

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE JOINT

RESOLUTION HJR1047:

Hastings

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Sections 15 and 16 of Article IX of the Constitution of the State of Oklahoma; updating language; adding two Corporation Commissioners appointed by the Governor; providing for terms of office for the appointed Commissioners; providing for a vacancy in office for an appointed Commissioner; establishing qualifications of appointed Commissioners; clarifying language; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 49TH 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 15 of Article IX of the Constitution of the State of Oklahoma to read as follows:

Section 15. A Corporation Commission is hereby created, to be composed of ~~three~~ five persons, ~~who~~. Three of the Commissioners shall be elected by the people at a general election for State officers, and their. Two of the Commissioners shall be appointed by the Governor and confirmed by the Senate. The terms of office for the elected Commissioners 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.~~ Upon the effective date of this amendment, the Governor shall appoint one Commissioner for an initial term of office of one year and one Commissioner for an initial term of office of three years.

Thereafter the terms of office for the appointed Commissioners shall be six years. In case of a vacancy in ~~said~~ the office of an elected Commissioner, the Governor of the State shall fill such vacancy by appointment until the next general election, when a successor shall be elected to fill out any unexpired term. In case of a vacancy in the office of an appointed Commissioner, the Governor shall fill the vacancy for the balance of the term only.

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 16 of Article IX of the Constitution of the State of Oklahoma to read as follows:

Section 16. A. The qualifications of ~~such commissioners~~ elected Corporation Commissioners shall be as follows: ~~To be resident citizens~~

1. A resident citizen of this State for over two years ~~next~~ preceding the election, ~~and qualified voters;~~

2. A qualified voter under the Constitution and laws, ~~of this~~ State; and ~~not~~

3. Not less than thirty years of age; ~~nor shall such commissioners, or either of them,~~

B. The qualifications of appointed Corporation Commissioners shall be as follows:

1. A resident citizen of this State for over two years preceding the appointment;

2. A qualified voter under the Constitution and laws of this State;

3. Not less than thirty years of age; and

4. Have not less than ten years of experience or knowledge in the transportation or transmission business.

C. No Commissioners, either elected or appointed, shall 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.~~ If a Commissioner shall voluntarily ~~become so interested,~~ ~~his~~ acquire such interest, the office shall become vacant; ~~and if any Corporation.~~ If a Commissioner shall become so interested otherwise than voluntarily, ~~he~~ the Commissioner shall, within a reasonable time, divest ~~himself of~~ such interest; ~~and failing to do this, his.~~ If the Commissioner fails to divest the interest in a reasonable time, the office shall become vacant. ~~Nor shall any such commissioner~~

D. No Corporation Commissioners 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 a~~ a Commissioner, engage in any occupation or business inconsistent with ~~his~~ the duties ~~as such commissioner~~ of a Commissioner.

SECTION 3. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 and 2 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 adds two Corporation Commissioners. The two new Commissioners would be

appointed by the Governor. The Oklahoma State Senate would confirm the appointments. The measure sets the term of office and vacancy procedures, and qualifications for the two new Commissioners. The measure also updates language.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES \_\_\_\_\_

AGAINST THE PROPOSAL - NO \_\_\_\_\_

SECTION 4. 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 3 hereof, with the Secretary of State and one copy with the Attorney General.

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