

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR
5 SENATE JOINT
6 RESOLUTION NO. 27

By: Anderson

7 COMMITTEE SUBSTITUTE

8 A Joint Resolution directing the Secretary of State
9 to refer to the people for their approval or
10 rejection a proposed amendment to Section 3 of
11 Article VII-B of the Oklahoma Constitution; modifying
12 the composition of the Judicial Nominating
13 Commission; making language gender neutral; providing
14 ballot title; and directing filing.

15 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
16 1ST SESSION OF THE 52ND 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 amendment to Section 3 of Article VII-B of
20 the Oklahoma Constitution to read as follows:

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

24 (1) six ~~(6)~~ members to be appointed by the Governor, which
shall include at least one ~~(1)~~ from each congressional district

1 established by the Statutes of Oklahoma and existing at the date of
2 the adoption of this Article, none of whom shall be admitted to
3 practice law in the State of Oklahoma;

4 (2) six ~~(6)~~ members, which shall include at least one ~~(1)~~ from
5 each congressional district established by the Statutes of Oklahoma
6 and existing at the date of the adoption of this Article who are,
7 however, members of the Oklahoma Bar Association and who have been
8 elected by the other active members of their district under
9 procedures adopted by the Board of Governors of the Oklahoma Bar
10 Association, until changed by statute; and

11 (3) ~~one (1) member~~ three members at large who shall not have
12 been admitted to the practice of law in the State of Oklahoma or any
13 other state, but who shall be a resident of the State of Oklahoma,
14 one to be selected by not less than eight ~~(8)~~ members of the
15 Nominating Commission. In the event eight ~~(8)~~ members of the
16 Commission cannot agree upon the member at large within thirty (30)
17 days of the initial organization of the Commission or within thirty
18 (30) days of a vacancy in the member at large position, the Governor
19 shall make the appointment of the member at large; one to be
20 selected by the President Pro Tempore of the Senate; and one to be
21 selected by the Speaker of the House of Representatives.

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

24

1 The six ~~(6)~~ lay members of the Commission who are appointed by
2 the Governor shall be appointed within ninety (90) days from the
3 date that this Article becomes effective. Two ~~(2)~~ members shall be
4 appointed for a term of two (2) years, two ~~(2)~~ members for a term of
5 four (4) years, and two ~~(2)~~ members for a term of six (6) years.
6 The Oklahoma Bar Association shall hold its election and certify to
7 the Secretary of State its members within ninety (90) days from the
8 effective date of this Article, two ~~(2)~~ of whom shall be elected for
9 a term of two (2) years, two ~~(2)~~ for a term of four (4) years, and
10 two ~~(2)~~ for a term of six (6) years. Thereafter all of the members
11 of the Commission, whether elected or appointed, shall serve for a
12 term of six (6) years, except that the member at large shall serve
13 for a term of two (2) years.

14 (b) Vacancies arising during the term of any lay commissioner,
15 other than the member at large, shall be filled by appointment by
16 the Governor for the remainder of his or her term. Vacancies of any
17 lawyer commissioner shall be filled by the Board of Governors of the
18 Oklahoma Bar Association for the remainder of his or her term.

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

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

24

1 (e) The concurrence of the majority of Commissioners in office
2 at the time shall be sufficient to decide any question, unless
3 otherwise provided herein. The Commission shall have jurisdiction
4 to determine whether the qualifications of nominees to hold Judicial
5 Office have been met and to determine the existence of vacancies on
6 the Commission.

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

12 (g) Commissioners shall serve without compensation but the
13 Legislature shall provide funds to reimburse them for their
14 necessary travel and lodging expenses while performing their duties
15 as such Commissioners.

16 (h) No Commissioner shall be permitted to succeed himself or
17 herself.

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

21 SECTION 2. The Ballot Title for the proposed Constitutional
22 amendment 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 The measure amends Section 3 of Article 7-B of the Oklahoma
4 Constitution. It amends sections that set up the Judicial
5 Nominating Commission. This Commission chooses people to
6 nominate for judge or justice if there is a vacancy. The
7 Commission sends the names of three people to the Governor. The
8 Governor picks one of the three to fill the vacancy. This
9 amendment would change the number of members on the Commission
10 from thirteen to fifteen. It will allow the President Pro
11 Tempore of the Senate to pick one member and the Speaker of the
12 House of Representatives to pick one member.

13 SHALL THE PROPOSAL BE APPROVED?

14 FOR THE PROPOSAL - YES _____

15 AGAINST THE PROPOSAL - NO _____

16 SECTION 3. The President Pro Tempore of the Senate shall,
17 immediately after the passage of this resolution, prepare and file
18 one copy thereof, including the Ballot Title set forth in SECTION 2
19 hereof, with the Secretary of State and one copy with the Attorney
20 General.

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