An Act

ENROLLED HOUSE
BILL NO. 3202

By: Sears and Casey of the House

and

Jolley and Treat of the Senate

An Act relating to courts; amending 20 O.S. 2011, Section 1227, as last amended by Section 1, Chapter 343, O.S.L. 2015 (20 O.S. Supp. 2015, Section 1227), which relates to the Law Library Revolving Fund; extending date for transfer of monies; amending 20 O.S. 2011, Section 1310.1, as last amended by Section 2, Chapter 343, O.S.L. 2015 (20 O.S. Supp. 2015, Section 1310.1), which relates to the Supreme Court Revolving Fund; extending date for transfer of monies; amending 20 O.S. 2011, Section 1310.2, as last amended by Section 3, Chapter 343, O.S.L. 2015 (20 O.S. Supp. 2015, Section 1310.2), which relates to the State Judicial Revolving Fund; extending date for transfer of monies; amending 20 O.S. 2011, Section 1310.3, as last amended by Section 4, Chapter 343, O.S.L. 2015 (20 O.S. Supp. 2015, Section 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.

SUBJECT: Judicial funds

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

SECTION 1. AMENDATORY 20 O.S. 2011, Section 1227, as last amended by Section 1, Chapter 343, O.S.L. 2015 (20 O.S. Supp. 2015, 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 Library Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies collected by the clerks of the district court for law libraries as prescribed by law, the sales of any law library books or equipment, charges for services, gifts, grants, private donations, and federal funding. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Supreme Court upon approval of the Chief Justice for:

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

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

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

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

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

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

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

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

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

SECTION 2. AMENDATORY 20 O.S. 2011, Section 1310.1, as last amended by Section 2, Chapter 343, O.S.L. 2015 (20 O.S. Supp. 2015, Section 1310.1), is amended to read as follows:

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

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

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

Section 1310.2 A. There is hereby created in the State Treasury a revolving fund for the Supreme Court to be designated the "State Judicial Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all receipts designated for deposit thereto pursuant to law and monies appropriated by the Legislature for deposit thereto. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted by the Supreme Court as necessary to perform the duties imposed upon the Supreme Court, Court of Civil Appeals and district courts by law. The Administrative Director of the Courts, with the approval of the Chief Justice of the Supreme Court, is authorized to use the amounts deposited in the State Judicial Revolving Fund for any lawful purpose including, but not limited to, payment of recurring and nonrecurring administrative and operating expenses for the Supreme Court and the district courts, subject to the ceilings established in the annual appropriations to the Supreme Court and the district courts. The Chief Justice of the Supreme Court, or the Administrative Director of the Courts acting at the direction of the Chief Justice, shall determine the allocation of funds and expenditures between or among the Supreme Court, Court of Civil Appeals, and district courts. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. The Supreme Court is hereby authorized to transfer funds from the State Judicial Revolving Fund to the district courts for duties imposed by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Any juror who is serving or has served on a jury that qualifies for payment from the Lengthy Trial Fund, provided the service commenced on or after the effective date of this act, may submit a request for payment from the Lengthy Trial Fund on a form provided by the Administrator. Payment shall be limited to the

difference between the state-paid jury fee and the actual amount of wages a juror earns, up to the maximum level payable, minus any amount the juror actually receives from the employer during the same time period. The form shall disclose the juror's regular wages, the amount the employer will pay during the term of jury service starting on the eleventh day and thereafter, the amount of replacement or supplemental wages requested, and any other information the Administrator deems necessary for proper payment. The juror shall be required to submit verification from the employer as to the wage information provided to the Administrator, including but not limited to the employee's most recent earnings statement or similar document, prior to initiation of payment from the fund. If an individual is self-employed or receives compensation other than wages, the individual may provide a sworn affidavit attesting to his or her approximate gross weekly income, together with such other information as the Administrator may require, in order to verify weekly income.

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

a. government attorneys entering appearances in the course of their official duties,

b. pro se litigants,

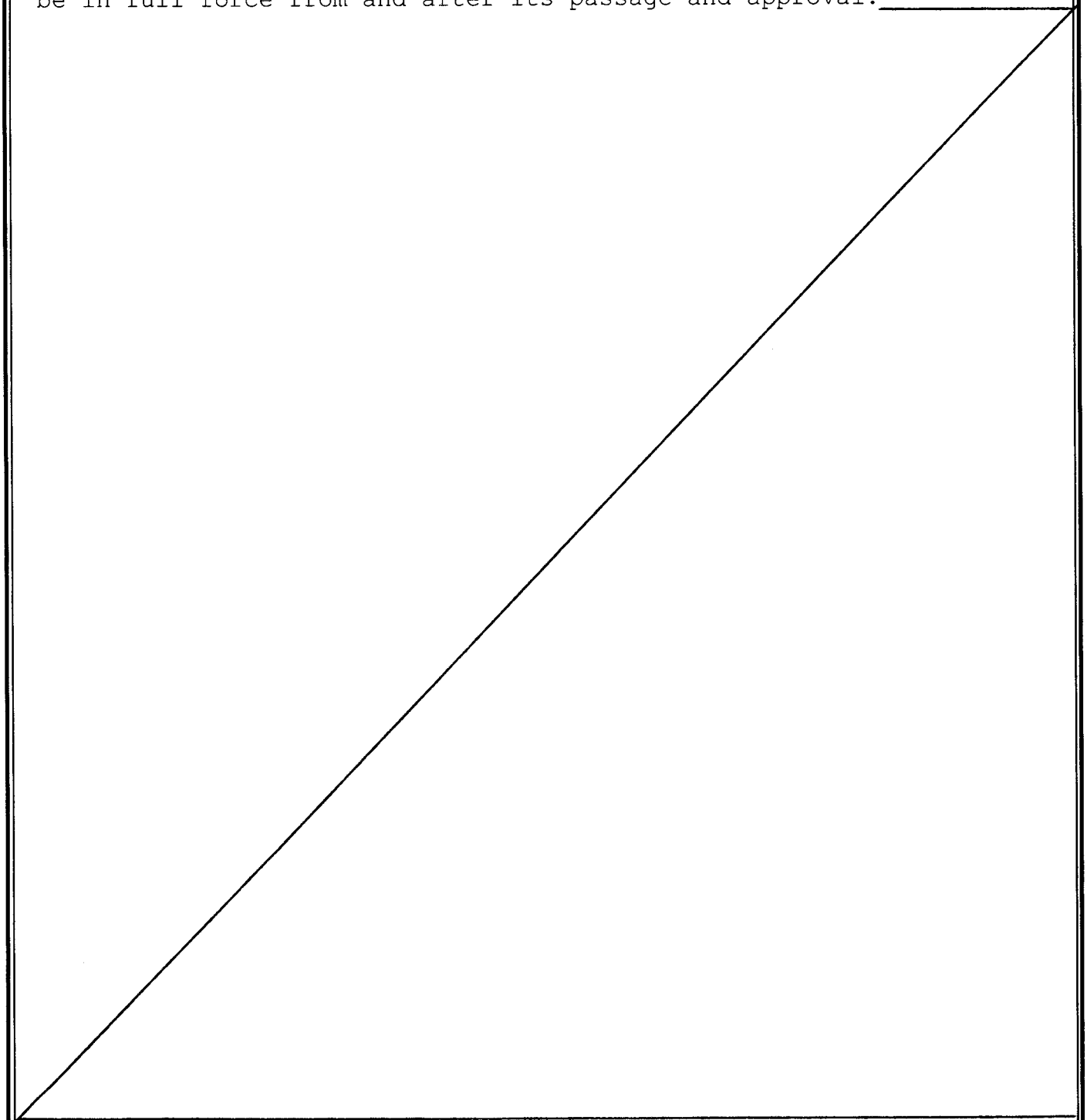
c. cases in small claims court or the state equivalent thereof, or

d. claims seeking Social Security disability determinations, individual veterans' compensation or disability determinations, recoupment actions for government backed educational loans or mortgages, child custody and support cases, actions brought in forma pauperis, and any other filings designated by rule that involve minimal use of court resources and that customarily are not afforded the opportunity for a trial by jury.

7. Until June 30, ~~2015~~ 2016, the Office of Management and Enterprise Services shall, at the request of the Administrative Director of the Courts, transfer any monies from the Lengthy Trial Fund to the Supreme Court Administrative Revolving Fund or the Interagency Reimbursement Fund as necessary to perform the duties

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

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



Passed the House of Representatives the 11th day of April, 2016.

Presiding Officer of the House of Representatives

Passed the Senate the 28th day of April, 2016.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 2nd day of May, 2016, at 3:40 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 5th day of May, 2016, at 2:58 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 5th day of May, 2016, at 3:38 o'clock P. M.

By: Chris Benge