ENGROSSED SENATE
BILL NO. 1036

By: Taylor of the Senate

and

Johnson of the House

An Act relating to courts; amending Section 24, Chapter 351, O.S.L. 1993 (12 O.S. Supp. 1995, Section 995), which relates to frivolous appeals; changing name of Court of Appeals to Court of Civil Appeals; amending 20 O.S. 1991, Sections 30.1, 30.2, 30.3, 30.4, 30.5, 30.6, 30.8, 30.11, 30.14, 30.15, 30.16, 30.17, 30.18, 30.19, and Section 28, Chapter 335, O.S.L. 1992 (20 O.S. Supp. 1995, Section 1316), which relate to the Court of Appeals and the appointment of law student clerks; amending 38 O.S. 1991, Section 28, as amended by Section 21, Chapter 343, O.S.L. 1994 (38 O.S. Supp. 1995, Section 28), which relates to jurors; amending Section 2, Chapter 354, O.S.L. 1995 (43 O.S. Supp. 1995, Section 139.1), which relates to revocation of certain licenses for failure to pay child support; amending Section 8, Chapter 354, O.S.L. 1995 (56 O.S. Supp. 1995, Section 240.19), which relates to implementation of revocation of certain licenses for failure to pay child support; amending 68 O.S. 1991, Section 3024, as amended by Section 5, Chapter 360, O.S.L. 1992 (68 O.S. Supp. 1995, Section 3024), which relates to the Court of Tax Review; clarifying and conforming language;

deleting obsolete language; providing for noncodification; and providing an effective date.

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

SECTION 1. AMENDATORY Section 24, Chapter 351, O.S.L. 1993 (12 O.S. Supp. 1995, Section 995), is amended to read as follows:

Section 995. The Oklahoma Supreme Court or Court of Civil Appeals shall dismiss an appeal that is frivolous, and ~~it~~ may impose sanctions against the appellant, the appellant's attorney, or both. The sanctions that may be imposed may include the reasonable expenses incurred because of the filing of the appeal, including a reasonable attorney's fee. The court shall dismiss a cross-appeal or an original proceeding that is frivolous and may impose sanctions as provided by this section.

SECTION 2. AMENDATORY 20 O.S. 1991, Section 30.1, is amended to read as follows:

Section 30.1 There is hereby established an intermediate appellate court to be known as the Court of Civil Appeals of the State of Oklahoma which shall have the power to determine or otherwise dispose of any cases that are assigned to it by the Supreme Court. Its decisions, when final, shall neither be appealable to the Supreme Court nor be subject to reexamination by another division of the Court of Civil Appeals or by the Judges of that Court sitting en banc. The Court of Civil Appeals shall have jurisdiction to issue writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition, or any other process when this may be necessary in any case assigned to it by the Supreme Court. A decision of the Court of Civil Appeals may be reviewed by the Supreme Court if a majority of its Justices direct that a writ of

certiorari be granted, and the Supreme Court may, by order, recall a case from the Court of Civil Appeals.

SECTION 3. AMENDATORY 20 O.S. 1991, Section 30.2, is amended to read as follows:

Section 30.2 The Court of Civil Appeals shall, upon the ~~member~~ members being elected and qualified, consist of four ~~(4)~~ permanent divisions. Two divisions shall sit in Tulsa County and two divisions shall sit in Oklahoma County. Each division shall consist of three ~~(3)~~ Judges, at least two of whom shall concur in any decision and each division shall select a presiding Judge who shall act in that capacity without additional compensation. The assignment of Judges to the divisions shall be effected by the Supreme Court. Judges may be transferred from one division to another.

SECTION 4. AMENDATORY 20 O.S. 1991, Section 30.3, is amended to read as follows:

Section 30.3 No Judge of the Court of Civil Appeals shall participate in the consideration or decision of any case if ~~he~~ the Judge has presided at the trial of that case or acted in it as an attorney for one of the litigants. The Supreme Court shall prescribe the procedure to be followed when a member of the Court of Civil Appeals is disqualified to hear a case.

SECTION 5. AMENDATORY 20 O.S. 1991, Section 30.4, is amended to read as follows:

Section 30.4 A. The Supreme Court shall, by rule, prescribe ~~by rules~~ the procedure and practice in the Court of Civil Appeals, the procedure in bringing writs of certiorari to the Court of Civil Appeals, and the scope of review to be afforded on certiorari to that Court. Subject to law and the rules of the Supreme Court, the Court of Civil Appeals may promulgate its own rules.

B. There shall be deposited with the Clerk of the Supreme Court as costs for the filing of a petition for certiorari to the Supreme

Court One Hundred Dollars ($100.00) of which no rebate or refund of any part thereof may be made; provided, the Supreme Court, by rule, may prescribe ~~by rules~~ the procedure for affording access to the Supreme Court, on certiorari and without deposit of costs, to those indigent persons who are deemed by it entitled thereto.

SECTION 6. AMENDATORY 20 O.S. 1991, Section 30.5, is amended to read as follows:

Section 30.5 The Court of Civil Appeals shall effect disposition of cases assigned to it by a written opinion prepared in such form as the Supreme Court prescribes. No opinion of the Court of Civil Appeals shall be binding or cited as precedent unless it shall have been approved by the majority of the justices of the Supreme Court for publication in the official reporter. The Supreme Court shall direct which opinion or decision, if any, of the Court of Civil Appeals shall be published in the unofficial reporter. Opinions of the Court of Civil Appeals which apply settled precedent and do not settle new questions of law shall not be released for publication in the official reporter.

SECTION 7. AMENDATORY 20 O.S. 1991, Section 30.6, is amended to read as follows:

Section 30.6 The Clerk of the Supreme Court shall serve as Clerk of the Court of Civil Appeals.

SECTION 8. AMENDATORY 20 O.S. 1991, Section 30.8, is amended to read as follows:

Section 30.8 Travel expenses of Judges of the Court of Civil Appeals incurred in performing their duties shall be reimbursed ~~by the state at the rate authorized by applicable law~~ pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 9. AMENDATORY 20 O.S. 1991, Section 30.11, is amended to read as follows:

Section 30.11 Judges of the Court of Civil Appeals shall be elected or appointed from the Congressional Districts with the boundaries as they exist at the time the Judge is elected or appointed to office~~. However~~; however, should the boundaries of the six Congressional Districts be revised and elections for the office of United States Representative be conducted using the revised boundaries, then the revised boundaries shall also be used in the conduct of any elections required for the office of Judge of the Court of Civil Appeals; except that Judges of the Court of Civil Appeals seeking retention shall be retained in the original Congressional District from which they were elected or appointed~~. Provided~~; provided, however, nothing in this section shall be construed ~~as~~ to require a change of residence of a Judge of the Court of Civil Appeals seeking retention. Should the number of Congressional Districts be increased or decreased the sections which define the area of each of the six Congressional Districts shall remain in effect for the purpose of this act, and at that time the sections shall be renumbered and codified in this title of the Oklahoma Statutes following this act.

SECTION 10. AMENDATORY 20 O.S. 1991, 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 Civil 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 Civil Appeals convened under the authority of this act. Each division of the Court of Civil 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 Civil 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 Civil Appeals or by the Judges of that Court sitting en banc. The Supreme Court may recall a case from the Court of Civil Appeals; it may review a decision of the Court of Civil 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 Civil Appeals shall have the power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, and prohibition.

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

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

E. No judicial officer, except as otherwise authorized by law, temporarily assigned to sit on the Court of Civil Appeals shall be entitled to additional compensation for judicial service on that Court. Expenses of judicial officers and lawyers assigned to the

Court of Civil Appeals incurred in performing their duties shall be reimbursed ~~by the state at the rate authorized by law~~ pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

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

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

SECTION 11. AMENDATORY 20 O.S. 1991, Section 30.15, is amended to read as follows:

Section 30.15 Two Judges shall be appointed or elected to the Court of Civil Appeals from each of the six congressional districts of the State of Oklahoma.

A. Each Judge of the Court of Civil Appeals shall have ~~had~~, prior to election or appointment, a minimum of four (4) years' experience as a licensed practicing attorney, or as a judge of a court of record, or both, within the State of Oklahoma; shall be a qualified elector of the respective district; and shall have such additional qualifications as may be prescribed by statute. Judges of the Court of Civil Appeals shall continue to be licensed attorneys while in office.

B. The terms of office of the Judges of the Court of Civil Appeals shall be six (6) years and shall begin on the second Monday of January following their election. Those appointed or elected to fill vacancies shall assume office immediately upon qualifying for the office.

SECTION 12. AMENDATORY 20 O.S. 1991, Section 30.16, is amended to read as follows:

Section 30.16 At the General Election next before ~~his~~ a term expires, any Judge of the Court of Civil Appeals may seek retention in office by filing with the Secretary of State, not less than sixty

(60) days before the date of ~~such~~ the election, a declaration of candidacy to succeed himself or herself. ~~Thereupon, at such~~ At the election, there shall be submitted to the qualified electors of the state, on a separate ballot, without party designation, this question:

"Shall (Here insert name of Judge) of the Court of Civil Appeals be retained in Office?"

/__/ YES

/__/ NO

The question shall be decided by a majority of those voting thereon. If the decision is "yes" the Judge shall be retained in office for the next ensuing six-year term. If the decision is "no", or if no declaration of candidacy is filed, the office shall be vacant upon expiration of the term then being served, and the former Judge shall not be eligible for appointment to succeed himself or herself. Retention in office may be sought for successive terms without limit as to number, except for retirement as may be provided by the Legislature for a maximum retirement age.

SECTION 13. AMENDATORY 20 O.S. 1991, Section 30.17, is amended to read as follows:

Section 30.17 In case a Judge of the Court of Civil Appeals dies, retires, resigns, or is removed from office, the Governor shall fill the vacancy by appointment from the congressional district where the vacancy exists of a person having the required qualifications. The Judicial Nominating Commission shall choose and submit to the Governor and the Chief Justice of the Supreme Court three ~~(3)~~ nominees, each of whom has previously notified the Commission in writing that he or she will serve as a Judge if appointed. The Governor shall appoint one ~~(1)~~ of the nominees to fill the vacancy, but if he fails to do so within sixty (60) days

the Chief Justice of the Supreme Court shall appoint one ~~(1)~~ of the nominees, the appointment to be certified by the Secretary of State.

SECTION 14. AMENDATORY 20 O.S. 1991, Section 30.18, is amended to read as follows:

Section 30.18 Each Judge of the Court of Civil Appeals elected before or after the passage of this act shall, unless removed for cause, serve out the term for which he or she is elected and those Judges serving at the date of the passage of this act, whose office comes under the provision of this act on the date of the expiration of ~~said~~ the term, shall be deemed to have been appointed as provided herein and eligible to file a declaration of candidacy to succeed themselves as provided in this act. If retained in office, the term of each such Judge shall be six (6) years commencing the second Monday in January following ~~such~~ the election.

The term and election of each Judge appointed to fill a vacancy after the passage of this act shall be as follows: If ~~such~~ the appointed Judge has served or will have served twelve (12) months on or before the next General Election following appointment, he or she may file for election for the remainder of the term for which he or she was appointed, or for a six-year term, whichever is applicable, within the time and in the manner elected Judges file their candidacy under this act. If ~~such~~ the appointed Judge has not served or will not have served twelve (12) months on or before the next General Election following appointment, he or she shall continue in office until the second General Election following appointment and may file for election for the remainder of the term or for a six-year term, whichever is applicable, as herein provided.

SECTION 15. AMENDATORY 20 O.S. 1991, Section 30.19, is amended to read as follows:

Section 30.19 No Judge of the Court of Civil Appeals ~~appointed or retained in office under the provisions hereof~~ shall make,

directly or indirectly, any contribution to or hold office in a political party ~~organization~~.

SECTION 16. AMENDATORY Section 28, Chapter 335, O.S.L. 1992 (20 O.S. Supp. 1995, Section 1316), is amended to read as follows:

Section 1316. A. The Chief Justice of the Supreme Court is authorized to appoint law student clerks for the Supreme Court, Court of Civil Appeals, ~~or~~ and the district courts. All personnel appointed under this section shall be appointed by and serve at the pleasure of the Chief Justice of the Supreme Court. No personnel employed under the provisions of this section shall be employed for more than one thousand (1,000) hours per year.

B. There is hereby created in the State Treasury a revolving fund for the Supreme Court, to be designated the "Grants and Donations Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Supreme Court, from gifts, grants, private donations, and federal funding for the payment of salaries and benefits for law student clerks for the Supreme Court, Court of Civil Appeals, or the district courts. All monies accruing to the credit of ~~said~~ the fund are hereby appropriated and may be budgeted and expended by the Supreme Court for the purpose of the payment of salaries and benefits for law student clerks for the Supreme Court, Court of Civil Appeals, or the district courts. Expenditures from ~~said~~ the fund and personnel employed under the provisions of this section shall be exempt from ~~FTE~~ full-time-equivalency and budgetary limitations. Expenditures from ~~said~~ the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 17. AMENDATORY 38 O.S. 1991, Section 28, as amended by Section 21, Chapter 343, O.S.L. 1994 (38 O.S. Supp. 1995, Section 28), is amended to read as follows:

Section 28. A. All citizens of the United States, residing in this state, having the qualifications of electors of this state, who are of sound mind and discretion and of good moral character are competent jurors to serve on all grand and petit juries within their counties; provided, that persons over seventy (70) years of age and persons who have served as a grand or petit juror during the last three (3) immediately preceding calendar years shall not be compelled to serve as jurors in this state and the court may excuse or discharge any juror drawn and summoned as a grand or petit juror if jury service would result in substantial hardship to the prospective juror.

B. Persons who are not qualified to serve as jurors are:

1. Justices of the Supreme Court or the Court of Civil Appeals;

2. Judges of the Court of Criminal Appeals or the district court;

3. Sheriffs or deputy sheriffs;

4. Jailers or law enforcement officers, state or federal, having custody of prisoners;

5. Licensed attorneys engaged in the practice of law;

6. Persons who have been convicted of any felony or served a term of imprisonment in any penitentiary, state or federal, for the commission of a felony; provided, any such citizen convicted, who has been fully restored to his civil rights, shall be eligible to serve as a juror; and

7. Legislators during session of the Legislature or involved in state business.

SECTION 18. AMENDATORY Section 2, Chapter 354, O.S.L. 1995 (43 O.S. Supp. 1995, Section 139.1), is amended to read as follows:

Section 139.1 A. As used in this section and Section ~~11~~ 6-201.1 of ~~this act~~ Title 47 of the Oklahoma Statutes:

1. "Licensing board" means any bureau, department, division, board, agency or commission of this state or of a municipality in this state that issues a license;

2. "Noncompliance with an order for support" means that the obligor has failed to make child support payments required by a child support order in an amount equal to the child support payable for at least ninety (90) days or has failed to make full payments pursuant to a court-ordered payment plan for at least ninety (90) days or has failed to obtain or maintain health insurance coverage as required by an order for support for at least ninety (90) days;

3. "Order for support" means any judgment or order for the support of dependent children issued by any court of this state or other state or any judgment or order issued in accordance with an administrative procedure established by state law that affords substantial due process and is subject to judicial review;

4. "Department" means the Department of Human Services;

5. "License" means a license, certificate, registration, permit, approval or other similar document issued by a licensing board granting to an individual a right or privilege to engage in a profession, occupation, or business, or a driver license or other permit issued pursuant to Title 47 of the Oklahoma Statutes;

6. "Obligor" means the person who is required to make payments pursuant to an order for support;

7. "Person entitled" means:

a. a person to whom a support debt or support obligation is owed,

b. the Department of Human Services or a public agency of another state that has the right to receive current or accrued support payments or that is providing support enforcement services, or

c. a person designated in a support order or as otherwise specified by the court; and

8. "Payment plan" includes, but is not limited to, a plan approved by the court that provides sufficient security to ensure compliance with a support order and/or that incorporates voluntary or involuntary income assignment or a similar plan for periodic payment on an arrearage and, if applicable, current and future support.

B. 1. Except as otherwise provided by this subsection, the district courts of this state are hereby authorized to order the revocation or suspension of a license or the placement of the obligor on probation who is in noncompliance with an order for support.

2. If the obligor is a licensed attorney, the court may report the matter to the Oklahoma Bar Association for appropriate action in accordance with the rules of professional conduct.

3. Pursuant to Section ~~11~~ 6-201.1 of ~~this act~~ Title 47 of the Oklahoma Statutes, the district courts of this state are hereby authorized to order the revocation or suspension of a driver license of an obligor who is in noncompliance with an order of support. In addition, the court may, in case of extreme and unusual hardship, provide for a modification of the revocation, or suspension of the driver license of an obligor who is in noncompliance with an order of support.

4. The remedy under this section is in addition to any other enforcement remedy available to the court.

C. 1. At any hearing involving the support of a child, if the district court finds evidence presented at the hearing that an obligor is in noncompliance with an order for support and the obligor is licensed by any licensing board, the court, in addition to any other enforcement action available, may direct the licensing board to suspend or revoke the license of the obligor who is in

noncompliance with the order of support until the obligor no longer is delinquent in ~~such~~ the payments.

2. Upon a showing that a suspension or revocation or continued suspension or revocation of a license would create a significant hardship to the obligor, to the obligor's employees, to legal dependents residing in the obligor's household, or to persons, businesses, or other entities served by the obligor, the court may place the obligor on probation and allow the obligor to practice or continue to practice ~~his~~ the obligor's profession, occupation or business. Probation shall be conditioned upon full compliance with the order. If the court grants probation, the probationary period shall not exceed three (3) years, and the terms of probation shall provide for automatic suspension or revocation of the license if the obligor does not provide monthly proof to the court and to the person entitled to support of full compliance with the order. Proof of payment may be filed with the court clerk in ~~such~~ the manner and form as required by the court.

D. 1. When the court determines that the support debt or support obligation is paid in full, it shall direct the licensing board to terminate the order of suspension or revocation of the license or probation of the obligor. The court shall send a copy of ~~such~~ the order to the licensing board, the obligor and the person entitled to support.

2. Entry of ~~such an~~ this order does not limit the ability of the court to issue a new order requiring the licensing board to revoke or suspend the license of the same obligor in the event of another delinquency.

E. 1. The court shall not lift the suspension or revocation of the license or terminate the probation of the obligor until the obligor files with the court proof showing that ~~he~~ the obligor is current in ~~his~~ the obligor's payments as required by the court.

2. Before the court orders termination of probation or removal of a suspension or revocation, the court shall provide written notice by certified mail, return receipt requested, to the person entitled to child support informing ~~such~~ the person that the obligor has proven to the satisfaction of the court that the obligor is current in ~~his~~ the payments. ~~Such~~ The notice shall also include an opportunity for the person entitled to child support to protest ~~such~~ the termination or removal, upon a claim and proof that the obligor is not current in ~~his~~ the obligor's payments. A protest must be commenced within thirty (30) days of receipt of the notice and, upon the filing of a protest, the matter shall be set for hearing. At the hearing, the obligor shall submit proof that ~~he~~ the obligor is current in ~~his~~ the payments as required by the court.

F. Upon receipt of a court order to suspend or revoke the license of an obligor or end probation, the licensing board shall implement the suspension or revocation of the license or placement of the obligor on probation by:

1. Determining if the licensing board has issued a license to the individual whose name appears on the order for support;

2. Notifying the obligor of the suspension, revocation or probation;

3. Demanding surrender of the license, if required;

4. Entering the suspension or revocation of the license or probation on the appropriate records; and

5. Reporting the suspension or revocation of the license or the probation as appropriate.

G. An order, issued by the court, directing the licensing board to suspend or revoke the license of the obligor or place the obligor on probation shall be processed by the licensing board without any additional review or hearing. An order, issued by the court, directing the licensing board to suspend or revoke the license of the obligor or place the obligor on probation shall be implemented

by the licensing board and shall continue until the court, judicial court of review, or Court of Civil Appeals advises the licensing board by order that the suspension or revocation or probation is terminated.

H. The licensing board has no jurisdiction to modify, remand, reverse, vacate, or stay the order of the court for the suspension or revocation of a license or placement of the obligor on probation.

I. In the event of suspension, revocation of a license, or a probation of the obligor, any funds paid by the obligor to the licensing board for costs related to issuance, renewal, or maintenance of a license shall not be refunded to the obligor.

J. A licensing board may charge the obligor a fee to cover the administrative costs incurred by the licensing board to administer the provisions of this section. Fees collected pursuant to this section by a licensing board which has an agency revolving fund shall be deposited in the agency revolving fund for the use by the licensing board to pay the costs of administering this section. Otherwise, ~~such~~ the administrative costs shall be deposited in the General Revenue Fund of the state.

K. Each licensing board shall promulgate rules necessary for the implementation and administration of this section.

L. The licensing board is exempt from liability to the obligor for activities conducted in compliance with this section.

SECTION 19. AMENDATORY Section 8, Chapter 354, O.S.L. 1995 (56 O.S. Supp. 1995, Section 240.19), is amended to read as follows:

Section 240.19 A. Upon receipt of an administrative order from the Department of Human Services to suspend or revoke the license of an obligor or placement of the obligor on probation, the licensing board shall implement the suspension or revocation of the license or probation of the obligor by:

1. Determining if it has issued a license to the person whose name appears on the order;

2. Notifying the obligor of the suspension, revocation, or probation;

3. Demanding the license, if required;

4. Entering the suspension, revocation, or probation on the appropriate records; and

5. Reporting the suspension ~~or~~, revocation, or probation, as appropriate.

B. An order, issued by the Department, directing the licensing board to suspend or revoke a license or place the obligor on probation shall be processed by the licensing board without any additional review or hearing.

C. An order, issued by the Department, directing the licensing board to suspend or revoke the license of the obligor or place the obligor on probation shall be implemented by the licensing board and shall continue until the OAH, the district court, judicial court of review, or Court of Civil Appeals advises the licensing board by order, that the suspension, revocation, or probation is terminated.

D. The licensing board shall have no jurisdiction to modify, remand, reverse, vacate, or stay the order of the Department for the suspension or revocation of a license, or placing the obligor on probation.

E. In the event of suspension or revocation of a license, or probation of the obligor, any funds paid by the obligor to the licensing board for costs related to issuance, renewal, or maintenance of a license shall not be refunded to the obligor.

F. The licensing board is exempt from liability to the obligor for activities conducted in compliance with this section.

SECTION 20. AMENDATORY 68 O.S. 1991, Section 3024, as amended by Section 5, Chapter 360, O.S.L. 1992 (68 O.S. Supp. 1995, Section 3024), is amended to read as follows:

Section 3024. A. There is hereby created a Court of Tax Review. The Court of Tax Review shall be comprised of one district judge from each judicial district in the state. The district judge representing each judicial district shall be selected by the Justices of the Oklahoma Supreme Court. Each case brought before the Court of Tax Review pursuant to this subsection will be heard by a panel of three ~~(3)~~ judges. The three judges assigned to hear each case will be selected by the Chief Justice of the Oklahoma Supreme Court and will be from congressional districts different from the congressional district in which the property or county which is the subject of the case is located. In the event that the property which is the subject of the case is located in each congressional district, then the case shall be heard by a panel of three ~~(3)~~ judges ~~from~~ of the ~~Oklahoma~~ Court of Civil Appeals, appointed by the Chief Justice of the Supreme Court to hear such case. A majority of the three-judge panel shall be required to render a decision in each case. The Oklahoma Supreme Court shall establish court rules for the Court of Tax Review and the Clerk of the Oklahoma Supreme Court shall serve as Clerk of the Court of Tax Review. The Court of Tax Review is hereby vested with jurisdiction over and shall hear complaints regarding valuation of public service corporation property by the State Board of Equalization as authorized by Section 2881 of this title, complaints regarding actions of the State Board of Equalization regarding either intracounty or intercounty property value equalization as authorized by Section 2882 of this title, and appeals as authorized by Section 2830 of this title concerning Category 2 or Category 3 noncompliance as determined by the Oklahoma Tax Commission. The Court of Tax Review shall determine if a county deemed to be in Category 3 noncompliance is required to reimburse the Oklahoma Tax Commission from the county assessor's budget for all costs incurred as a result of the assumption of the valuation function by the Commission.

B. The Court of Tax Review shall prescribe procedures for the purpose of hearing properly filed protests against alleged illegal levies, as shown on the annual budgets filed with the State Auditor and Inspector. The Court shall reconvene as often as deemed necessary by ~~said~~ the Court until final determination has been made as to all protested levies. The ~~said~~ judges shall be paid their traveling and living expenses while acting as members of ~~said~~ the Court, out of the funds now provided by law for payment of district judges' expenses when holding court outside the counties of their residence. Decisions of the Court of Tax Review concerning alleged illegal levies shall be subject to the provisions of Sections 3025, 3026, 3027, 3028 and 3029 of this title.

SECTION 21. Unless the context otherwise requires, any reference in the Oklahoma Statutes to the Court of Appeals shall mean the Court of Civil Appeals.

SECTION 22. NONCODIFICATION The provisions of Section 21 of this act shall not be codified in the Oklahoma Statutes.

SECTION 23. This act shall become effective November 1, 1996.

Passed the Senate the 28th day of February, 1996.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1996.

Speaker of the House of Representatives