

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 835

By: David and Fields of the
Senate

4 and

5 Osborn (Leslie) and Wallace
6 of the House

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8
9 AS INTRODUCED

10 An Act relating to courts; amending 20 O.S. 2011,
11 Sections 1227, 1310.1, 1310.2 and 1310.3 as last
12 amended by Sections 1, 2, 3 and 4, Chapter 249,
13 O.S.L. 2016 (20 O.S. Supp. 2016, Sections 1227,
14 1310.1, 1310.2 and 1310.3), which relate to the Law
15 Library Revolving Fund, Supreme Court Revolving Fund,
16 State Judicial Revolving Fund and Supreme Court
17 Administrative Revolving Fund; extending date for
18 transfer of monies; amending 28 O.S. 2011, Section
19 86, as amended by Section 5, Chapter 249, O.S.L. 2016
20 (28 O.S. Supp. 2016, Section 86), which relates to
21 the Lengthy Trial Fund; extending date for transfer
22 of monies; and declaring an emergency.

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

24 SECTION 1. AMENDATORY 20 O.S. 2011, Section 1227, as
last amended by Section 1, Chapter 249, O.S.L. 2016 (20 O.S. Supp.
2016, Section 1227), is amended to read as follows:

Section 1227. A. There is hereby created in the State Treasury
a revolving fund for the Supreme Court to be designated the "Law

1 Library Revolving Fund". The fund shall be a continuing fund, not
2 subject to fiscal year limitations, and shall consist of all monies
3 collected by the clerks of the district court for law libraries as
4 prescribed by law, the sales of any law library books or equipment,
5 charges for services, gifts, grants, private donations, and federal
6 funding. All monies accruing to the credit of the fund are hereby
7 appropriated and may be budgeted and expended by the Supreme Court
8 upon approval of the Chief Justice for:

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

11 2. The purchase of books, journals, publications, computer-
12 assisted research devices and services, computer equipment and
13 maintenance, communication charges, and other necessary equipment,
14 services, and fixtures;

15 3. The payment of the salaries and benefits of personnel to
16 administer the law libraries and assist in the purchase, sale, and
17 inventory of books and equipment and the payment of all bills due
18 and owing by county law libraries. Without regard for the county in
19 which bills were incurred or monies accrued, all monies received in
20 the fund shall be combined and all bills paid from this fund;

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

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

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

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

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

15 B. Until June 30, ~~2016~~ 2018, 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 Law Library
18 Revolving Fund to the Supreme Court Administrative Revolving Fund or
19 the Interagency Reimbursement Fund as necessary to perform the
20 duties imposed upon the Supreme Court, Court of Civil Appeals and
21 district courts by law.

22 SECTION 2. AMENDATORY 20 O.S. 2011, Section 1310.1, as
23 last amended by Section 2, Chapter 249, O.S.L. 2016 (20 O.S. Supp.
24 2016, Section 1310.1), is amended to read as follows:

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

20 B. Until June 30, ~~2016~~ 2018, the Office of Management and
21 Enterprise Services shall at the request of the Administrative
22 Director of the Courts, transfer any monies from the Supreme Court
23 Revolving Fund to the Supreme Court Administrative Revolving Fund or
24 the Interagency Reimbursement Fund as necessary to perform the

1 duties imposed upon the Supreme Court, Court of Civil Appeals and
2 district courts by law.

3 SECTION 3. AMENDATORY 20 O.S. 2011, Section 1310.2, as
4 last amended by Section 3, Chapter 249, O.S.L. 2016 (20 O.S. Supp.
5 2016, Section 1310.2), is amended to read as follows:

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

1 funds and expenditures between or among the Supreme Court, Court of
2 Civil Appeals, and district courts. Expenditures from said fund
3 shall be made upon warrants issued by the State Treasurer against
4 claims filed as prescribed by law with the Director of the Office of
5 Management and Enterprise Services for approval and payment. The
6 Supreme Court is hereby authorized to transfer funds from the State
7 Judicial Revolving Fund to the district courts for duties imposed by
8 law.

9 B. Until June 30, ~~2016~~ 2018, the Office of Management and
10 Enterprise Services shall, at the request of the Administrative
11 Director of the Courts, transfer any monies from the State Judicial
12 Revolving Fund to the Supreme Court Administrative Revolving Fund as
13 necessary to perform the duties imposed upon the Supreme Court,
14 Court of Civil Appeals and district courts by law.

15 SECTION 4. AMENDATORY 20 O.S. 2011, Section 1310.3, as
16 last amended by Section 4, Chapter 249, O.S.L. 2016 (20 O.S. Supp.
17 2016, Section 1310.3), is amended to read as follows:

18 Section 1310.3. A. There is hereby created in the State
19 Treasury a revolving fund for the Supreme Court to be designated as
20 the "Supreme Court Administrative Revolving Fund". The fund shall
21 be a continuing fund, not subject to fiscal year limitations, and
22 shall consist of all monies transferred by the Supreme Court in any
23 given fiscal year or years. All monies accruing to the credit of
24 the fund are hereby appropriated and shall be budgeted and expended

1 by the Supreme Court as necessary to perform the duties imposed upon
2 the Supreme Court, Court of Civil Appeals and district courts by
3 law. Expenditures from said fund shall be made upon warrants issued
4 by the State Treasurer against claims filed as prescribed by law
5 with the Director of the Office of Management and Enterprise
6 Services for approval and payment.

7 B. Until June 30, ~~2016~~ 2018, the Office of Management and
8 Enterprise Services shall, at the request of the Administrative
9 Director of the Courts, transfer any monies from the Supreme Court
10 Administrative Revolving Fund to the Interagency Reimbursement Fund
11 as necessary to perform the duties imposed upon the Supreme Court,
12 Court of Civil Appeals and district courts by law.

13 SECTION 5. AMENDATORY 28 O.S. 2011, Section 86, as last
14 amended by Section 5, Chapter 249, O.S.L. 2016 (28 O.S. Supp. 2016,
15 Section 86), is amended to read as follows:

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

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

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

23 B. The Court Fund Board of the district court may contract for
24 or provide reimbursement for parking for district court jurors to be

1 paid from the Court Fund. Parking so provided to jurors shall be in
2 lieu of any reimbursement to jurors for parking fees.

3 C. The provisions of this section shall not apply to any person
4 who is summoned for jury duty and who is excused from serving
5 pursuant to the provisions of subsection A of Section 28 of Title 38
6 of the Oklahoma Statutes, beginning on the day the person is excused
7 from service.

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

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

21 2. The clerk of the court shall collect from each attorney who
22 files a civil case, unless otherwise exempted under the provisions
23 of this section, a fee of Ten Dollars (\$10.00) per case to be paid
24 into the Lengthy Trial Fund. A lawyer will be deemed to have filed

1 a case at the time the first pleading or other filing on which an
2 individual lawyer's name appears is submitted to the court for
3 filing and opens a new case. All such fees shall be forwarded to
4 the Administrator of the Lengthy Trial Fund for deposit.

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

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

18 5. Any juror who is serving or has served on a jury that
19 qualifies for payment from the Lengthy Trial Fund, provided the
20 service commenced on or after ~~the effective date of this act~~ January
21 1, 2005, may submit a request for payment from the Lengthy Trial
22 Fund on a form provided by the Administrator. Payment shall be
23 limited to the difference between the state-paid jury fee and the
24 actual amount of wages a juror earns, up to the maximum level

1 payable, minus any amount the juror actually receives from the
2 employer during the same time period. The form shall disclose the
3 juror's regular wages, the amount the employer will pay during the
4 term of jury service starting on the eleventh day and thereafter,
5 the amount of replacement or supplemental wages requested, and any
6 other information the Administrator deems necessary for proper
7 payment. The juror shall be required to submit verification from
8 the employer as to the wage information provided to the
9 Administrator, including but not limited to the employee's most
10 recent earnings statement or similar document, prior to initiation
11 of payment from the fund. If an individual is self-employed or
12 receives compensation other than wages, the individual may provide a
13 sworn affidavit attesting to his or her approximate gross weekly
14 income, together with such other information as the Administrator
15 may require, in order to verify weekly income.

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

- 18 a. government attorneys entering appearances in the
19 course of their official duties,
- 20 b. pro se litigants,
- 21 c. cases in small claims court or the state equivalent
22 thereof, or
- 23 d. claims seeking Social Security disability
24 determinations, individual veterans' compensation or

1 disability determinations, recoupment actions for
2 government backed educational loans or mortgages,
3 child custody and support cases, actions brought in
4 forma pauperis, and any other filings designated by
5 rule that involve minimal use of court resources and
6 that customarily are not afforded the opportunity for
7 a trial by jury.

8 7. Until June 30, ~~2016~~ 2018, the Office of Management and
9 Enterprise Services shall, at the request of the Administrative
10 Director of the Courts, transfer any monies from the Lengthy Trial
11 Fund to the Supreme Court Administrative Revolving Fund or the
12 Interagency Reimbursement Fund as necessary to perform the duties
13 imposed upon the Supreme Court, Court of Civil Appeals and district
14 courts by law.

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

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