STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE JOINT
RESOLUTION 11 By: Morgan

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection proposed amendments to Section B-3 of Article VII, Section 33A of Article X, and Section B-1 of Article XIII of the Oklahoma Constitution; amending provisions for appointments made to the Judicial Nominating Commission, State Industrial Finance Authority, and the Board of Regents of Oklahoma Colleges to be consistent with changes to Oklahoma's Congressional Districts; deleting obsolete language; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 48TH 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 B-3 of Article VII of the Constitution of the State of Oklahoma to read as follows:

Section B-3. (a) There is established as a part of the Judicial Department a Judicial Nominating Commission of thirteen (13) members, to consist of:

(1) six (6) members to be appointed by the Governor, one (1) from each congressional district ~~established by the Statutes of Oklahoma and existing at the date of the adoption of this Article~~ and any remaining members to be appointed from the state at large, none of whom shall be admitted to practice law in the State of Oklahoma;

(2) six (6) members, one (1) from each congressional district and any remaining members to be appointed from the state at large ~~established by the Statutes of Oklahoma and existing at the date of~~

~~the adoption of this Article~~ who are, however, members of the Oklahoma Bar Association and who have been elected by the other active members of their district under procedures adopted by the Board of Governors of the Oklahoma Bar Association, until changed by statute; and

(3) one (1) member at large who shall not have been admitted to the practice of law in the State of Oklahoma or any other State, but who shall be a resident of the State of Oklahoma, to be selected by not less than eight (8) members of the Nominating Commission. In the event eight (8) members of the Commission cannot agree upon the member at large within thirty (30) days of ~~the initial organization of the Commission or within thirty (30) days of~~ a vacancy in ~~the member at large~~ such position, the Governor shall ~~make the appointment of the member at large~~ appoint that member.

If the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment.

The Commission shall elect one of its members to serve as Chairman for a term of one (1) year.

~~The six (6) lay members of the Commission who are appointed by the Governor shall be appointed within ninety (90) days from the date that this Article becomes effective. Two (2) members shall be appointed for a term of two (2) years, two (2) members for a term of four (4) years, and two (2) members for a term of six (6) years. The Oklahoma Bar Association shall hold its election and certify to the Secretary of State its members within ninety (90) days from the effective date of this Article, two (2) of whom shall be elected for a term of two (2) years, two (2) for a term of four (4) years, and two (2) for a term of six (6) years. Thereafter all~~ All of the members of the Commission, whether elected or appointed, shall serve for a term of six (6) years, except that the member ~~at large~~

selected pursuant to paragraph 3 of this subsection shall serve for a term of two (2) years.

(b) Vacancies arising during the term of any lay commissioner, other than the member ~~at large~~ selected pursuant to paragraph 3 of this subsection, shall be filled by appointment by the Governor for the remainder of his term. Vacancies of any lawyer commissioner shall be filled by the Board of Governors of the Oklahoma Bar Association for the remainder of his term.

(c) In the event of vacancy in the member ~~at large~~ position selected pursuant to paragraph 3 of this subsection, the said vacancy shall be filled in the same manner as the original selection.

(d) Of those Commissioners named by the Governor, not more than three (3) shall belong to any one political party.

(e) The concurrence of the majority of Commissioners in office at the time shall be sufficient to decide any question, unless otherwise provided herein. The Commission shall have jurisdiction to determine whether the qualifications of nominees to hold Judicial Office have been met and to determine the existence of vacancies on the Commission.

(f) No Commissioner, while a member of the Commission, shall hold any other public office by election or appointment or any official position in a political party and he shall not be eligible, while a member of the Commission and for five (5) years thereafter, for nomination as a Judicial Officer.

(g) Commissioners shall serve without compensation but the Legislature shall provide funds to reimburse them for their necessary travel and lodging expenses while performing their duties as such Commissioners.

(h) No Commissioner shall be permitted to succeed himself.

(i) As used herein, the words "Oklahoma Bar Association" shall include any successor thereof and any future form of the organized Bar of this State.

SECTION 2. 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 33A of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 33A. State Industrial Finance Authority.

The Legislature of the State of Oklahoma is hereby authorized to enact legislation creating a State Industrial Finance Authority, to be composed of the State Treasurer (who shall be an ex officio, non-voting member) and seven members, appointed by the Governor for overlapping terms, one of whom shall be the Director of the Department of Economic Development representing the State at large, and ~~one each from the present six Congressional Districts, at~~ with the remaining six members to be appointed, one from each congressional district with any remaining members to be appointed from the state at large. However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. At least five of ~~whom~~ the six members mentioned shall have had at least fifteen (15) years experience in banking, mortgage loans, or financial management, and the remaining member shall have demonstrated outstanding ability in business or industry, which Authority shall be, and is hereby, authorized to issue and sell State Industrial Finance Bonds in such amounts as shall be needed from time to time for the purposes herein provided, not to exceed in the aggregate Ninety Million Dollars ($90,000,000.00) outstanding at any one time, said bonds to be payable in full within thirty (30) years from their date, the proceeds whereof shall be deposited in the State Treasury in a fund

known as a State Industrial Revolving Loan Fund to be loaned, and reloaned, by said Authority only to Oklahoma incorporated industrial development agencies (whether profit or non-profit) in Oklahoma communities, which agencies shall first have been approved and qualified by said Authority, such loans to be secured either by first or second mortgage on the land, buildings and facilities of such industrial properties, whether existing or to be constructed, held for sale or lease to approved responsible industrial firms on such terms as will amortize such loans within a period of twenty-five (25) years or less, but in no event shall the state's participation exceed thirty-three and one-third percent (33 1/3%) of the total cost or value of such industrial properties when such loan is secured by a second mortgage on such industrial properties and sixty-six and two-thirds percent (66 2/3%) of the total cost or value of such industrial properties when such loan is secured by a first mortgage on such industrial properties. Provided, however that up to one-half of such monies in said fund may be used by said Authority to purchase federally guaranteed SBA loans or loans of similar federal programs for investment purposes. All bonds representing the state indebtedness herein authorized to be created by the State Industrial Finance Authority shall be backed by the full faith and credit of the State of Oklahoma, and there shall be pledged to the payment of principal and interest of the bonds herein authorized to be issued: (1) The net proceeds from repayment of loans and interest received thereon; (2) any moneys available from other funds of the State not otherwise obligated; and (3) the proceeds of any tax, other than ad valorem, which may be imposed for such purpose in the event funds available for use and pledge under (1) and (2) should be insufficient. The Legislature shall enact appropriate and needful legislation pertaining to procedure, terms and necessary covenants for issuance of the bonds herein authorized and establishing such safeguards and regulations governing the

lending of such funds as in its wisdom may be necessary to the vitalization of this Section, and helpful in carrying out the purpose and intent hereof; to aid and assist with Oklahoma's industrial development. The additional bonds as authorized herein shall only be sold as needed in increments not to exceed Ten Million Dollars ($10,000,000.00).

SECTION 3. 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 B-1 of Article XIII of the Constitution of the State of Oklahoma to read as follows:

Section B-1. Board of Regents of Oklahoma Colleges - Creation, members, terms, etc.

There is hereby created a Board to be known as the Board of Regents of Oklahoma Colleges, and shall consist of nine (9) members to be appointed by the Governor, by and with the consent of the Senate. The Governor shall appoint one (1) member to serve for one (1) year, one (1) member to serve for two (2) years, one (1) member to serve for three (3) years, one (1) member to serve for four (4) years, one (1) member to serve for five (5) years, one (1) member to serve for six (6) years, one (1) member to serve for seven (7) years, one (1) member to serve for eight (8) years, and one (1) member to serve for nine (9) years. Provided that one (1) member shall come from each Congressional District <u>and the remaining members shall come from the state at large</u> and the ninth (9th) member shall be the State Superintendent of Public Instruction. <u>However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment.</u> Their successors shall be appointed for a term of nine (9) years, and such appointments shall be made within ninety (90) days after the term expires. Vacancies shall be filled by the Governor within ninety

(90) days after the vacancy occurs. Each member of the Board, except the State Superintendent shall receive as compensation the sum of Ten ($10.00) Dollars per day, not to exceed sixty (60) days in any fiscal year while he is actually engaged in the performance of duties, and he shall also be allowed the necessary travel expenses as approved by the Board and paid in the manner provided by law. The Board shall elect a president and vice-president who shall perform such duties as the Board directs. No executive board meetings shall be held at any time unless such executive session is ordered by a unanimous vote of the Board. The personnel of the Board of Regents of the Oklahoma Colleges shall not include more than two (2) members from any one profession, vocation, or occupation. No member of the Board shall be eligible to be an officer, supervisor, president, instructor, or employee of any of the colleges set forth herein within two (2) years from the date of expiration of his term. Any member who fails to attend a board meeting more than two (2) consecutive meetings without the consent of a majority of the Board, his office shall be declared vacant by the Governor and his successor shall be appointed as provided herein.

SECTION 4. The Ballot Title for the proposed Constitutional 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 amends the Oklahoma Constitution. Presently, there are six congressional districts in Oklahoma. This number will be reduced to five in November of 2002. Some boards, commissions and authorities have members appointed from the current six districts. This measure amends these appointments to be based on the upcoming five districts.

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.

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