

THE HOUSE OF REPRESENTATIVES  
Monday, April 6, 2009

Committee Substitute for  
ENGROSSED  
Senate Joint  
Resolution No. 27

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE JOINT RESOLUTION NO.  
27 - By: ANDERSON AND JOLLEY of the Senate and SULLIVAN of the House.

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

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES 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 Section 3 of Article VII-B of the Oklahoma Constitution to read as follows:

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

6 (1) ~~six (6)~~ members to be appointed by the Governor, which shall include at least  
7 ~~one (1)~~ from each congressional district established by the Statutes of Oklahoma and

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

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

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

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

20 The six ~~(6)~~ lay members of the Commission who are appointed by the Governor  
21 shall be appointed within ninety (90) days from the date that this Article becomes  
22 effective. Two ~~(2)~~ members shall be appointed for a term of two (2) years, two ~~(2)~~

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

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

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

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

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

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

21 (f) No Commissioner, while a member of the Commission, shall hold any other  
22 public office by election or appointment or any official position in a political party and he

1 or she shall not be eligible, while a member of the Commission and for five (5) years  
2 thereafter, for nomination as a Judicial Officer.

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

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

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

9 SECTION 2. The Ballot Title for the proposed Constitutional amendment as set  
10 forth in SECTION 1 of this resolution shall be in 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 Constitution. It  
15 amends sections that set up the Judicial Nominating Commission. This  
16 Commission chooses people to nominate for judge or justice if there is a vacancy.  
17 The Commission sends the names of three people to the Governor. The Governor  
18 picks one of the three to fill the vacancy. This amendment would change the  
19 number of members on the Commission from thirteen to fifteen. It will allow the  
20 President Pro Tempore of the Senate to pick one member and the Speaker of the  
21 House of Representatives to pick one member.

22 SHALL THE PROPOSAL BE APPROVED?

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1 FOR THE PROPOSAL — YES \_\_\_\_\_

2 AGAINST THE PROPOSAL — NO \_\_\_\_\_

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

7 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04-02-09 - DO PASS, As  
8 Amended.

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