

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE JOINT
6 RESOLUTION NO. 1028

By: Duncan

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8 COMMITTEE SUBSTITUTE

9 A Joint Resolution directing the Secretary of State to refer to the people for their
10 approval or rejection a proposed new section of Article VII of the Constitution
11 of the State of Oklahoma; requiring the Oklahoma Bar Association to submit
12 certain rules and canons to the Legislature upon promulgation and adoption;
13 providing for approval, disapproval, approval in part, and amendment to
14 submitted rules by the Legislature; providing date by which rule shall be
15 submitted; providing time limit for certain action; requiring written notification
16 of approval, approval in part, or amendment of rule to the Oklahoma Bar
17 Association; requiring return and written notification of reasons for disapproval;
18 providing outcome if Legislature fails to approve a rule; providing ballot title;
19 and directing filing.

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

24 SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as
and in the manner provided by law, the following proposed amendment to the Constitution of the State
of Oklahoma by adding a new Section 17 to Article VII thereof, to read as follows:

Section 17. A. Upon the promulgation and adoption of any rule adopted for inclusion in the
Oklahoma Rules of Professional Conduct, any canon adopted for inclusion in the Code of Judicial
Conduct, any court rule adopted for inclusion in the Rules for District Courts of Oklahoma or

1 Oklahoma Supreme Court Rules, and any rule governing admission to the practice of law in the State
2 of Oklahoma, the Oklahoma Bar Association shall submit the adopted rule or canon to the Legislature
3 for review on or before April 1 of each year. The Legislature shall have the power to approve,
4 disapprove, approve in part, and amend the adopted rule.

5 B. The Legislature shall have thirty (30) calendar days from receipt of a rule to approve,
6 disapprove, approve in part, or amend the adopted rule.

7 1. If the Legislature approves, approves in part, or amends the rule, the Legislature shall
8 immediately notify the Oklahoma Bar Association in writing of the approval, approval in part, or
9 amendment to the rule.

10 2. If the Legislature disapproves the adopted rule, the Legislature shall return the entire
11 document to the Oklahoma Bar Association with reasons in writing for the disapproval of the entire
12 rule.

13 3. If the Legislature approves the rule in part, the Legislature shall return the portions of the
14 document that were not approved to the Oklahoma Bar Association with reasons in writing for the
15 portions of the rule that were not approved.

16 C. Failure of the Legislature to disapprove a rule within the specified period shall constitute
17 approval of the rule.

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

20 **BALLOT TITLE**

21 Legislative Referendum No. ____ State Question No. ____

22 THE GIST OF THE PROPOSITION IS AS FOLLOWS:
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1 This measure creates a new section of the Oklahoma Constitution. It creates a new section in
2 Article 7. This section will allow the Legislature to approve, disapprove, change, or approve part
3 of a rule. The rule that the Legislature can approve, disapprove, change, or approve a part of,
4 must be a rule that has been created and adopted by the Oklahoma Bar Association. The
5 Oklahoma Bar Association must give the rule to the Legislature by April 1 of each year. The
6 Legislature has thirty days to approve, disapprove, change, or approve part of the rule. If the
7 Legislature approves the rule, it has to immediately tell the Oklahoma Bar Association. If the
8 Legislature does not approve the rule, it must return the rule to the Oklahoma Bar Association
9 and tell it why it did not approve the rule. If the Legislature does not disapprove the rule within
10 thirty days, the rule is considered approved.

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, immediately after the passage of
15 this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION
16 2 hereof, with the Secretary of State and one copy with the Attorney General.

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18 52-1-6695 LRB 02/05/09
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