

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 694

By: Thompson

AS INTRODUCED

An Act relating to court funds; amending 12 O.S. 2011, Section 1809, as amended by Section 1, Chapter 362, O.S.L. 2016 (12 O.S. Supp. 2018, Section 1809), which relates to collection and disposition of court costs and fees; removing fee for certain dispute resolution services; modifying Fund for certain deposits; creating Dispute Resolution System Revolving Fund; making funds nonfiscal; stating source of revenue; stating purpose of fund; amending 20 O.S. 2011, Sections 72, 73.5, 1310.1, as last amended by Section 2, Chapter 12, O.S.L. 2017, and 1507 (20 O.S. Supp. 2018, Section 1310.1), which relate to quarterly accounting, copies of opinions, Supreme Court Revolving Fund and deposit of fees; modifying Fund for certain deposits; modifying authorized deposits and expenditures for certain Fund; modifying Fund for certain deposits; making language gender neutral; updating statutory language; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 12 O.S. 2011, Section 1809, as amended by Section 1, Chapter 362, O.S.L. 2016 (12 O.S. Supp. 2018, 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 Seven

1 Dollars (\$7.00) shall be taxed, collected, and paid as other court  
2 costs in all civil cases. ~~When dispute resolution services are~~  
3 ~~sought, a fee in the amount of Five Dollars (\$5.00) shall be~~  
4 ~~assessed by the center and collected from the initiating party. If~~  
5 ~~the responding party agrees to participate in mediation of the~~  
6 ~~dispute, a fee of Five Dollars (\$5.00) shall be assessed by the~~  
7 ~~center and collected from the responding party.~~

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

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

14 B. The court costs and fees provided for in subsection A of  
15 this section, once collected, shall be transferred by the court  
16 clerk to the Director who shall deposit them in the ~~State Judicial~~  
17 Dispute Resolution System Revolving Fund referenced in Section 2 of  
18 this act.

19 SECTION 2. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 12 of Title 1809.1, unless there  
21 is created a duplication in numbering, reads as follows:

22 There is hereby created in the State Treasury a revolving fund  
23 for the Supreme Court to be designated the "Dispute Resolution  
24 System Revolving Fund". The fund shall be a continuing fund, not

1 subject to fiscal year limitations, and shall consist of all monies  
2 collected pursuant to Section 1809 of Title 12 of the Oklahoma  
3 Statutes. All monies accruing to the credit of the fund are hereby  
4 appropriated and shall be budgeted and expended by the Supreme Court  
5 as necessary to perform the duties imposed upon the Supreme Court to  
6 administer the Dispute Resolution Act by law.

7 SECTION 3. AMENDATORY 20 O.S. 2011, Section 72, is  
8 amended to read as follows:

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

16 SECTION 4. AMENDATORY 20 O.S. 2011, Section 73.5, is  
17 amended to read as follows:

18 Section 73.5. From and after ~~the effective date of this act~~  
19 January 1, 1954, the new opinions of the Supreme Court, the Court of  
20 Criminal Appeals and the Court of Appeals shall be promptly  
21 furnished, at a cost of twenty-five cents (\$0.25) per page, to any  
22 person, firm or corporation who shall request same in writing to the  
23 Clerk of the Supreme Court for the purpose of publishing, editing  
24 and binding ~~said~~ the opinions. For any other purpose, other

1 persons, firms or corporations shall be furnished, upon request in  
2 writing to the Clerk of the Supreme Court, copies of ~~said~~ the  
3 opinions, or any instrument of record or other record filed with the  
4 Clerk of the Supreme Court, at that fee mandated by Section 31 of  
5 Title 28 of the Oklahoma Statutes, for the copying of any instrument  
6 of record or on file. Provided however, ~~said~~ the opinions shall be  
7 furnished free of cost to the litigants involved, and to the  
8 Oklahoma Bar Association for any official publication of ~~said~~ the  
9 Association.

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

14 SECTION 5. AMENDATORY 20 O.S. 2011, Section 1310.1, as  
15 last amended by Section 2, Chapter 12, O.S.L. 2017 (20 O.S. Supp.  
16 2018, Section 1310.1), is amended to read as follows:

17 Section 1310.1. A. There is hereby created in the State  
18 Treasury a revolving fund for the Supreme Court, to be designated  
19 the "Supreme Court Revolving Fund". The fund shall be a continuing  
20 fund, not subject to fiscal year limitations, and shall consist of  
21 monies appropriated by the Legislature for the purposes specified in  
22 this section and fees collected pursuant to Sections 72, 73.5, 1506  
23 and 1707 of this title. All monies accruing to the credit of ~~said~~  
24 the fund are hereby appropriated and may be budgeted and expended by

1 the Supreme Court for refunds to bondsmen and for the purpose of  
2 paying expenses authorized by Section 1809 of Title 12 of the  
3 Oklahoma Statutes, Sections 103.1, 1311, 1507, 1660 and 1707 of this  
4 title, and Sections 562 and 1355.13A of Title 22 of the Oklahoma  
5 Statutes, and to make any other expenditures determined by the  
6 Supreme Court to be necessary due to unforeseen emergencies  
7 impacting the operation of state courts, as well as recurring and  
8 nonrecurring expenditures to perform the duties imposed upon the  
9 Supreme Court or Court of Civil Appeals by law. Expenditures from  
10 ~~said~~ the fund shall be made upon warrants issued by the State  
11 Treasurer against claims filed as prescribed by law with the  
12 Director of the Office of Management and Enterprise Services for  
13 approval and payment.

14 B. Until June 30, 2018, the Office of Management and Enterprise  
15 Services shall at the request of the Administrative Director of the  
16 Courts, transfer any monies from the Supreme Court Revolving Fund to  
17 the Supreme Court Administrative Revolving Fund or the Interagency  
18 Reimbursement Fund as necessary to perform the duties imposed upon  
19 the Supreme Court, Court of Civil Appeals and district courts by  
20 law.

21 SECTION 6. AMENDATORY 20 O.S. 2011, Section 1507, is  
22 amended to read as follows:

23 Section 1507. All fees authorized to be charged shall be paid  
24 to the Clerk of the Supreme Court who shall deposit them in the  
25

1 ~~State Judicial~~ Supreme Court Revolving Fund. The Chief Justice  
2 shall be authorized to draw against the Supreme Court Revolving Fund  
3 such amounts as are lawfully claimed by the Board for its necessary  
4 supplies and expenses. When performing essential duties each Board  
5 member shall be entitled to his or her actual expenses and shall  
6 receive, in addition thereto, the sum of Fifty Dollars (\$50.00) for  
7 each full day of service or a fraction thereof for less than a day's  
8 service.

9 SECTION 7. This act shall become effective July 1, 2019.

10 SECTION 8. It being immediately necessary for the preservation  
11 of the public peace, health or safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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