

THE HOUSE OF REPRESENTATIVES
Monday, February 9, 2009

Committee Substitute for
House Joint
Resolution No. 1028

COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 1028 - By:
DUNCAN of the House.

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

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF
THE 1ST SESSION OF THE 52ND 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 amendment to
3 the Constitution of the State of Oklahoma by adding a new Section 17 to Article VII
4 thereof, to read as follows:

5 Section 17. A. Upon the promulgation and adoption of any rule adopted for
6 inclusion in the Oklahoma Rules of Professional Conduct, any canon adopted for

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

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

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

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

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

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

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

22 **BALLOT TITLE**

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Legislative Referendum No. ____ State Question No. ____

2 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

14 SHALL THE PROPOSAL BE APPROVED?

15 FOR THE PROPOSAL — YES _____

16 AGAINST THE PROPOSAL — NO _____

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

21 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02-05-09 - DO PASS, As
22 Amended.