

1 ENGROSSED HOUSE AMENDMENT
TO

2 ENGROSSED SENATE JOINT
3 RESOLUTION NO. 27

By: Anderson and Jolley of
the Senate

4 and

5 Sullivan of the House

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9 (Judicial Nominating Commission -

10 composition)

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13 AMENDMENT NO. 1. Strike the stricken title, resolving clause and
14 entire resolution and insert

15 "A Joint Resolution directing the Secretary of State
16 to refer to the people for their approval or
17 rejection a proposed amendment to Section 3 of
18 Article VII-B of the Oklahoma Constitution;
19 modifying the composition of the Judicial Nominating
20 Commission; making language gender neutral;
21 providing ballot title; and directing filing.

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21 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
22 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

23 SECTION 1. The Secretary of State shall refer to the people for
24 their approval or rejection, as and in the manner provided by law,

1 the following proposed amendment to Section 3 of Article VII-B of
2 the Oklahoma Constitution to read as follows:

3 Section 3. (a) There is established as a part of the Judicial
4 Department a Judicial Nominating Commission of ~~thirteen (13)~~ fifteen
5 (15) members, to consist of:

6 (1) six ~~(6)~~ members to be appointed by the Governor, which
7 shall include at least one (1) from each congressional district
8 established by the Statutes of Oklahoma and existing at the date of
9 the adoption of this Article, none of whom shall be admitted to
10 practice law in the State of Oklahoma or have any immediate family
11 member who has been admitted to the practice of law in the State of
12 Oklahoma or any other state;

13 (2) six ~~(6)~~ members, which shall include at least one (1) from
14 each congressional district established by the Statutes of Oklahoma
15 and existing at the date of the adoption of this Article who are,
16 however, members of the Oklahoma Bar Association and who have been
17 elected by the other active members of their district under
18 procedures adopted by the Board of Governors of the Oklahoma Bar
19 Association, until changed by statute; and

20 (3) ~~one (1) member~~ three members at large who shall not have
21 been admitted to the practice of law in the State of Oklahoma or any
22 other state, or have any immediate family member who has been
23 admitted to the practice of law in the State of Oklahoma or any
24 other state but who shall be a resident of the State of Oklahoma,

1 one to be selected by not less than eight ~~(8)~~ members of the
2 Nominating Commission. In the event eight ~~(8)~~ members of the
3 Commission cannot agree upon the member at large within thirty (30)
4 days of the initial organization of the Commission or within thirty
5 (30) days of a vacancy in the member at large position, the Governor
6 shall make the appointment of the member at large; one to be
7 selected by the President Pro Tempore of the Senate; and one to be
8 selected by the Speaker of the House of Representatives. No more
9 than two members at large shall belong to any one political party.

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

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

1 (b) Vacancies arising during the term of any lay commissioner,
2 other than the member at large, shall be filled by appointment by
3 the Governor for the remainder of his or her term. Vacancies of any
4 lawyer commissioner shall be filled by the Board of Governors of the
5 Oklahoma Bar Association for the remainder of his or her term.

6 (c) In the event of vacancy in the member at large position,
7 the said vacancy shall be filled in the same manner as the original
8 selection.

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

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

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

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

3 (h) No Commissioner shall be permitted to succeed himself or
4 herself.

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

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

11 BALLOT TITLE

12 Legislative Referendum No. _____ State Question No. _____

13 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

14 The measure amends Section 3 of Article 7-B of the Oklahoma
15 Constitution. It amends sections that set up the Judicial
16 Nominating Commission. This Commission chooses people to
17 nominate for judge or justice if there is a vacancy. The
18 Commission sends the names of three people to the Governor. The
19 Governor picks one of the three to fill the vacancy. This
20 amendment would change the number of members on the Commission
21 from thirteen to fifteen. It will allow the President Pro
22 Tempore of the Senate to pick one member and the Speaker of the
23 House of Representatives to pick one member.

24 SHALL THE PROPOSAL BE APPROVED?

1 FOR THE PROPOSAL - YES _____

2 AGAINST THE PROPOSAL - NO _____

3 SECTION 3. The President Pro Tempore of the Senate shall,
4 immediately after the passage of this resolution, prepare and file
5 one copy thereof, including the Ballot Title set forth in SECTION 2
6 hereof, with the Secretary of State and one copy with the Attorney
7 General."

8 Passed the House of Representatives the 23rd day of April, 2009.

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Presiding Officer of the House of
Representatives

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13 Passed the Senate the ____ day of _____, 2009.

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Presiding Officer of the Senate

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