

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 694 By: Thompson of the Senate
3 and
4 Kannady of the House
5
6

7 An Act relating to court funds; amending 12 O.S.
8 2011, Section 1809, as amended by Section 1, Chapter
9 362, O.S.L. 2016 (12 O.S. Supp. 2018, Section 1809),
10 which relates to collection and disposition of court
11 costs and fees; removing fee for certain dispute
12 resolution services; modifying Fund for certain
13 deposits; creating Dispute Resolution System
14 Revolving Fund; making funds nonfiscal; stating
15 source of revenue; stating purpose of fund; amending
16 20 O.S. 2011, Sections 72, 73.5, 1310.1, as last
17 amended by Section 2, Chapter 12, O.S.L. 2017, and
18 1507 (20 O.S. Supp. 2018, Section 1310.1), which
19 relate to quarterly accounting, copies of opinions,
20 Supreme Court Revolving Fund and deposit of fees;
21 modifying Fund for certain deposits; modifying
22 authorized deposits and expenditures for certain
23 Fund; modifying Fund for certain deposits; making
24 language gender neutral; updating statutory language;
providing for codification; providing an effective
date; and declaring an emergency.

18 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
19 and replace with:

20 "An Act relating to court funds; amending 12 O.S.
21 2011, Section 1809, as amended by Section 1, Chapter
22 362, O.S.L. 2016 (12 O.S. Supp. 2018, Section 1809),
23 which relates to collection and disposition of court
24 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

1 20 O.S. 2011, Sections 72, 73.5, 1310.1, as last
2 amended by Section 2, Chapter 12, O.S.L. 2017 and
3 1507 (20 O.S. Supp. 2018, Section 1310.1), which
4 relate to quarterly accounting, copies of opinions,
5 Supreme Court Revolving Fund and deposit of fees;
6 modifying fund for certain deposits; modifying
7 authorized deposits and expenditures for certain
8 fund; modifying fund for certain deposits; making
9 language gender neutral; updating statutory
10 language; amending 28 O.S. 2011, Section 152, as
11 last amended by Section 3, Chapter 362, O.S.L. 2016
12 (28 O.S. Supp. 2018, Section 152), which relates to
13 filing fees in civil cases; modifying fund for
14 certain deposits; providing for codification;
15 providing an effective date; and declaring an
16 emergency.

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

18 SECTION 1. AMENDATORY 12 O.S. 2011, Section 1809, as
19 amended by Section 1, Chapter 362, O.S.L. 2016 (12 O.S. Supp. 2018,
20 Section 1809), is amended to read as follows:

21 Section 1809. A. ~~1.~~ To establish and maintain an alternative
22 dispute resolution system, court costs in the amount of Seven
23 Dollars (\$7.00) shall be taxed, collected, and paid as other court
24 costs in all civil cases. ~~When dispute resolution services are
sought, a fee in the amount of Five Dollars (\$5.00) shall be
assessed by the center and collected from the initiating party. If
the responding party agrees to participate in mediation of the
dispute, a fee of Five Dollars (\$5.00) shall be assessed by the
center and collected from the responding party.~~

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

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

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

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

15 There is hereby created in the State Treasury a revolving fund
16 for the Supreme Court to be designated the "Dispute Resolution
17 System Revolving Fund". The fund shall be a continuing fund, not
18 subject to fiscal year limitations, and shall consist of all monies
19 collected pursuant to Section 1809 of Title 12 of the Oklahoma
20 Statutes. All monies accruing to the credit of the fund are hereby
21 appropriated and shall be budgeted and expended by the Supreme Court
22 as necessary to perform the duties imposed upon the Supreme Court to
23 administer the Dispute Resolution Act by law.

24

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

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

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

12 Section 73.5 From and after ~~the effective date of this act~~
13 January 1, 1954, the new opinions of the Supreme Court, the Court of
14 Criminal Appeals and the Court of Appeals shall be promptly
15 furnished, at a cost of twenty-five cents (\$0.25) per page, to any
16 person, firm or corporation who shall request same in writing to the
17 Clerk of the Supreme Court for the purpose of publishing, editing
18 and binding ~~said~~ the opinions. For any other purpose, other
19 persons, firms or corporations shall be furnished, upon request in
20 writing to the Clerk of the Supreme Court, copies of ~~said~~ the
21 opinions, or any instrument of record or other record filed with the
22 Clerk of the Supreme Court, at that fee mandated by Section 31 of
23 Title 28 of the Oklahoma Statutes, for the copying of any instrument
24 of record or on file. Provided however, ~~said~~ the opinions shall be

1 furnished free of cost to the litigants involved, and to the
2 Oklahoma Bar Association for any official publication of ~~said~~ the
3 Association.

4 All monies collected by the Clerk of the Supreme Court for ~~said~~
5 the opinions and other copies shall be by ~~said~~ the Clerk deposited
6 monthly to the credit of the ~~State-Judicial~~ Supreme Court Revolving
7 Fund of the State of Oklahoma.

8 SECTION 5. AMENDATORY 20 O.S. 2011, Section 1310.1, as
9 last amended by Section 2, Chapter 12, O.S.L. 2017 (20 O.S. Supp.
10 2018, Section 1310.1), is amended to read as follows:

11 Section 1310.1 A. There is hereby created in the State
12 Treasury a revolving fund for the Supreme Court, to be designated
13 the "Supreme Court Revolving Fund". The fund shall be a continuing
14 fund, not subject to fiscal year limitations, and shall consist of
15 monies appropriated by the Legislature for the purposes specified in
16 this section and fees collected pursuant to Sections 72, 73.5, 1506
17 and 1707 of this title and paragraph 2 of subsection E of Section
18 152 of Title 28 of the Oklahoma Statutes. All monies accruing to
19 the credit of ~~said~~ the fund are hereby appropriated and may be
20 budgeted and expended by the Supreme Court for refunds to bondsmen
21 and for the purpose of paying expenses authorized by Section 1809 of
22 Title 12 of the Oklahoma Statutes, Sections 103.1, 1311, 1507, 1660
23 and 1707 of this title, ~~and~~ Sections 562 and 1355.13A of Title 22
24 and paragraph 2 of subsection E of Section 152 of Title 28 of the

1 Oklahoma Statutes, and to make any other expenditures determined by
2 the Supreme Court to be necessary due to unforeseen emergencies
3 impacting the operation of state courts, as well as recurring and
4 nonrecurring expenditures to perform the duties imposed upon the
5 Supreme Court or Court of Civil Appeals by law. Expenditures from
6 ~~said~~ the fund shall be made upon warrants issued by the State
7 Treasurer against claims filed as prescribed by law with the
8 Director of the Office of Management and Enterprise Services for
9 approval and payment.

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

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

19 Section 1507. All fees authorized to be charged shall be paid
20 to the Clerk of the Supreme Court who shall deposit them in the
21 ~~State Judicial~~ Supreme Court Revolving Fund. The Chief Justice
22 shall be authorized to draw against the Supreme Court Revolving Fund
23 such amounts as are lawfully claimed by the Board for its necessary
24 supplies and expenses. When performing essential duties each Board

1 member shall be entitled to his or her actual expenses and shall
2 receive, in addition thereto, the sum of Fifty Dollars (\$50.00) for
3 each full day of service or a fraction thereof for less than a day's
4 service.

5 SECTION 7. AMENDATORY 28 O.S. 2011, Section 152, as last
6 amended by Section 3, Chapter 362, O.S.L. 2016 (28 O.S. Supp. 2018,
7 Section 152), is amended to read as follows:

8 Section 152. A. In any civil case filed in a district court,
9 the court clerk shall collect, at the time of filing, the following
10 flat fees, none of which shall ever be refundable, and which shall
11 be the only charge for court costs, except as is otherwise
12 specifically provided for by law:

- 13 1. Actions for divorce, alimony without divorce, separate
14 maintenance, custody or support.....\$183.00
- 15 2. Any ancillary proceeding to modify or vacate a divorce
16 decree providing for custody or support.....\$43.00
- 17 3. Probate and guardianship.....\$135.00
- 18 4. Annual guardianship report.....\$33.00
- 19 5. Any proceeding for sale or lease of real or personal
20 property or mineral interest in probate or guardianship..\$43.00
- 21 6. Any proceeding to revoke the probate of a will...\$43.00
- 22 7. Judicial determination of death.....\$58.00
- 23 8. Adoption.....\$105.00

- 1 9. Civil actions for an amount of Ten Thousand Dollars
- 2 (\$10,000.00) or less and condemnation.....\$150.00
- 3 10. Civil actions for an amount of Ten Thousand One Dollars
- 4 (\$10,001.00) or more\$163.00
- 5 11. Garnishment.....\$23.00
- 6 12. Continuing wage garnishment.....\$63.00
- 7 13. Any other proceeding after judgment.....\$33.00
- 8 14. All others, including but not limited to actions for
- 9 forcible entry and detainer, judgments from all other courts,
- 10 including the Workers' Compensation Court.....\$85.00
- 11 15. Notice of renewal of judgment.....\$23.00

12 B. In addition to the amounts collected pursuant to paragraphs

13 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of

14 Six Dollars (\$6.00) shall be assessed and credited to the Law

15 Library Fund.

16 C. In addition to the amounts collected pursuant to subsections

17 A and B of this section, the sum of Twenty-five Dollars (\$25.00)

18 shall be assessed and credited to the Oklahoma Court Information

19 System Revolving Fund created pursuant to Section 1315 of Title 20

20 of the Oklahoma Statutes.

21 D. In addition to the amounts collected pursuant to subsection

22 A of this section, the sum of Five Dollars (\$5.00) shall be assessed

23 and credited to the Oklahoma court-appointed special advocates

24 (OCASA).

1 E. In addition to the amounts collected pursuant to subsection
2 A of this section, the sum of Two Dollars (\$2.00) shall be assessed
3 and credited as follows:

4 1. One Dollar and fifty-five cents (\$1.55) of such amount shall
5 be credited to the Council on Judicial Complaints Revolving Fund;
6 and

7 2. Forty-five cents (\$0.45) of such amount shall be credited to
8 the ~~State Judicial~~ Supreme Court Revolving Fund to be used to
9 reimburse district courts for expenses related to services of
10 interpreters and translators. Vouchers for such expenses shall be
11 submitted by the district court and approved by the Chief Justice of
12 the Supreme Court or another justice designated by the Chief
13 Justice.

14 F. In addition to the amounts collected pursuant to paragraphs
15 1, 3, 8, 9, 10 and 14 of subsection A of this section, each county
16 may assess, upon approval by the board of county commissioners, a
17 sum not to exceed Ten Dollars (\$10.00) per case to be credited to
18 the Sheriff's Service Fee Account in the county in which the action
19 arose for the purpose of enhancing existing or providing additional
20 courthouse security.

21 G. In any case in which a litigant claims to have a just cause
22 of action and that, by reason of poverty, the litigant is unable to
23 pay the fees and costs provided for in this section and is
24 financially unable to employ counsel, upon the filing of an

1 affidavit in forma pauperis executed before any officer authorized
2 by law to administer oaths to that effect and upon satisfactory
3 showing to the court that the litigant has no means and is,
4 therefore, unable to pay the applicable fees and costs and to employ
5 counsel, no fees or costs shall be required. The opposing party or
6 parties may file with the court clerk of the court having
7 jurisdiction of the cause an affidavit similarly executed
8 contradicting the allegation of poverty. In all such cases, the
9 court shall promptly set for hearing the determination of
10 eligibility to litigate without payment of fees or costs. Until a
11 final order is entered determining that the affiant is ineligible,
12 the clerk shall permit the affiant to litigate without payment of
13 fees or costs. Any litigant executing a false affidavit or counter
14 affidavit pursuant to the provisions of this section shall be guilty
15 of perjury.

16 H. Payments to the court clerk for fees and costs assessed
17 pursuant to this section may be made by a nationally recognized
18 credit or debit card or other electronic payment method as provided
19 in paragraph 1 of subsection B of Section 151 of this title.

20 SECTION 8. This act shall become effective July 1, 2019.

21 SECTION 9. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
23 declared to exist, by reason whereof this act shall take effect and
24 be in full force from and after its passage and approval."

1 Passed the House of Representatives the 25th day of April, 2019.

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4 Presiding Officer of the House of
5 Representatives

6 Passed the Senate the ____ day of _____, 2019.

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9 Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 694

By: Thompson of the Senate

3 and

4 Kannady of the House

5
6
7 An Act relating to court funds; amending 12 O.S.
8 2011, Section 1809, as amended by Section 1, Chapter
9 362, O.S.L. 2016 (12 O.S. Supp. 2018, Section 1809),
10 which relates to collection and disposition of court
11 costs and fees; removing fee for certain dispute
12 resolution services; modifying Fund for certain
13 deposits; creating Dispute Resolution System
14 Revolving Fund; making funds nonfiscal; stating
15 source of revenue; stating purpose of fund; amending
16 20 O.S. 2011, Sections 72, 73.5, 1310.1, as last
17 amended by Section 2, Chapter 12, O.S.L. 2017, and
18 1507 (20 O.S. Supp. 2018, Section 1310.1), which
19 relate to quarterly accounting, copies of opinions,
20 Supreme Court Revolving Fund and deposit of fees;
21 modifying Fund for certain deposits; modifying
22 authorized deposits and expenditures for certain
23 Fund; modifying Fund for certain deposits; making
24 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 10. 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:

1 Section 1809. A. ~~1.~~ To establish and maintain an alternative
2 dispute resolution system, court costs in the amount of Seven
3 Dollars (\$7.00) shall be taxed, collected, and paid as other court
4 costs in all civil cases. ~~When dispute resolution services are~~
5 ~~sought, a fee in the amount of Five Dollars (\$5.00) shall be~~
6 ~~assessed by the center and collected from the initiating party. If~~
7 ~~the responding party agrees to participate in mediation of the~~
8 ~~dispute, a fee of Five Dollars (\$5.00) shall be assessed by the~~
9 ~~center and collected from the responding party.~~

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

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

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

21 SECTION 11. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 12 of Title 1809.1, unless there
23 is created a duplication in numbering, reads as follows:

24

1 There is hereby created in the State Treasury a revolving fund
2 for the Supreme Court to be designated the "Dispute Resolution
3 System Revolving Fund". The fund shall be a continuing fund, not
4 subject to fiscal year limitations, and shall consist of all monies
5 collected pursuant to Section 1809 of Title 12 of the Oklahoma
6 Statutes. All monies accruing to the credit of the fund are hereby
7 appropriated and shall be budgeted and expended by the Supreme Court
8 as necessary to perform the duties imposed upon the Supreme Court to
9 administer the Dispute Resolution Act by law.

10 SECTION 12. AMENDATORY 20 O.S. 2011, Section 72, is
11 amended to read as follows:

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

19 SECTION 13. AMENDATORY 20 O.S. 2011, Section 73.5, is
20 amended to read as follows:

21 Section 73.5. From and after ~~the effective date of this act~~
22 January 1, 1954, the new opinions of the Supreme Court, the Court of
23 Criminal Appeals and the Court of Appeals shall be promptly
24 furnished, at a cost of twenty-five cents (\$0.25) per page, to any

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

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

17 SECTION 14. AMENDATORY 20 O.S. 2011, Section 1310.1, as
18 last amended by Section 2, Chapter 12, O.S.L. 2017 (20 O.S. Supp.
19 2018, Section 1310.1), is amended to read as follows:

20 Section 1310.1. A. There is hereby created in the State
21 Treasury a revolving fund for the Supreme Court, to be designated
22 the "Supreme Court Revolving Fund". The fund shall be a continuing
23 fund, not subject to fiscal year limitations, and shall consist of
24 monies appropriated by the Legislature for the purposes specified in

1 this section and fees collected pursuant to Sections 72, 73.5, 1506
2 and 1707 of this title. All monies accruing to the credit of ~~said~~
3 the fund are hereby appropriated and may be budgeted and expended by
4 the Supreme Court for refunds to bondsmen and for the purpose of
5 paying expenses authorized by Section 1809 of Title 12 of the
6 Oklahoma Statutes, Sections 103.1, 1311, 1507, 1660 and 1707 of this
7 title, and Sections 562 and 1355.13A of Title 22 of the Oklahoma
8 Statutes, and to make any other expenditures determined by the
9 Supreme Court to be necessary due to unforeseen emergencies
10 impacting the operation of state courts, as well as recurring and
11 nonrecurring expenditures to perform the duties imposed upon the
12 Supreme Court or Court of Civil Appeals by law. Expenditures from
13 ~~said~~ the fund shall be made upon warrants issued by the State
14 Treasurer against claims filed as prescribed by law with the
15 Director of the Office of Management and Enterprise Services for
16 approval and payment.

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

24

1 SECTION 15. AMENDATORY 20 O.S. 2011, Section 1507, is
2 amended to read as follows:

3 Section 1507. All fees authorized to be charged shall be paid
4 to the Clerk of the Supreme Court who shall deposit them in the
5 ~~State Judicial~~ Supreme Court Revolving Fund. The Chief Justice
6 shall be authorized to draw against the Supreme Court Revolving Fund
7 such amounts as are lawfully claimed by the Board for its necessary
8 supplies and expenses. When performing essential duties each Board
9 member shall be entitled to his or her actual expenses and shall
10 receive, in addition thereto, the sum of Fifty Dollars (\$50.00) for
11 each full day of service or a fraction thereof for less than a day's
12 service.

13 SECTION 16. This act shall become effective July 1, 2019.

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

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1 Passed the Senate the 12th day of March, 2019.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2019.

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8 _____
9 Presiding Officer of the House
10 of Representatives