

1 ENGROSSED HOUSE
JOINT
2 RESOLUTION NO. 1077

By: Johnson (Rob) of the House

3 and

4 Crain of the Senate
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7 A Joint Resolution directing the Secretary of State
8 to refer to the people for their approval or
9 rejection proposed amendments to Sections 1 and 8 of
10 Article VII and Section 4 of Article VII-B of the
11 Constitution of the State of Oklahoma; requiring
12 Senate confirmation of certain appointments and
13 reappointments to judicial positions; providing
14 ballot title; and directing filing.

15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
16 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

17 SECTION 1. The Secretary of State shall refer to the people for
18 their approval or rejection, as and in the manner provided by law,
19 the following proposed amendments to Sections 1 and 8 of Article VII
20 and Section 4 of Article VII-B of the Constitution of the State of
21 Oklahoma to read as follows:

22 ARTICLE VII

23 Section 1. The judicial power of this State shall be vested in
24 the Senate, sitting as a Court of Impeachment, a Supreme Court, the
Court of Criminal Appeals, the Court on the Judiciary, the ~~State~~
~~Industrial Workers' Compensation~~ Court, the Court of Bank Review,

1 the Court of Tax Review, and such intermediate appellate courts as
2 may be provided by statute, District Courts, and such Boards,
3 Agencies and Commissions created by the Constitution or established
4 by statute as exercise adjudicative authority or render decisions in
5 individual proceedings. Provided that the Court of Criminal
6 Appeals, the ~~State Industrial~~ Workers' Compensation Court, the Court
7 of Bank Review and the Court of Tax Review and such Boards, Agencies
8 and Commissions as have been established by statute shall continue
9 in effect, subject to the power of the Legislature to change or
10 abolish said Courts, Boards, Agencies, or Commissions. Municipal
11 Courts in cities or incorporated towns shall continue in effect and
12 shall be subject to creation, abolition or alteration by the
13 Legislature by general laws, but shall be limited in jurisdiction to
14 criminal and traffic proceedings arising out of infractions of the
15 provisions of ordinances of cities and towns or of duly adopted
16 regulations authorized by such ordinances. Any appointment by the
17 Governor to fill a position, as provided by law, on an intermediate
18 appellate court shall be confirmed by a majority of the Senate. Any
19 appointment or reappointment, as provided by law, by the Governor to
20 fill a position on the Workers' Compensation Court shall be
21 confirmed by a majority of the Senate.

22 Section 8. (a) The Judges of the District Court shall be
23 District Judges, Associate District Judges, and Special Judges.

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1 Each District Judge, each Associate District Judge, and each Special
2 Judge shall be selected according to the provisions of this Article.

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

5 (c) Common Pleas, County, Children's and Juvenile Court Judges
6 shall become Associate District Judges in the following manner:
7 Those Judges whose terms expire after the effective date of this
8 Article shall become Associate District Judges on the effective date
9 of this Article. Those Judges whose terms expire on or before the
10 effective date of this Article, shall be subject to selection, in a
11 manner provided by law, as Associate District Judges for a term
12 expiring the day preceding the second Monday in January, 1971, and
13 the selectees shall become Associate District Judges on the
14 effective date of this Article.

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

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

4 (f) The terms of District Judges and Associate District Judges
5 shall be for four years commencing on the second Monday of January
6 in 1971 and vacancies shall be filled in the manner provided by law;
7 provided, any vacancy filled by appointment by the Governor shall
8 require confirmation by a majority of the Senate.

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

20 (h) The District Judges in each judicial administrative
21 district shall appoint special judges to serve at their pleasure.
22 The District Judges may appoint a nonlawyer as a special judge if no
23 qualified licensed attorney is available. The jurisdiction of
24 Special Judges shall be limited as may be prescribed by statute.

1 The formula used for the number of special judges to be allowed to
2 each judicial administrative district shall be set by the
3 Legislature. All judges of special sessions courts shall become
4 Special Judges for the remainder of their terms.

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

8 ARTICLE VII-B

9 Section 4. When a vacancy in any Judicial Office, however
10 arising, occurs or is certain to occur, the Judicial Nominating
11 Commission shall choose and submit to the Governor and the Chief
12 Justice of the Supreme Court three (3) nominees, each of whom has
13 previously notified the Commission in writing that he will serve as
14 a Judicial Officer if appointed. The Governor shall appoint one (1)
15 of the nominees to fill the vacancy, but if ~~he~~ the Governor fails to
16 do so within sixty (60) days the Chief Justice of the Supreme Court
17 shall appoint one (1) of the nominees, the appointment to be
18 certified by the Secretary of State. Any appointment by the
19 Governor to fill a Judicial Office shall be confirmed by a majority
20 of the Senate.

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

24 BALLOT TITLE

1 Legislative Referendum No. _____ State Question No. _____

2 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

3 This measure would amend the Oklahoma Constitution. It would
4 amend Sections 1 and 8 of Article 7. It would amend Section 4
5 of Article 7-B. These sections deal with judges and justices.
6 The two sections in Article 7 deal with all judges and justices.
7 The section in Article 7-B deals with the Supreme Court and the
8 Court of Criminal Appeals. This measure will require that the
9 Senate approve any person chosen by the Governor to fill a
10 judicial position.

11 SHALL THE PROPOSAL BE APPROVED?

12 FOR THE PROPOSAL - YES _____

13 AGAINST THE PROPOSAL - NO _____

14 SECTION 3. The Chief Clerk of the House of Representatives,
15 immediately after the passage of this resolution, shall prepare and
16 file one copy thereof, including the Ballot Title set forth in
17 SECTION 2 hereof, with the Secretary of State and one copy with the
18 Attorney General.

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1 Passed the House of Representatives the 12th day of March, 2008.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2008.

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9 Presiding Officer of the Senate
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