

THE HOUSE OF REPRESENTATIVES
Monday, April 14, 2008

Committee Substitute for
ENGROSSED
Senate Joint
Resolution No. 36

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE JOINT RESOLUTION NO. 36 - By: CRAIN AND GARRISON of the Senate and JOHNSON (ROB) AND SEARS of the House.

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

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

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

5 ARTICLE VII

6 Section 1. The judicial power of this State shall be vested in the Senate, sitting as a
7 Court of Impeachment, a Supreme Court, the Court of Criminal Appeals, the Court on

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

18 Section 8. (a) The Judges of the District Court shall be District Judges, Associate
19 District Judges, and Special Judges. Each District Judge, each Associate District Judge,
20 and each Special Judge shall be selected according to the provisions of this Article.

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

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

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

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

20 (f) The terms of District Judges and Associate District Judges shall be for four
21 years commencing on the second Monday of January in 1971 and vacancies shall be filled

1 in the manner provided by law; provided, any vacancy filled by appointment by the
2 Governor shall require confirmation by a majority of the Senate.

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

11 (h) The District Judges in each judicial administrative district shall appoint special
12 judges to serve at their pleasure. The District Judges may appoint a nonlawyer as a
13 special judge if no qualified licensed attorney is available. The jurisdiction of Special
14 Judges shall be limited as may be prescribed by statute. The formula used for the
15 number of special judges to be allowed to each judicial administrative district shall be set
16 by the Legislature. All judges of special sessions courts shall become Special Judges for
17 the remainder of their terms.

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

20 ARTICLE VII-B

21 Section 4. When a vacancy in any Judicial Office, however arising, occurs or is
22 certain to occur, the Judicial Nominating Commission shall choose and submit to the

1 Governor and the Chief Justice of the Supreme Court three (3) nominees, each of whom
2 has previously notified the Commission in writing that he will serve as a Judicial Officer
3 if appointed. The Governor shall appoint one (1) of the nominees to fill the vacancy, but
4 if ~~he~~ the Governor fails to do so within sixty (60) days the Chief Justice of the Supreme
5 Court shall appoint one (1) of the nominees, the appointment to be certified by the
6 Secretary of State. Any appointment by the Governor to fill a Judicial Office shall be
7 confirmed by a majority of the Senate.

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

10 BALLOT TITLE

11 Legislative Referendum No. ____ State Question No. ____

12 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

19 SHALL THE PROPOSAL BE APPROVED?

20 FOR THE PROPOSAL — YES _____

21 AGAINST THE PROPOSAL — NO _____

1 SECTION 3. The President Pro Tempore of the Senate shall, immediately after the
2 passage of this resolution, prepare and file one copy thereof, including the Ballot Title set
3 forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney
4 General.
5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04-10-08 - DO PASS, As
6 Amended and Coauthored.