

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE JOINT RESOLUTION NO. 1074

6 By: Martin (Scott)

7 COMMITTEE SUBSTITUTE

8 An Act directing the Secretary of State to refer to
9 the people for their approval or rejection proposed
10 amendments to the Constitution of the State of
11 Oklahoma by adding a new section to Article VI and by
12 amending Sections 10 and 31a of Article VI, Section 2
13 of Article XIII-A, Section 3 of Article XXV, Section
14 1 of Article XXVI and Section 1 of Article XXVIII;
15 providing the Governor certain appointment and
16 removal powers; making certain agencies, boards, and
17 commissions subject to specified appointment and
18 removal power of the Governor; providing ballot
19 title; and directing filing.

20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
21 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

22 SECTION 1. The Secretary of State shall refer to the people for
23 their approval or rejection, as and in the manner provided by law,
24 the following proposed amendments to the Constitution of the State
of Oklahoma by adding a new Section 14.1 to Article VI and by
amending Sections 10 and 31a of Article VI, Section 2 of Article
XIII-A, Section 3 of Article XXV, Section 1 of Article XXVI and

1 Section 1 of Article XXVIII of the Constitution of the State of
2 Oklahoma, to read as follows:

3 ARTICLE VI

4 Section 14.1 In addition to any appointments created by
5 expiring terms or vacancies provided by law, the Governor shall have
6 the power to appoint and replace up to forty percent (40%) of
7 gubernatorial appointments on any agency, board, or commission
8 within the first twelve (12) months of the Governor's term of
9 office.

10 Section 10. There is hereby created a Pardon and Parole Board
11 to be composed of five members; three to be appointed by the
12 Governor; one by the Chief Justice of the Supreme Court; one by the
13 Presiding Judge of the Criminal Court of Appeals or its successor.
14 An attorney member of the Board shall be prohibited from
15 representing in the courts of this state persons charged with felony
16 offenses. The appointed members shall hold their offices
17 coterminous with that of the Governor and shall be removable for
18 cause ~~only~~ in the manner provided by law for elective officers not
19 liable to impeachment. Members of the Board appointed by the
20 Governor shall be subject to the provisions of Section 14.1 of this
21 Article. It shall be the duty of the Board to make an impartial
22 investigation and study of applicants for commutations, pardons or
23 paroles, and by a majority vote make its recommendations to the
24 Governor of all deemed worthy of clemency. Provided, the Pardon and

1 Parole Board shall have no authority to make recommendations
2 regarding parole for convicts sentenced to death or sentenced to
3 life imprisonment without parole.

4 The Governor shall have the power to grant, after conviction and
5 after favorable recommendation by a majority vote of the said Board,
6 commutations, pardons and paroles for all offenses, except cases of
7 impeachment, upon such conditions and with such restrictions and
8 limitations as he may deem proper, subject to such regulations as
9 may be prescribed by law. Provided, the Governor shall not have the
10 power to grant paroles if a convict has been sentenced to death or
11 sentenced to life imprisonment without parole. The Legislature
12 shall have the authority to prescribe a minimum mandatory period of
13 confinement which must be served by a person prior to being eligible
14 to be considered for parole. The Governor shall have power to grant
15 after conviction, reprieves, or leaves of absence not to exceed
16 sixty (60) days, without the action of said Board.

17 He shall communicate to the Legislature, at each regular
18 session, each case of reprieve, commutation, parole or pardon,
19 granted, stating the name of the convict, the crime of which he was
20 convicted, the date and place of conviction, and the date of
21 commutation, pardon, parole and reprieve.

22 Section 31a. There is hereby created a Board of Regents for the
23 Oklahoma Agricultural and Mechanical College and all Agricultural
24 and Mechanical Schools and Colleges maintained in whole or in part

1 by the State. The Board shall consist of nine (9) members, eight
2 (8) members to be appointed by the Governor by and with the advice
3 and consent of the Senate, a majority of whom shall be farmers, and
4 the ninth member shall be the President of the State Board of
5 Agriculture. Any vacancy occurring among the appointed members
6 shall be filled by appointment of the Governor by and with the
7 advice and consent of the Senate. The members of the Board shall be
8 removable ~~only~~ for cause as provided by law for the removal of
9 officers not subject to impeachment. Members of the Board appointed
10 by the Governor shall be subject to the provisions of Section 14.1
11 of this Article. The members shall be appointed for terms of eight
12 (8) years each, with one term expiring each year, provided that the
13 members of the first Board shall be appointed for terms of from one
14 (1) to eight (8) years respectively. Provided that no State,
15 National or County officer shall ever be appointed as a member of
16 said Board of Regents until two years after his tenure as such
17 officer has ceased.

18 ARTICLE XIII-A

19 Section 2. There is hereby established the Oklahoma State
20 Regents for Higher Education, consisting of nine (9) members, whose
21 qualifications may be prescribed by law. The Board shall consist of
22 nine (9) members appointed by the Governor, and confirmed by the
23 Senate, and who shall be removable ~~only~~ for cause, as provided by
24 law for the removal of officers not subject to impeachment. Members

1 of the Board shall be subject to the provisions of Section 14.1 of
2 Article VI of this Constitution. Upon the taking effect of this
3 Article, the Governor shall appoint the said Regents for terms of
4 office as follows: one for a term of one year, one for a term of
5 two years, one for a term of three years, one for a term of four
6 years, one for a term of five years, one for a term of six years,
7 one for a term of seven years, one for a term of eight years, and
8 one for a term of nine years. Any appointment to fill a vacancy
9 shall be for the balance of the term only. Except as above
10 designated, the term of office of said Regents shall be nine years
11 or until their successors are appointed and qualified.

12 The Regents shall constitute a coordinating board of control for
13 all State institutions described in Section 1 hereof, with the
14 following specific powers: (1) it shall prescribe standards of
15 higher education applicable to each institution; (2) it shall
16 determine the functions and courses of study in each of the
17 institutions to conform to the standards prescribed; (3) it shall
18 grant degrees and other forms of academic recognition for completion
19 of the prescribed courses in all of such institutions; (4) it shall
20 recommend to the State Legislature the budget allocations to each
21 institution, and; (5) it shall have the power to recommend to the
22 Legislature proposed fees for all of such institutions, and any such
23 fees shall be effective only within the limits prescribed by the
24 Legislature.

1 ARTICLE XXV

2 Section 3. The Department of Public Welfare shall be under the
3 control of a commission to be known as the Oklahoma Public Welfare
4 Commission, composed of nine members appointed by the Governor and
5 selected on the basis of recognized interest in and knowledge of the
6 problems of public welfare. Each member of the Commission shall be
7 at least thirty years of age, shall be a citizen of the United
8 States, and shall have been a qualified elector of Oklahoma at least
9 five years next preceding his or her appointment. Members of the
10 Commission or any person employed by and working under direction of
11 said Commission may be of either sex. Immediately upon the taking
12 effect of this Article, the Governor shall appoint the members of
13 said Commission for terms of office as follows: One member for a
14 term of one year, one member for a term of two years, one member for
15 a term of three years, one member for a term of four years, one
16 member for a term of five years, one member for a term of six years,
17 one member for a term of seven years, one member for a term of eight
18 years and one member for a term of nine years. Except as above
19 designated, the term of office of the members of said Commission
20 shall be nine years or until their successors are appointed and
21 qualified. Members of the Commission shall be subject to the
22 provisions of Section 14.1 of Article VI of this Constitution. The
23 Governor shall designate one member of the Commission as chairman.
24 Members of the Commission shall receive no compensation for their

1 services but shall be allowed necessary traveling and other expenses
2 actually incurred while in the performance of their official duties.
3 The Governor shall have the power to fill vacancies on the
4 Commission for the remainder of the unexpired term.

5 ~~No member of said Commission shall be subject to removal by the~~
6 ~~Governor, but any such~~ Any member of the Commission shall be
7 ~~removable only in the manner and for the causes now provided in~~
8 ~~Article 2, Chapter 20, Oklahoma Statutes 1931~~ cause, as provided by
9 law for the removal of officers not subject to impeachment. The
10 venue of actions for removal shall be in Oklahoma County.

11 ARTICLE XXVI

12 Section 1. There is hereby created a Department of Wildlife
13 Conservation of the State of Oklahoma and an Oklahoma Wildlife
14 Conservation Commission. The Department of Wildlife Conservation
15 shall be governed by the Wildlife Conservation Director, hereinafter
16 created, under such rules, regulations and policies as may be
17 prescribed from time to time by the Oklahoma Wildlife Conservation
18 Commission. Such rules and regulations and amendments thereof shall
19 be filed and recorded in the office of the Secretary of State, and
20 shall become effective on the tenth (10th) day following such
21 filing.

22 Said Commission shall be composed of eight (8) members to be
23 appointed by the Governor by and with the consent of the Senate and
24 shall be removable ~~only~~ for cause, as provided by law for the

1 removal of officers not subject to impeachment; one (1) member from
2 each of eight (8) districts as the same are presently defined by
3 Title 29 O.S. 1951, Section 104. The term of office of each such
4 member shall be eight (8) years, except that the first appointed
5 members shall hold office for terms as follows: the member
6 appointed from the first district shall hold office until July 1st
7 following his appointment, and the members appointed from the
8 second, third, fourth, fifth, sixth, seventh and eighth districts
9 shall hold office until July 1st of the second, third, fourth,
10 fifth, sixth, seventh and eighth succeeding calendar years,
11 respectively. Members of the Commission shall be subject to the
12 provisions of Section 14.1 of Article VI of this Constitution. In
13 the event the Governor fails to fill a vacancy within thirty (30)
14 days following such vacancy, the remaining members of the Commission
15 may appoint a qualified person to fill such vacancy for the
16 unexpired portion of the term.

17 The members of the Commission shall receive no salary or other
18 compensation for their services, other than per diem and expenses as
19 may be authorized by the Legislature.

20 Each member of the Commission shall take the oaths required of
21 other State officers, and each shall execute a good and sufficient
22 corporate surety bond in the sum of Ten Thousand Dollars
23 (\$10,000.00) payable to the State of Oklahoma, and conditioned upon
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1 the faithful performance of duty, and the premium thereon shall be
2 payable by the State.

3 ARTICLE XXVIII

4 Section 1. There is hereby created the Alcoholic Beverage Laws
5 Enforcement Commission. The purpose of the Commission shall be to
6 enforce the alcoholic beverage laws of the State, and the Commission
7 shall have such power and authority to enforce such laws, rules and
8 regulations as shall be prescribed by the Legislature.

9 The Commission shall consist of seven (7) members, to be
10 appointed by the Governor with the advice and consent of the State
11 Senate. Five (5) of the members shall be at-large members
12 representing the lay citizenry. The remaining two (2) members shall
13 be persons with law enforcement experience in the State. Any time
14 there is a vacancy on the Commission the Governor shall appoint a
15 replacement, with the advice and consent of the State Senate, within
16 ninety (90) days. Members of the Commission shall be appointed for
17 a term of five (5) years. The Commission shall appoint a Director,
18 whose duties shall be defined by the Legislature. No more than four
19 (4) members of the Commission shall be appointed from the same
20 political party. No more than two (2) members of the Commission
21 shall be appointed from the same federal congressional district.

22 No member of the Commission shall hold any license authorized by
23 this Article, or have any interest in any capacity, in the
24 manufacture, sale, distribution or transportation of alcoholic

1 beverages. The members of the Commission shall be removable from
2 office for cause as other officers not subject to impeachment.
3 Members of the Commission shall be subject to the provisions of
4 Section 14.1 of Article VI of this Constitution.

5 SECTION 2. The Ballot Title for the proposed Constitutional
6 amendments as set forth in SECTION 1 of this resolution shall be in
7 the following form:

8 BALLOT TITLE

9 Legislative Referendum No. _____ State Question No. _____

10 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

11 This measure amends the Oklahoma Constitution. It creates
12 Section 14.1 of Article 6. This measure allows the Governor to
13 replace certain persons who are appointed by the Governor. The
14 Governor can replace up to forty percent of these appointments.
15 The appointments can be made to any agency, board, or commission
16 under the Executive Branch. The Governor must make the
17 appointments within the first twelve months in office. The
18 measure also amends other sections of the Constitution to comply
19 with the new section.

20 SHALL THE PROPOSAL BE APPROVED?

21 FOR THE PROPOSAL — YES _____

22 AGAINST THE PROPOSAL — NO _____

23 SECTION 3. The Chief Clerk of the House of Representatives,
24 immediately after the passage of this resolution, shall prepare and

1 file one copy thereof, including the Ballot Title set forth in
2 SECTION 2 hereof, with the Secretary of State and one copy with the
3 Attorney General.

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