

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE BILL NO. 1250

BY: HAMILTON (James),
STEIDLEY and GLOVER of
the HOUSE

and

TAYLOR and HANEY of the
SENATE

AN ACT RELATING TO THE STATE SUPREME COURT; MAKING
APPROPRIATIONS THERETO; STATING THE PURPOSES;
PROVIDING FOR THE DUTIES AND COMPENSATION OF
EMPLOYEES OF THE STATE SUPREME COURT; LIMITING THE
SALARY OF THE JUSTICES OF THE STATE SUPREME COURT;
PROVIDING FOR THE DUTIES AND COMPENSATION OF
EMPLOYEES OF THE COURT OF APPEALS; LIMITING THE
SALARIES OF THE JUDGES OF THE COURT OF APPEALS;
PROVIDING BUDGETING LIMITATIONS; REQUIRING ANNUAL
REPORT; PROVIDING LAPSE DATE; PROVIDING AN
EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert

"AN ACT RELATING TO THE STATE SUPREME COURT; MAKING
APPROPRIATIONS THERETO; STATING THE PURPOSES; PROVIDING FOR
THE DUTIES AND COMPENSATION OF EMPLOYEES OF THE STATE
SUPREME COURT; LIMITING THE SALARY OF THE JUSTICES OF THE
STATE SUPREME COURT; PROVIDING FOR THE DUTIES AND
COMPENSATION OF EMPLOYEES OF THE COURT OF APPEALS; LIMITING
THE SALARIES OF THE JUDGES OF THE COURT OF APPEALS;
PROVIDING BUDGETING LIMITATIONS; REQUIRING ANNUAL REPORT;
AMENDING 20 O.S. 1981, SECTION 30.14, AS AMENDED BY SECTION
4, CHAPTER 336, O.S.L. 1982 (20 O.S. SUPP. 1990, SECTION
30.14), WHICH RELATES TO ADDITIONAL DIVISIONS OF COURT OF
APPEALS; PROVIDING LAPSE DATE; PROVIDING AN EFFECTIVE DATE;
AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Supreme Court from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the amount of Five Million Six Hundred Twenty-eight Thousand Eight Hundred Ten Dollars (\$5,628,810.00) or so much thereof as may be necessary to perform the duties imposed upon the State Supreme Court and the Court of Appeals by law.

SECTION 2. There is hereby appropriated to the State Supreme Court from any monies not otherwise appropriated from the Workers' Compensation Fund of the State Treasury for the fiscal year ending June 30, 1992, the amount of One Million One Hundred Fifty-seven Thousand Eight Hundred Twenty-three Dollars (\$1,157,823.00) or so much thereof as may be necessary to perform the duties imposed upon the State Supreme Court or Court of Appeals by law.

SECTION 3. There is hereby appropriated to the State Supreme Court from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the amount of Forty-nine Thousand One Hundred Forty Dollars (\$49,140.00), or so much thereof as may be necessary to pay the expenses of the members of and provide staff assistance for local review boards pursuant to the provisions of Sections 1116.2 and 1116.5 of Title 10 of the Oklahoma Statutes.

SECTION 4. There is hereby appropriated to the State Supreme Court from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the sum of Five Thousand Four Hundred Sixty Dollars

(\$5,460.00) or so much thereof as may be necessary to pay the operating expenses of the Court on the Judiciary.

SECTION 5. There is hereby appropriated to the State Supreme Court from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the sum of Five Thousand Dollars (\$5,000.00) or so much thereof as may be necessary to pay the operating expenses of the Judicial Nominating Commission.

SECTION 6. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Supreme Court by law shall be set by the Supreme Court Justices. The salary of the Chief Justice shall be Eighty Thousand Two Hundred Fifty Dollars (\$80,250.00) and the salary of each of the eight Supreme Court Justices shall be Seventy-seven Thousand Five Hundred Fifty Dollars (\$77,550.00) per annum, payable monthly for the fiscal year ending June 30, 1992.

SECTION 7. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Court of Appeals by law shall be set by the Court of Appeals, subject to the approval of the State Supreme Court. The salary for each of the twelve Court of Appeals Judges shall not exceed Seventy-two Thousand Seven Hundred Thirty-two Dollars (\$72,732.00) per annum, payable monthly for the fiscal year ending June 30, 1992.

SECTION 8. The State Supreme Court and the Court of Appeals for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations, on full-time-equivalent employees and expenditures, excluding expenditures for capital and special projects and excluding lawful expenditures from the State Judicial Fund, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

Budgetary Limitation

Amount

Full-time-equivalent Employees	136.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments	
Authorized by State Statutes	\$4,877,507.00
Professional and Personal Services Contracts	\$542,500.00
Lease-Purchase Agreements	\$63,308.00
Purchase of Equipment	\$104,844.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$7,952,159.00

SECTION 9. The State Supreme Court shall submit a report to the Speaker of the House of Representatives or a designee, the President Pro Tempore of the Senate or a designee, and the Governor or a designee by January 1 of each year describing the findings of the court audit team, including but not limited to, the amount of funds determined by the court audit team to be due to the State Judicial Fund but not reported to the State Supreme Court and any recommendations resulting from the activities of the court audit team.

SECTION 10. The appropriations made by this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1992. Any unexpended funds remaining after November 15, 1992, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 11. AMENDATORY 20 O.S. 1981, Section 30.14, as amended by Section 4, Chapter 336, O.S.L. 1982 (20 O.S. Supp. 1990, Section 30.14), is amended to read as follows:

Section 30.14. A. In addition to the provisions of Sections 30.1 through 30.12 of Title 20 of the Oklahoma Statutes, and in addition to the four permanent divisions established by Section 30.2 of Title 20 of the Oklahoma Statutes, the Court of Appeals shall consist of as many additional divisions as the Supreme Court may deem advisable to convene for prompt disposition of its docket.

Each division shall consist of three (3) Judges, at least two of whom shall concur in any decision. In the exercise of its powers granted by Article VII, Section 6 of the Oklahoma Constitution, the Supreme Court shall make temporary assignments of judicial officers, active or retired, and lawyers, having prior to their assignment the qualifications of a district judge, to sit on a division of the Court of Appeals convened under the authority of this act. Each division of the Court of Appeals shall select its presiding Judge. The Supreme Court may prescribe by rule where the division shall sit and how that Court shall conduct its business and practice before it.

B. Each division of the Court of Appeals convened under the authority of this act shall have jurisdiction to determine or otherwise dispose of any case assigned to it by the Supreme Court, and its decisions, when final, shall be neither appealable to the Supreme Court nor be subject to reexamination by another division of the Court of Appeals or by the Judges of that Court sitting en banc. The Supreme Court may recall a case from the Court of Appeals; it may review a decision of the Court of Appeals when a majority of its Justices direct that certiorari be granted. In any case assigned to it by the Supreme Court, the Court of Appeals shall have the power to issue writs of habeas corpus, mandamus, quo warranto, certiorari and prohibition.

C. The opinions of the Court of Appeals shall be written in ~~such the form as~~ prescribed by the Supreme Court ~~prescribes~~. No opinion of the Court of Appeals shall be binding or cited as a precedent unless it has been approved by the Supreme Court for publication in the official ~~report~~ reporter. The Supreme Court shall prescribe by rule which opinion or decision, if any, of the Court of Appeals shall be published in the unofficial reporter.

D. The jurisdiction, powers, duties and procedures of the Court of Appeals shall be as provided by rules of the Supreme Court ~~until~~ unless otherwise provided by statute.

E. No judicial officer, except as otherwise authorized by law, temporarily assigned to sit on the Court of Appeals shall be entitled to additional compensation for judicial service on that Court. Expenses of judicial officers and lawyers assigned to the Court of Appeals incurred in performing their duties shall be reimbursed by the state at the rate authorized by law.

F. The Supreme Court shall prescribe by rule the scope of review it will afford when a petition for certiorari to the Court of Appeals is filed.

G. The provisions of this section shall terminate on December 31, ~~1983~~ 1993, unless sooner terminated by law.

SECTION 12. This act shall become effective July 1, 1991.

SECTION 13. 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 Senate the 9th day of April, 1991.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1991.

Speaker of the House of Representatives