

1 ENGROSSED HOUSE
2 BILL NO. 3202

By: Sears and Casey of the
House

3 and

4 Jolley and Treat of the
5 Senate

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7
8 An Act relating to courts; amending 20 O.S. 2011,
9 Section 1227, as last amended by Section 1, Chapter
10 343, O.S.L. 2015 (20 O.S. Supp. 2015, Section 1227),
11 which relates to the Law Library Revolving Fund;
12 extending date for transfer of monies; amending 20
13 O.S. 2011, Section 1310.1, as last amended by Section
14 2, Chapter 343, O.S.L. 2015 (20 O.S. Supp. 2015,
15 Section 1310.1), which relates to the Supreme Court
16 Revolving Fund; extending date for transfer of
17 monies; amending 20 O.S. 2011, Section 1310.2, as
18 last amended by Section 3, Chapter 343, O.S.L. 2015
19 (20 O.S. Supp. 2015, Section 1310.2), which relates
20 to the State Judicial Revolving Fund; extending date
21 for transfer of monies; amending 20 O.S. 2011,
22 Section 1310.3, as last amended by Section 4, Chapter
23 343, O.S.L. 2015 (20 O.S. Supp. 2015, Section
24 1310.3), which relates to the Supreme Court
Administrative Revolving Fund; extending date for
transfer of monies; amending 28 O.S. 2011, Section
86, as amended by Section 5, Chapter 343, O.S.L. 2015
(28 O.S. Supp. 2015, Section 86), which relates to
the Lengthy Trial Fund; extending date for transfer
of monies; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 20 O.S. 2011, Section 1227, as
2 last amended by Section 1, Chapter 343, O.S.L. 2015 (20 O.S. Supp.
3 2015, Section 1227), is amended to read as follows:

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

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

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

20 3. The payment of the salaries and benefits of personnel to
21 administer the law libraries and assist in the purchase, sale, and
22 inventory of books and equipment and the payment of all bills due
23 and owing by county law libraries. Without regard for the county in
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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~~ 2016, the Office of Management and
20 Enterprise Services shall, at the request of the Administrative
21 Director of the Courts, transfer any monies from the Law Library
22 Revolving Fund to the Supreme Court Administrative Revolving Fund or
23 the Interagency Reimbursement Fund as necessary to perform the
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1 duties imposed upon the Supreme Court, Court of Civil Appeals and
2 district courts by law.

3 SECTION 2. AMENDATORY 20 O.S. 2011, Section 1310.1, as
4 last amended by Section 2, Chapter 343, O.S.L. 2015 (20 O.S. Supp.
5 2015, 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 Supreme Court, to be designated
8 the "Supreme Court Revolving Fund". The fund shall be a continuing
9 fund, not subject to fiscal year limitations, and shall consist of
10 monies appropriated by the Legislature for the purposes specified in
11 this section. All monies accruing to the credit of said fund are
12 hereby appropriated and may be budgeted and expended by the Supreme
13 Court for refunds to bondsmen and for the purpose of paying expenses
14 authorized by Section 1809 of Title 12 of the Oklahoma Statutes,
15 Sections 103.1, 1311, 1507, 1660 and 1707 of this title, and
16 Sections 562 and 1355.13A of Title 22 of the Oklahoma Statutes, and
17 to make any other expenditures determined by the Supreme Court to be
18 necessary due to unforeseen emergencies impacting the operation of
19 state courts, as well as nonrecurring expenditures to perform the
20 duties imposed upon the Supreme Court or Court of Civil Appeals by
21 law. Expenditures from said fund shall be made upon warrants issued
22 by the State Treasurer against claims filed as prescribed by law
23 with the Director of the Office of Management and Enterprise
24 Services for approval and payment.

1 B. Until June 30, ~~2015~~ 2016, the Office of Management and
2 Enterprise Services shall at the request of the Administrative
3 Director of the Courts, transfer any monies from the Supreme Court
4 Revolving Fund to the Supreme Court Administrative Revolving Fund or
5 the Interagency Reimbursement Fund as necessary to perform the
6 duties imposed upon the Supreme Court, Court of Civil Appeals and
7 district courts by law.

8 SECTION 3. AMENDATORY 20 O.S. 2011, Section 1310.2, as
9 last amended by Section 3, Chapter 343, O.S.L. 2015 (20 O.S. Supp.
10 2015, Section 1310.2), is amended to read as follows:

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

1 expenses for the Supreme Court and the district courts, subject to
2 the ceilings established in the annual appropriations to the Supreme
3 Court and the district courts. The Chief Justice of the Supreme
4 Court, or the Administrative Director of the Courts acting at the
5 direction of the Chief Justice, shall determine the allocation of
6 funds and expenditures between or among the Supreme Court, Court of
7 Civil Appeals, and district courts. Expenditures from said fund
8 shall be made upon warrants issued by the State Treasurer against
9 claims filed as prescribed by law with the Director of the Office of
10 Management and Enterprise Services for approval and payment. The
11 Supreme Court is hereby authorized to transfer funds from the State
12 Judicial Revolving Fund to the district courts for duties imposed by
13 law.

14 B. Until June 30, ~~2015~~ 2016, the Office of Management and
15 Enterprise Services shall, at the request of the Administrative
16 Director of the Courts, transfer any monies from the State Judicial
17 Revolving Fund to the Supreme Court Administrative Revolving Fund as
18 necessary to perform the duties imposed upon the Supreme Court,
19 Court of Civil Appeals and district courts by law.

20 SECTION 4. AMENDATORY 20 O.S. 2011, Section 1310.3, as
21 last amended by Section 4, Chapter 343, O.S.L. 2015 (20 O.S. Supp.
22 2015, Section 1310.3), is amended to read as follows:

23 Section 1310.3 A. There is hereby created in the State
24 Treasury a revolving fund for the Supreme Court to be designated as

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

12 B. Until June 30, ~~2015~~ 2016, the Office of Management and
13 Enterprise Services shall, at the request of the Administrative
14 Director of the Courts, transfer any monies from the Supreme Court
15 Administrative Revolving Fund to the Interagency Reimbursement Fund
16 as necessary to perform the duties imposed upon the Supreme Court,
17 Court of Civil Appeals and district courts by law.

18 SECTION 5. AMENDATORY 28 O.S. 2011, Section 86, as
19 amended by Section 5, Chapter 343, O.S.L. 2015 (28 O.S. Supp. 2015,
20 Section 86), is amended to read as follows:

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

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

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

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

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

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

17 1. The court rules shall provide for the selection and
18 appointment of an Administrator for the fund; procedures for the
19 administration of the fund, including payments of salaries of the
20 Administrator and other necessary personnel; procedures for the
21 accounting, auditing and investment of money in the Lengthy Trial
22 Fund; and a report by the Supreme Court on the administration of the
23 Lengthy Trial Fund included in its annual report on the judicial
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1 branch, setting forth the money collected for and disbursed from the
2 fund.

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

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

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

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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~~ 2016, the Office of Management and
16 Enterprise Services shall, at the request of the Administrative
17 Director of the Courts, transfer any monies from the Lengthy Trial
18 Fund to the Supreme Court Administrative Revolving Fund or the
19 Interagency Reimbursement Fund as necessary to perform the duties
20 imposed upon the Supreme Court, Court of Civil Appeals and district
21 courts by 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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