

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1749

BY: KEY

AS INTRODUCED

AN ACT RELATING TO COURTS; DIRECTING THE SECRETARY OF STATE TO REFER A PROPOSED ACT TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION; AMENDING SECTION 2, CHAPTER 33, O.S.L. 1987 (20 O.S. SUPP. 1990, SECTION 30.16), WHICH RELATES TO THE COURT OF APPEALS; LIMITING THE NUMBER OF YEARS A PERSON IS ALLOWED TO SERVE ON THE COURT OF APPEALS; PROVIDING EXCEPTIONS; PROVIDING A BALLOT TITLE; AND DIRECTING FILING.

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

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed act.

SECTION 2. AMENDATORY Section 2, Chapter 33, O.S.L. 1987 (20 O.S. Supp. 1990, Section 30.16), is amended to read as follows:

Section 30.16 At the General Election next before his term expires, any Judge of the Court of Appeals may seek retention in office by filing with the Secretary of State, not less than sixty (60) days before the date of such election, a declaration of candidacy to succeed himself. Thereupon, at such 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 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. ~~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~~ Any Judge who is appointed to the Court of Appeals after the effective date of this act shall be eligible to serve no more than twelve (12) years as a Court of Appeals Judge. Any Court of Appeals Judge who is retained in Office after the effective date of this act shall be eligible to serve no more than twelve (12) years from that date. Years in office need not be consecutive in determining the total number of years served in the Court of Appeals. The years served by any Judge appointed to serve less than a full term to fill a vacancy on the Court of Appeals shall not be included in the twelve-year limitation provided for in this section, but no Judge who has completed twelve (12) years on the Court of Appeals shall be eligible thereafter to serve a partial term. Any person who is serving as a Court of Appeals Judge on the effective date of this act shall be entitled to complete his or her term and shall be eligible to serve an additional twelve (12) years thereafter. This amendment shall be effective on the first day of the year following its adoption.

SECTION 3. The Ballot Title for the proposed act as set forth in SECTION 2 of this act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends state law. It provides that any Court of Appeals Judge appointed to office after the effective date of this amendment would be allowed to serve no more than 12 years. Time served by a person appointed to serve less than a full term shall not be counted. No person who has completed a 12-year term shall be allowed to serve a partial term. Persons serving on the effective date shall be eligible to serve 12 years after their terms end. The measure takes effect on the first day of the year after its approval.

SHALL THIS ACT BE APPROVED BY THE PEOPLE?

 / YES, FOR THE ACT

 / NO, AGAINST THE ACT

SECTION 4. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 3 hereof, with the Secretary of State and one copy with the Attorney General.

43-1-5415

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