A duplicate that is acceptable for filing  
4 shall not be refused because any signatures thereon are duplicates.  
5 A carbon copy shall not be considered a duplicate for purposes of  
6 this section.

7 3. Papers may be filed by facsimile or other electronic  
8 transmission directly to the court or the court clerk as permitted  
9 by a rule of court. The Administrative Office of the Courts shall  
10 promulgate rules for the district court for the filing of papers  
11 transmitted by facsimile or other electronic transmission device.  
12 Rules for facsimile or other electronic transmission filing must  
13 have the approval of the Supreme Court.

14 4. The clerk shall not refuse to accept for filing any paper  
15 solely because it is not presented in proper form as required by  
16 these rules or any local rules or practices.

17 SECTION 7. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 2023.3 of Title 12, unless there  
19 is created a duplication in numbering, reads as follows:

20 Unless provided for otherwise by contract between the parties or  
21 by order of the court for good cause shown, this section shall  
22 provide for the uniform disposition of any residual class action  
23 funds remaining after the initial distribution of any settlement or

1 judgment in any class action certified pursuant to Section 2023 of  
2 this title, or Rule 23 of the Federal Rules of Civil Procedure and  
3 based upon the substantive laws of the State of Oklahoma.

4 1. Within one (1) year after a settlement or judgment in any  
5 class action becomes final and the court approves the initial  
6 distribution to class member claimants, the court shall order that  
7 the names and last-known addresses of any unlocated potential  
8 claimants be reported to the State Treasurer, Unclaimed Property  
9 Division.

10 2. For a period of one (1) year, the Unclaimed Property  
11 Division of the State Treasurer's office shall publish and make  
12 available the names of unlocated potential claimants in the same  
13 manner as those parties with unclaimed property surrendered to the  
14 Unclaimed Property Division. If a potential claimant contacts the  
15 Unclaimed Property Division about a claim, he or she shall be  
16 referred to the court and attorney for the class. During this one-  
17 year-publication period, nothing shall prohibit the court from  
18 authorizing additional distributions to located and approved  
19 claimants.

20 3. The amount of the residual fund representing known-but-  
21 disputed claims shall be paid into the court fund for safekeeping,  
22 and the disputing claimants shall be joined in a separate action by  
23 way of interpleader pursuant to Section 2022 of this title.

1           4. Except as set forth in subparagraph c of this paragraph,  
2 after the expiration of the publication period set forth in  
3 paragraph 2 of this section, all potential claims against the  
4 remaining residual class action funds shall be barred, and the court  
5 shall order that the remaining residual class action funds be  
6 disbursed as follows:

7           a. twenty-five percent (25%) to the general court fund of  
8 the judicial district where the action was pending to  
9 be utilized for the purpose of capital improvements to  
10 the courtrooms and court facilities and other  
11 nonrecurring court expenditures,

12           b. twenty-five percent (25%) to the Administrative  
13 Director of the Courts to be utilized by the Appellate  
14 Courts for the purpose of capital improvements to the  
15 appellate courtroom and court facilities and other  
16 nonrecurring court expenditures,

17           c. twenty-five percent (25%) to projects, state agencies  
18 or nonprofit organizations that the court determines  
19 will benefit the class as a whole, and

20           d. twenty-five percent (25%) to the State Treasurer for  
21 inclusion in the State of Oklahoma General Fund or for  
22 special projects as subsequently authorized by the  
23 Legislature.

1           5. This section shall be applicable to all pending class  
2 actions and all class action where residual class funds are  
3 remaining at the time this act becomes effective. If the initial  
4 distribution of the class action fund occurred more than one (1)  
5 year prior to the effective date of this section, for purposes of  
6 this section, the initial distribution date shall be deemed one (1)  
7 year prior to the effective date of this section. If the initial  
8 distribution of the class action fund occurred within the time  
9 period between the effective date of this section and one (1) year  
10 prior to the effective date of this section, for purposes of this  
11 section, the initial distribution date shall be deemed the effective  
12 date of this section.

13           SECTION 8. This act shall become effective November 1, 2006.

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-14-06 - DO  
15 PASS, As Amended and Coauthored.