

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE JOINT
RESOLUTION NO. 1065

By: Hamilton (James)

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Article IX of the Oklahoma Constitution by repealing Sections 15, 16 and 17 and by adding new Sections 15.1 and 15.2; abolishing the Corporation Commission; creating the Oklahoma Public Utility Commission and the Oklahoma Oil, Gas and Regulatory Commission; providing for membership, terms of office, oath of office and qualifications of the members of the new commissions; prohibiting conflict of interest; stating duties of the new commissions; providing ballot title; directing filing; and ordering a special election.

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 Article IX of the Constitution of the State of Oklahoma, by repealing Sections 15, 16 and 17 and adding new Sections 15.1 and 15.2, to read as follows:

Section 15.1 A. Upon the approval of this amendment by the people and until January 1, 1996, the Corporation Commission shall remain as it existed prior to the approval of this amendment.

B. On January 1, 1996, there is hereby created the Oklahoma Public Utility Commission which shall consist of three (3) members appointed by the Governor to be confirmed by the Legislature.

C. The membership of the Commission shall be as follows:

1. One member shall be an attorney with five (5) years of practice as an attorney who shall serve an initial term of office of one (1) year;

2. One member shall be a certified public accountant with five (5) years of practice as a certified public accountant who shall serve an initial term of office of two (2) years; and

3. One member shall be a lay citizen who shall serve an initial term of office of three (3) years and initially shall be the Corporation Commissioner whose term of office expires in 1998.

All appointments made after the initial appointments shall be for a term of three (3) years. Any vacancy on the Commission shall be filled by appointment by the Governor for the unexpired term of office, subject to confirmation by the Legislature.

D. 1. No member of the Commission shall have any interest, either directly or indirectly, in any business matter or entity over which the appropriate commission has regulatory authority, either during the term of office of the member, or during the two (2) years immediately subsequent to the term of office of the member.

2. No member of the Commission shall hold any other federal, state or local office, or engage in any occupation or business inconsistent with his full-time duties as a member of the Oklahoma Public Utility Commission.

E. Before entering upon the duties of the office, a member of the Commission shall take and subscribe to the oath of office as prescribed in this Constitution and in addition thereto, shall swear that neither he nor any member of his immediate family is directly or indirectly interested in any business matter or entity over which the Commission has regulatory authority. The oath provided for in this subsection shall be filed with the Secretary of State.

F. The members of the Commission may be removed for cause, by the Governor or as otherwise provided for by law.

G. The Oklahoma Public Utility Commission shall have regulatory and ratemaking jurisdiction over all public service, utility and telecommunications corporations and all matters delegated by the Legislature, and transmission companies and all matters related thereto.

H. The Oklahoma Public Utility Commission shall have such other powers and duties as provided for by law.

Section 15.2 A. On January 1, 1996, there is hereby created the Oklahoma Oil, Gas and Regulatory Commission, which shall consist of three (3) members appointed by the Governor to be confirmed by the Legislature.

B. The membership of the Commission shall be as follows:

1. One member shall be a geological engineer or a petroleum engineer with five (5) years of practice as such an engineer who shall serve an initial term of office of one (1) year;

2. One member shall be an attorney with five (5) years of practice as an attorney who shall serve an initial term of office of two (2) years; and

3. One member shall be a lay citizen who shall serve an initial term of office of three (3) years and initially shall be the Corporation Commissioner whose term of office expires in 2000.

All appointments made after the initial appointments shall be for a term of three (3) years. Any vacancy on the Commission shall be filled by appointment by the Governor for the unexpired term of office, subject to confirmation by the Legislature.

C. 1. No member of the Commission shall have any interest, either directly or indirectly, in any business matter or entity over which the appropriate commission has regulatory authority, either during the term of office of the member, or during the two (2) years immediately subsequent to the term of office of the member.

2. No member of the Commission shall hold any other federal, state or local office, or engage in any occupation or business

inconsistent with his full-time duties as a member of the Oklahoma Oil and Gas Commission.

D. Before entering upon the duties of the office, a member of the Commission shall take and subscribe to the oath of office as prescribed in this Constitution and in addition thereto, shall swear that neither he nor any member of his immediate family is directly or indirectly interested in any business matter or entity over which the Commission has regulatory authority. The oath provided for in this subsection shall be filed with the Secretary of State.

E. The members of the Commission may be removed for cause, by the Governor or as otherwise provided for by law.

F. The Oklahoma Oil, Gas and Regulatory Commission shall have regulatory jurisdiction over all oil, gas and mineral production and related matters, pipeline companies, and all transportation activities associated therewith, and all other matters under the jurisdiction of the Corporation Commission on the date of approval of this amendment, and which is not assigned to the jurisdiction of the Oklahoma Public Utility Commission as provided in Section 15.1 of this Article.

G. The Oklahoma Oil, Gas and Regulatory Commission shall have such other powers and duties as provided for by law.

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 the Oklahoma Constitution. It repeals Sections 15, 16, and 17 of Article 9. It adds new Sections 15.1 and 15.2 to Article 9. The measure does away with the Corporation Commission. It would be abolished on January 1, 1996. It creates the Oklahoma Public Utility Commission. It

also creates the Oklahoma Oil, Gas, and Regulatory Commission. The measure provides for the membership of the new commissions. The Governor appoints three members to each commission. The Legislature must confirm the members. The members are prohibited from having certain conflicts of interest. The members may be removed for cause by the Governor. The measure states the duties of each commission. The Oklahoma Public Utility Commission would regulate certain types of public utility entities and related matters. The Oklahoma Oil, Gas, and Regulatory Commission would regulate oil, gas and mineral production and pipeline companies.

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 shall, immediately after the passage of this resolution, 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.

SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of the next statewide runoff primary election, at which time the proposed amendment to the Constitution of the State of Oklahoma, as set forth in Section 1 of this resolution, shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

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