

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE
FOR HOUSE JOINT
RESOLUTION NO. 1060

By: Rice

COMMITTEE SUBSTITUTE

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Sections 15, 16 and 17 of Article IX of the Constitution of the State of Oklahoma, which relates to the Corporation Commission; changing manner of obtaining office; deleting election provisions; providing for appointment of Commissioners; providing for list of nominees from the Corporation Commission Nominating Council; modifying qualifications for office; modifying oath of office; providing for effective date of amendments; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 44TH OKLAHOMA LEGISLATURE:

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 amendment to Sections 15, 16 and 17 of Article IX of the Constitution of the State of Oklahoma to read as follows:

Section 15. A. A Corporation Commission is hereby created, to be composed of three persons, who shall be ~~elected by the people at a general election for State officers, and their~~ appointed by the Governor, with the advice and consent of the Senate, from a list of nominees provided by the Corporation Commission Nominating Council. The Legislature shall provide the manner of selection of nominees by the Corporation Commission Nominating Council. The terms of office shall be six years÷ ~~Provided, Corporation Commissioners first elected under this Constitution shall hold office as follows: One shall serve until the second Monday in January, nineteen hundred and nine; one until~~

~~the second Monday in January, nineteen hundred and eleven; and one until the second Monday in January nineteen hundred and thirteen; their terms to be decided by lot immediately after they shall have qualified. In case of a vacancy in said office, the Governor of the State shall fill such vacancy by appointment until the next general election, when a successor shall be elected from a list of nominees provided by the Corporation Commission Nominating Council to fill out any unexpired term.~~

B. If approved by the people, the amendment to this section shall apply to each office upon the expiration of the term of office, for any term that began on or before January 9, 1995.

Section 16. A. The qualifications of such commissioners shall be as follows: To be resident citizens of this State for over two years next preceding the election, and qualified voters under the Constitution and laws, and not less than thirty years of age; nor shall such commissioners, or either of them, be, directly or indirectly, interested in any railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, operated for hire, in this State, or out of it, or any stock, bond, mortgage, security, or earnings of any such railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, compress or elevator companies; and if such Commissioner shall voluntarily become so interested, his office shall become vacant; and if any Corporation Commissioner shall become so interested otherwise than voluntarily, he shall, within a reasonable time, divest himself of such interest; and failing to do this, his office shall become vacant. No person in the employ of or holding any official relation to any business, corporation or person which is subject in whole or in part to regulation by the Commission or who owns stocks or bonds in a business or corporation or who is in any manner pecuniarily interested therein shall be appointed to or hold the office of commissioner. Any Commissioner who becomes the owner of stocks or bonds or becomes pecuniarily interested in a business or corporation regulated by

the Commission shall divest the ownership or interest within six (6) months. Failure to do so shall cause the office to become vacant. ~~Nor shall any such~~ No commissioner shall hold any other office under the government of the United States, or of this State, or any other state government, and shall not, while such Commissioner, engage in any occupation or business inconsistent with his duties as such commissioner.

B. The Commissioners shall receive as compensation the salary as provided by the Legislature. The salaries of commissioners shall not be diminished but may be increased during their respective term of office.

Section 17. Before entering upon the duties of his office, each of said commissioners shall take and subscribe to the oath of office as prescribed in this Constitution and shall, in addition thereto, swear that he is not, directly or indirectly, interested in any ~~railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, nor in the bonds, stocks, mortgages, securities, contract or earnings of any railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line~~ business, corporation or person which is subject in whole or in part to regulation by the Commission; and that he will, to the best of his ability, faithfully and justly execute and enforce the provisions of this Constitution, and all the laws of this State concerning ~~railroads, street railways, traction lines, canals, steam boats, pipe lines, car lines, sleeping car lines, car associations, express lines, telephone and telegraph lines, compress and elevator companies, and all other~~ corporations, businesses or persons over which said Commission has jurisdiction, which oath shall be filed with the Secretary of State.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution 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 Sections 15, 16 and 17 of Article IX of the State Constitution. The measure makes Commissioners appointed not elected. The Governor would make the appointments. Appointments would be made from a list of names. The Corporation Commission Nominating Council would make the list of names. The measure sets the date for the changes. The measure also provides for salaries and amends the qualifications and the oath for the office.
SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

 / YES, FOR THE AMENDMENT

 / NO, AGAINST THE AMENDMENT

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

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