

SHORT TITLE: Constitutional amendment; limiting years of service of  
judicial officers; ballot title; filing.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE JOINT  
RESOLUTION NO. 40

By: Easley

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new section to Article VII to be designated as Section 3.1 and proposed amendments to Section 8 of Article VII and Section 2 of Article VII-B of the Constitution of the State of Oklahoma and proposed amendments to the Oklahoma Statutes; amending 20 O.S. 1991, Section 30.15 and 85 O.S. 1991, Section 1.2, as last amended by Section 1, Chapter 349, O.S.L. 1993 (85 O.S. Supp. 1993, Section 1.2), which relate to terms of judges; limiting years of service of members of the judiciary; conforming language; 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 Article VII of the Constitution of the State of Oklahoma by adding a new Section 3.1 and the following proposed amendments to Section 8 of Article VII, and Section 2 of Article VII-B of the Constitution of the State of Oklahoma and the following proposed amendments to the Oklahoma Statutes, to read as follows:

Section 3.1 Any member of the judiciary who is elected to, appointed to, or retained in office after the effective date of this amendment shall be eligible to serve no more than twelve years as a Judicial Officer. Years in judicial office need not be consecutive. The years served by any Judicial Officer elected or appointed to serve less than a full judicial term shall not be included in the

twelve-year limitation; but, no officer who has completed twelve years of service shall thereafter be eligible to serve a partial term. Any Judicial Officer who has served twelve or more years prior to the effective date of this amendment shall be entitled to complete her or his current term. This amendment shall be effective on the 1st day of January of the year following its adoption.

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

(j) Any District Judge, Associate District Judge, or Special Judge who is elected or appointed to office after the effective date of this amendment shall be eligible to serve no more than twelve

years as a District Judge, Associate District Judge, or Special Judge. Years in judicial office need not be consecutive. The years served by any District Judge, Associate District Judge, or Special Judge elected or appointed to serve less than a full judicial term shall not be included in the twelve-year limitation, but no judge who has completed twelve years of service shall thereafter be eligible to serve a partial term. Any District Judge, Associate District Judge, or Special Judge who has served twelve or more years prior to the effective date of this amendment shall be entitled to complete his or her current term. This amendment shall be effective on the 1st day of January of the year following its adoption.

Section 2. At the general election next before his or her term expires, any Judicial Officer 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 Justice or Judge) of (Here insert the title of the court) be retained in Office?

[ ] YES

[ ] NO

The question shall be decided by a majority of those voting thereon. If the decision is "yes" the Judicial Officer shall be retained in office for the next ensuing six (6) 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 Judicial Officer 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.~~

SECTION 2. AMENDATORY 20 O.S. 1991, Section 30.15, is amended to read as follows:

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

B. Each Judge of the Court of 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 Appeals shall continue to be licensed attorneys while in office.

C. The terms of office of the Judges of the Court of 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.

D. Any Judge of the Court of Appeals who is elected to, appointed to, or retained in office after the effective date of this amendment shall be eligible to serve no more than twelve (12) years as a Judge of the Court of Appeals. Years in judicial office need not be consecutive. The years served by any Judge of the Court of Appeals elected or appointed to serve less than a full judicial term shall not be included in the twelve-year limitation, but no judge who has completed twelve (12) years of service shall thereafter be eligible to serve a partial term. Any Judge of the Court of Appeals who has served twelve or more years prior to the effective date of this amendment shall be entitled to complete his or her current term. This amendment shall be effective on the 1st day of January of the year following its adoption.

SECTION 3. AMENDATORY 85 O.S. 1991, Section 1.2, as last amended by Section 1, Chapter 349, O.S.L. 1993 (85 O.S. Supp. 1993, Section 1.2), is amended to read as follows:

Section 1.2 There is hereby created the Workers' Compensation Court which shall consist of ten (10) judges. Each judge of the Court shall be appointed to a designated numbered position on the Court. The positions shall be numbered one through ten. The initial terms of the judges by position number shall expire on the following dates:

Position 1 shall expire 7-1-84.

Position 2 shall expire 7-1-84.

Position 3 shall expire 7-1-84.

Position 4 shall expire 7-1-82.

Position 5 shall expire 7-1-82.

Position 6 shall expire 7-1-80.

Position 7 shall expire 7-1-80.

Position 8 shall expire 7-1-88.

Position 9 shall expire 7-1-88.

Position 10 shall expire 7-1-96 after being appointed under the provisions hereinafter set forth effective September 1, 1993.

Thereafter, each position shall be filled by a judge appointed to serve a six-year term.

Provided the judges serving unexpired terms on the State Industrial Court shall serve on the Workers' Compensation Court until their terms expire only as provided herein. The judges of the State Industrial Court whose terms expire March 14, 1979, shall serve in Positions 6 and 7 until that date, and the judge whose term expires March 14, 1981, shall serve in Position 5 until that date. Upon expiration of these terms, the Governor shall appoint judges to serve the remainder of the initial terms designated in this section. When a vacancy on the Court occurs or is certain to occur or for initial appointments to the Court, the Judicial Nominating

Commission shall choose and submit to the Governor and the Chief Justice of the Supreme Court the names of three persons, in addition to the name of the incumbent judge, if any, for each appointment, each of whom has previously notified the Commission in writing that he will serve as a judge if appointed. The Governor shall appoint one 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 of the nominees, the appointment to be certified to the Secretary of State.

B. A judge of the Court shall have been licensed to practice law in this state for a period of not less than five (5) years prior to appointment. Each judge, before entering upon the duties of his office, shall take and subscribe to an oath of office and file the same with the Secretary of State. Each judge shall continue to serve until his successor shall have been appointed and qualified. A judge shall be eligible for reappointment, provided that he may be removed for cause by the Court on the Judiciary prior to the expiration of his term.

C. Each judge shall receive a salary equal to that paid to a district judge of this state, and shall devote full time to his duties and shall not engage in the private practice of law during the term in office.

D. The Governor shall appoint from among the judges of the Workers' Compensation Court a presiding judge of that Court who shall serve for a two-year term commencing with the initial appointment beginning January 1, 1987. Any judge so appointed shall not serve more than two times in succession. Any judge of the Workers' Compensation Court who is appointed to office after the effective date of this amendment shall be eligible to serve no more than twelve (12) years as a judge of the Workers' Compensation Court. Years in judicial office need not be consecutive. The years served by any judge of the Workers' Compensation Court appointed to

serve less than a full judicial term shall not be included in the twelve-year limitation, but no judge who has completed twelve (12) years of service shall thereafter be eligible to serve a partial term. Any judge of the Workers' Compensation Court who has served twelve (12) or more years prior to the effective date of this amendment shall be entitled to complete his or her current term. This amendment shall be effective on the 1st day of January of the year following its adoption.

E. The presiding judge shall preside at all hearings held by the Court, preside at such meetings of the judges of the Court as may be necessary and perform such other supervisory duties as the needs of the Court may require. The presiding judge may designate one of the other judges to act as presiding judge in his place whenever necessary during the disqualification, disability, or absence of the presiding judge. During the disqualification, disability, or absence of the presiding judge, the acting presiding judge shall exercise all of the powers of the presiding judge.

~~E.~~ F. The Court shall have the authority to adopt reasonable rules within its respective areas of responsibility including the rules of procedure for the Court en banc, after notice and public hearing, for effecting the purposes of the Workers' Compensation Act. All of the judges of the Court shall be present at all meetings wherein rules are adopted or amended. All rules, upon adoption, shall be submitted to the Supreme Court, which shall either approve or disapprove them within thirty (30) days. All rules, upon approval by the Supreme Court, shall be published and be made available to the public and, if not inconsistent with the law, shall be binding in the administration of the Workers' Compensation Act.

~~F.~~ G. The Court is hereby designated and confirmed as a court of record, with respect to any matter within the limits of its jurisdiction, and within such limits the judges thereof shall

possess the powers and prerogatives of the judges of the other courts of record of this state.

~~G.~~ H. The principal office of the Court shall be situated in the City of Oklahoma City in quarters assigned by the Department of Central Services. The Court may hold hearings in any city of this state.

~~H.~~ I. All county commissioners and presiding district judges of this state shall make quarters available for the conducting of hearings by a judge of the Court upon request by the Court.

~~I.~~ J. The judges of the Court shall determine the qualifications necessary for the job of Administrator. Said qualifications shall be submitted to the Chief Justice of the Supreme Court for approval, disapproval or modification.

~~J.~~ K. Judges of the Workers' Compensation Court may punish for direct contempt pursuant to Sections 565, 565.1 and 566 of Title 21 of the Oklahoma Statutes.

SECTION 4. The Ballot Title for the proposed Constitutional and statutory amendments as set forth in SECTIONS 1 through 3 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 adds a new Section 3.1 to Article 7. It amends Section 8 of Article 7 and Section 2 of Article 7-B. It amends Section 30.15 of Title 20 of the Oklahoma Statutes. It also amends Section 1.2 of Title 85 of the Oklahoma Statutes. It limits to twelve the number of years that a person may serve as a member of the judiciary and it deletes inconsistent wording.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

   / YES, FOR THE AMENDMENT

   / NO, AGAINST THE AMENDMENT

SECTION 5. 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 4 hereof, with the Secretary of State and one copy with the Attorney General.

44-2-2070

KS