

OKLAHOMA HOUSE OF REPRESENTATIVES
COMMITTEE REPORT

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JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET COMMITTEE

HB2233

By: Sears et al of the House
Jolley et al of the Senate

Title: Supreme Court; revolving funds; authorization; expenditures;
emergency.

Coauthored By:

Recommendation: **DO PASS AS AMENDED BY CS**

Amendments:

1. Committee Substitute Attached



Chr.
Representative Earl Sears

YEAS: 19

Billy, Casey, Coody (A), Cox, Johnson, Martin, McCall, McCullough, McDaniel (J), McDaniel (R),
Nelson, Ortega, Osborn, Ownbey, Peterson, Russ, Sears, Wesselhoft, Wright

NAYS: 6

Brown, Hoskin, Inman, Morrissette, Rousselot, Sherrer

CONSTITUTIONAL PRIVILEGE: 0

OKLAHOMA STATE SENATE
JOINT
COMMITTEE REPORT

May 19, 2015

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

HB 2233

By: Sears of the House and Jolley and Treat of the Senate

Title: Supreme Court; revolving funds; authorization; expenditures; emergency.

Recommendation: **DO PASS AS AMENDED**

Aye: Allen, Barrington, Bice, Brecheen, Brinkley, Brooks, Dahm, David, Fields, Ford, Fry, Griffin, Jech, Justice, Loveless, Quinn, Sharp, Shaw, Silk, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Yen, Treat, Jolley

Nay: Bass, Floyd, Garrison, Matthews, Paddack, Sparks, Wyrick

Pass:

Senator Clark Jolley, Chair

Amendments:

1. Committee Substitute Attached.
Committee Substitute Adopted by Senator Jolley

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2233

By: Sears and Casey of the
House

6 and

7 Jolley and Treat of the
8 Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to the Supreme Court; amending 20
12 O.S. 2011, Section 1227, as amended by Section 78,
13 Chapter 304, O.S.L. 2012 (20 O.S. Supp. 2014, Section
14 1227), which relates to the Law Library Revolving
15 Fund; directing transfer of monies to perform court
16 duties; amending 20 O.S. 2011, Section 1310.1, as
17 amended by Section 81, Chapter 304, O.S.L. 2012 (20
18 O.S. Supp. 2014, Section 1310.1), which relates to
19 the Supreme Court Revolving Fund; modifying name;
20 modifying authorization; directing transfer of monies
21 to perform court duties; amending 20 O.S. 2011,
22 Section 1310.2, as amended by Section 82, Chapter
23 304, O.S.L. 2012 (20 O.S. Supp. 2014, Section
24 1310.2), which relates to the State Judicial
Revolving Fund; directing transfer of monies to
perform court duties; amending 20 O.S. 2011, Section
1310.3, as amended by Section 83, Chapter 304, O.S.L.
2012 (20 O.S. Supp. 2014, Section 1310.3), which
relates to the Supreme Court Administrative Revolving
Fund; modifying procedure; modifying authorized
expenditures; directing transfer of monies to perform
court duties; amending 28 O.S. 2011, Section 86,
which relates to the Lengthy Trial Fund; directing
transfer of monies to perform court duties; and
declaring an emergency.

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

2 SECTION 1. AMENDATORY 20 O.S. 2011, Section 1227, as
3 amended by Section 78, Chapter 304, O.S.L. 2012 (20 O.S. Supp. 2014,
4 Section 1227), is amended to read as follows:

5 Section 1227. A. There is hereby created in the State Treasury
6 a revolving fund for the Supreme Court to be designated the "Law
7 Library Revolving Fund". The fund shall be a continuing fund, not
8 subject to fiscal year limitations, and shall consist of all monies
9 collected by the clerks of the district court for law libraries as
10 prescribed by law, the sales of any law library books or equipment,
11 charges for services, gifts, grants, private donations, and federal
12 funding. All monies accruing to the credit of the fund are hereby
13 appropriated and may be budgeted and expended by the Supreme Court
14 upon approval of the Chief Justice for:

15 1. The payment of charges due and owing by county law libraries
16 at the time this statute is enacted;

17 2. The purchase of books, journals, publications, computer-
18 assisted research devices and services, computer equipment and
19 maintenance, communication charges, and other necessary equipment,
20 services, and fixtures;

21 3. The payment of the salaries and benefits of personnel to
22 administer the law libraries and assist in the purchase, sale, and
23 inventory of books and equipment and the payment of all bills due
24 and owing by county law libraries. Without regard for the county in

1 which bills were incurred or monies accrued, all monies received in
2 the fund shall be combined and all bills paid from this fund;

3 4. The payment of incidental expenses as established in rules
4 promulgated by the Supreme Court;

5 5. The payment of expenses occurring as the result of a natural
6 disaster, accident, or equipment malfunction which is not reasonably
7 foreseeable;

8 6. No initial orders or renewals for printed materials not
9 previously on subscription may be placed after July 1, 1997; and

10 7. On or before August 1, 1997, the Administrative Director of
11 the Courts shall solicit proposals for electronic research services
12 to be provided to county law libraries if funds are available. Such
13 proposals shall provide both compact disc and Internet access
14 capabilities.

15 Expenditures from this fund shall be made upon warrants issued
16 by the State Treasurer against claims filed as prescribed by law
17 with the Director of the Office of Management and Enterprise
18 Services for approval and payment.

19 B. Until June 30, 2015, the Office of Management and Enterprise
20 Services shall, at the request of the Administrative Director of the
21 Courts, transfer any monies from the Law Library Revolving Fund to
22 the Supreme Court Administrative Revolving Fund or the Interagency
23 Reimbursement Fund as necessary to perform the duties imposed upon
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1 the Supreme Court, Court of Civil Appeals and district courts by
2 law.

3 SECTION 2. AMENDATORY 20 O.S. 2011, Section 1310.1, as
4 amended by Section 81, Chapter 304, O.S.L. 2012 (20 O.S. Supp. 2014,
5 Section 1310.1), is amended to read as follows:

6 Section 1310.1 A. There is hereby created in the State
7 Treasury a revolving fund for the ~~State~~ Supreme Court, to be
8 designated the "Supreme Court Revolving Fund". The fund shall be a
9 continuing fund, not subject to fiscal year limitations, and shall
10 consist of monies appropriated by the Legislature for the purposes
11 specified in this section. All monies accruing to the credit of
12 said fund are hereby appropriated and may be budgeted and expended
13 by the Supreme Court for refunds to bondsmen and for the purpose of
14 paying expenses authorized by Section 1809 of Title 12 of the
15 Oklahoma Statutes, Sections 103.1, 1311, 1507, ~~and~~ 1660 and 1707 of
16 this title, and Sections 562 and 1355.13A of Title 22 of the
17 Oklahoma Statutes, and to make any other expenditures determined by
18 the State Supreme Court to be necessary due to unforeseen
19 emergencies impacting the operation of state courts, as well as
20 nonrecurring expenditures to perform the duties imposed upon the
21 State Supreme Court or Court of Civil Appeals by law. Expenditures
22 from said fund shall be made upon warrants issued by the State
23 Treasurer against claims filed as prescribed by law with the

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1 Director of the Office of Management and Enterprise Services for
2 approval and payment.

3 B. Until June 30, 2015, the Office of Management and Enterprise
4 Services shall at the request of the Administrative Director of the
5 Courts, transfer any monies from the Supreme Court Revolving Fund to
6 the Supreme Court Administrative Revolving Fund or the Interagency
7 Reimbursement Fund as necessary to perform the duties imposed upon
8 the Supreme Court, Court of Civil Appeals and district courts by
9 law.

10 SECTION 3. AMENDATORY 20 O.S. 2011, Section 1310.2, as
11 amended by Section 82, Chapter 304, O.S.L. 2012 (20 O.S. Supp. 2014,
12 Section 1310.2), is amended to read as follows:

13 Section 1310.2 A. There is hereby created in the State
14 Treasury a revolving fund for the Supreme Court to be designated the
15 "State Judicial Revolving Fund". The fund shall be a continuing
16 fund, not subject to fiscal year limitations, and shall consist of
17 all receipts designated for deposit thereto pursuant to law and
18 monies appropriated by the Legislature for deposit thereto. All
19 monies accruing to the credit of said fund are hereby appropriated
20 and may be budgeted by the Supreme Court as necessary to perform the
21 duties imposed upon the Supreme Court, Court of Civil Appeals and
22 district courts by law. The Administrative Director of the Courts,
23 with the approval of the Chief Justice of the Supreme Court, is
24 authorized to use the amounts deposited in the State Judicial

1 Revolving Fund for any lawful purpose including, but not limited to,
2 payment of recurring and nonrecurring administrative and operating
3 expenses for the Supreme Court and the district courts, subject to
4 the ceilings established in the annual appropriations to the Supreme
5 Court and the district courts. The Chief Justice of the Supreme
6 Court, or the Administrative Director of the Courts acting at the
7 direction of the Chief Justice, shall determine the allocation of
8 funds and expenditures between or among the Supreme Court, Court of
9 Civil Appeals, and district courts. Expenditures from said fund
10 shall be made upon warrants issued by the State Treasurer against
11 claims filed as prescribed by law with the Director of the Office of
12 Management and Enterprise Services for approval and payment. The
13 Supreme Court is hereby authorized to transfer funds from the State
14 Judicial Revolving Fund to the district courts for duties imposed by
15 law.

16 B. Until June 30, 2015, the Office of Management and Enterprise
17 Services shall, at the request of the Administrative Director of the
18 Courts, transfer any monies from the State Judicial Revolving Fund
19 to the Supreme Court Administrative Revolving Fund as necessary to
20 perform the duties imposed upon the Supreme Court, Court of Civil
21 Appeals and district courts by law.

22 SECTION 4. AMENDATORY 20 O.S. 2011, Section 1310.3, as
23 amended by Section 83, Chapter 304, O.S.L. 2012 (20 O.S. Supp. 2014,
24 Section 1310.3), is amended to read as follows:

1 Section 1310.3 A. There is hereby created in the State
2 Treasury a revolving fund for the Supreme Court to be designated as
3 the "Supreme Court Administrative Revolving Fund". The fund shall
4 be a continuing fund, not subject to fiscal year limitations, and
5 shall consist of all monies transferred by the Supreme Court ~~from~~
6 ~~legislative appropriations~~ in any given fiscal year or years. All
7 monies accruing to the credit of the fund are hereby appropriated
8 and ~~may~~ shall be budgeted and expended by the Supreme Court ~~for~~ as
9 necessary to perform the duties imposed upon the Supreme Court,
10 Court of Civil Appeals and district courts by law. Expenditures
11 from said fund shall be made upon warrants issued by the State
12 Treasurer against claims filed as prescribed by law with the
13 Director of the Office of Management and Enterprise Services for
14 approval and payment.

15 B. Until June 30, 2015, the Office of Management and Enterprise
16 Services shall, at the request of the Administrative Director of the
17 Courts, transfer any monies from the Supreme Court Administrative
18 Revolving Fund to the Interagency Reimbursement Fund as necessary to
19 perform the duties imposed upon the Supreme Court, Court of Civil
20 Appeals and district courts by law.

21 SECTION 5. AMENDATORY 28 O.S. 2011, Section 86, is
22 amended to read as follows:

23 Section 86. A. Jurors shall be paid the following fees out of
24 the local court fund:

1 1. For each day's attendance before any court of record, Twenty
2 Dollars (\$20.00); and

3 2. For mileage going to and returning from jury service each
4 day, pursuant to the provisions of the State Travel Reimbursement
5 Act.

6 B. The Court Fund Board of the district court may contract for
7 or provide reimbursement for parking for district court jurors to be
8 paid from the Court Fund. Parking so provided to jurors shall be in
9 lieu of any reimbursement to jurors for parking fees.

10 C. The provisions of this section shall not apply to any person
11 who is summoned for jury duty and who is excused from serving
12 pursuant to the provisions of subsection A of Section 28 of Title 38
13 of the Oklahoma Statutes, beginning on the day the person is excused
14 from service.

15 D. The Supreme Court shall promulgate rules to establish a
16 Lengthy Trial Fund that shall be used to provide full or partial
17 wage replacement or wage supplementation to jurors who serve as
18 petit jurors for more than ten (10) days.

19 1. The court rules shall provide for the selection and
20 appointment of an Administrator for the fund; procedures for the
21 administration of the fund, including payments of salaries of the
22 Administrator and other necessary personnel; procedures for the
23 accounting, auditing and investment of money in the Lengthy Trial
24 Fund; and a report by the Supreme Court on the administration of the

1 Lengthy Trial Fund included in its annual report on the judicial
2 branch, setting forth the money collected for and disbursed from the
3 fund.

4 2. The clerk of the court shall collect from each attorney who
5 files a civil case, unless otherwise exempted under the provisions
6 of this section, a fee of Ten Dollars (\$10.00) per case to be paid
7 into the Lengthy Trial Fund. A lawyer will be deemed to have filed
8 a case at the time the first pleading or other filing on which an
9 individual lawyer's name appears is submitted to the court for
10 filing and opens a new case. All such fees shall be forwarded to
11 the Administrator of the Lengthy Trial Fund for deposit.

12 3. The Administrator shall use the fees deposited in the
13 Lengthy Trial Fund to pay full or partial wage replacement or
14 supplementation to jurors whose employers pay less than full regular
15 wages when the period of jury service lasts more than ten (10) days.

16 4. The court may pay replacement or supplemental wages of up to
17 Two Hundred Dollars (\$200.00) per day per juror beginning on the
18 eleventh day of jury service. In addition, for any jurors who
19 qualify for payment by serving on a jury for more than ten (10)
20 days, the court may, upon finding that such service posed a
21 significant financial hardship to a juror, even in light of payments
22 made with respect to jury service after the tenth day, award
23 replacement or supplemental wages of up to Fifty Dollars (\$50.00)
24 per day from the fourth to the tenth day of jury service.

1 5. Any juror who is serving or has served on a jury that
2 qualifies for payment from the Lengthy Trial Fund, provided the
3 service commenced on or after the effective date of this act, may
4 submit a request for payment from the Lengthy Trial Fund on a form
5 provided by the Administrator. Payment shall be limited to the
6 difference between the state-paid jury fee and the actual amount of
7 wages a juror earns, up to the maximum level payable, minus any
8 amount the juror actually receives from the employer during the same
9 time period. The form shall disclose the juror's regular wages, the
10 amount the employer will pay during the term of jury service
11 starting on the eleventh day and thereafter, the amount of
12 replacement or supplemental wages requested, and any other
13 information the Administrator deems necessary for proper payment.
14 The juror shall be required to submit verification from the employer
15 as to the wage information provided to the Administrator, including
16 but not limited to the employee's most recent earnings statement or
17 similar document, prior to initiation of payment from the fund. If
18 an individual is self-employed or receives compensation other than
19 wages, the individual may provide a sworn affidavit attesting to his
20 or her approximate gross weekly income, together with such other
21 information as the Administrator may require, in order to verify
22 weekly income.

23 6. The following attorneys and causes of action are exempt from
24 payment of the Lengthy Trial Fund fee:

- 1 a. government attorneys entering appearances in the
2 course of their official duties,
3 b. pro se litigants,
4 c. cases in small claims court or the state equivalent
5 thereof, or
6 d. claims seeking social security disability
7 determinations, individual veterans' compensation or
8 disability determinations, recoupment actions for
9 government backed educational loans or mortgages,
10 child custody and support cases, actions brought in
11 forma pauperis, and any other filings designated by
12 rule that involve minimal use of court resources and
13 that customarily are not afforded the opportunity for
14 a trial by jury.

15 7. Until June 30, 2015, the Office of Management and Enterprise
16 Services shall, at the request of the Administrative Director of the
17 Courts, transfer any monies from the Lengthy Trial Fund to the
18 Supreme Court Administrative Revolving Fund or the Interagency
19 Reimbursement Fund as necessary to perform the duties imposed upon
20 the Supreme Court, Court of Civil Appeals and district courts by
21 law.

22 SECTION 6. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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