

SHORT TITLE: Constitutional amendment; deleting authorization of district judge to appoint a nonlawyer as a special judge.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE JOINT
RESOLUTION NO. 20

By: Smith

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 8 of Article VII of the Constitution of the State of Oklahoma; deleting obsolete language; deleting authorization of District Judge to appoint a nonlawyer as a special judge; requiring each special judge to be a licensed attorney; allowing completion of term by nonlawyer currently serving as special judge; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES 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 Section 8 of Article VII of the Constitution of the State of Oklahoma to read as follows:

Section 8. (a) The Judges of the District Court shall be District Judges, Associate District Judges, and Special Judges. Each District Judge, each Associate District Judge, and each Special Judge shall be selected according to the provisions of this Article.

~~(b) Superior Court Judges shall become District Court Judges on the effective date of this Article.~~

~~(c) Common Pleas, County, Children's and Juvenile Court Judges shall become Associate District Judges in the following manner: Those Judges whose terms expire after the effective date of this Article shall become Associate District Judges on the effective date of this Article. Those Judges whose terms expire on or before the effective date of this Article, shall be subject to selection, in a manner provided by law, as Associate District Judges for a term~~

~~expiring the day preceding the second Monday in January, 1971, and the selectees shall become Associate District Judges on the effective date of this Article.~~

~~(d)~~ (b) There shall be at least one Associate District Judge for each County in the State. The number of District Judges, including Superior Court Judges who become District Judges, and Associate District Judges shall ~~continue at the number held over under this Article until changed~~ be established by statute. The District Judges and Associate District Judges shall exercise all jurisdiction in the District Court except as otherwise provided by law. The District Courts, or any Judges thereof, shall have the power to issue any writs, remedial or otherwise necessary or proper to carry into effect their orders, judgments, or decrees.

~~(e) The appointment of any Judge to any Court abolished by this Article made after its adoption shall be for a period ending on the day preceding the effective day of this Article.~~

~~(f)~~ (c) The terms of District Judges and Associate District Judges shall be for four years commencing on the second Monday of January in 1971 and vacancies shall be filled in the manner provided by law.

~~(g)~~ (d) Each District Judge: shall have had prior to election or appointment, a minimum of four years' experience as a licensed practicing attorney, or as a judge of a court of record, or both, within ~~the State of Oklahoma~~ this state; shall be a qualified elector of the respective district; and shall have such additional qualifications as may be prescribed by statute. Each Associate District Judge shall be an attorney licensed to practice in the State of Oklahoma and an elector in the County at the time of filing; and they shall have such additional qualifications as prescribed by statute. Both District Judges and Associate District Judges shall continue to be licensed attorneys while in office.

~~(h)~~ (e) The District Judges in each judicial administrative district shall appoint special judges to serve at their pleasure. ~~The District Judges may appoint a nonlawyer as a special judge if no qualified licensed attorney is available.~~ Each special judge shall be an attorney licensed to practice in this state; provided, a nonlawyer special judge currently serving may continue to serve until the second Monday of January, 1994. The jurisdiction of Special Judges shall be limited as may be prescribed by statute. The formula used for the number of special judges to be allowed to each judicial administrative district shall be set by the Legislature. All judges of special sessions courts shall become Special Judges for the remainder of their terms.

~~(i)~~ (f) District Judges, Associate District Judges and Special Judges may hold court anywhere in this State authorized by rule of the Supreme Court.

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 State Constitution. It amends Section 8 of Article VII. At this time, a District Judge may appoint a nonlawyer as a special judge. This measure would only allow the appointment of a licensed lawyer as a special judge. This measure also removes out-of-date language from this section.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

 / YES, FOR THE AMENDMENT

 / NO, AGAINST THE AMENDMENT

SECTION 3. The President Pro Tempore of the Senate 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.

44-2-1396

KS