

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE JOINT
4 RESOLUTION 1082

By: Martin (Scott)

5
6 AS INTRODUCED

7
8 An Act directing the Secretary of State to refer to
9 the people for their approval or rejection a proposed
10 amendment to the Constitution of the State of
11 Oklahoma by adding a new section to Article VI to be
12 designated as Section 14.1 and proposed amendments to
13 Sections 10 and 31a of Article VI, Section 2 of
14 Article XIII-A, Section 3 of Article XXV, Sections 1
15 and 3 of Article XXVI and Section 1 of Article XXVIII
16 of the Constitution of the State of Oklahoma;
17 providing the Governor certain appointment powers;
18 modifying removal powers of certain agencies, boards,
19 and commissions; providing ballot title; and
20 directing filing.

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23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
24 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

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 14.1 to Article VI thereof, to read
as follows:

Section 14.1 In addition to any appointments created by
expiring terms or vacancies provided by law, the Governor shall have

1 the power to appoint and replace up to forty percent (40%) of
2 gubernatorial appointments on any agency, board, or commission
3 within the first twelve (12) months in office.

4 SECTION 2. The Secretary of State shall refer to the people for
5 their approval or rejection, as and in the manner provided by law,
6 the following proposed amendment to Section 10 of Article VI of the
7 Constitution of the State of Oklahoma to read as follows:

8 Section 10. There is hereby created a Pardon and Parole Board
9 to be composed of five members; three to be appointed by the
10 Governor; one by the Chief Justice of the Supreme Court; one by the
11 Presiding Judge of the Criminal Court of Appeals or its successor.
12 An attorney member of the Board shall be prohibited from
13 representing in the courts of this state persons charged with felony
14 offenses. The appointed members shall hold their offices
15 coterminous with that of the Governor ~~and shall be removable for~~
16 ~~cause only in the manner provided by law for elective officers not~~
17 ~~liable to impeachment.~~ It shall be the duty of the Board to make an
18 impartial investigation and study of applicants for commutations,
19 pardons or paroles, and by a majority vote make its recommendations
20 to the Governor of all deemed worthy of clemency. Provided, the
21 Pardon and Parole Board shall have no authority to make
22 recommendations regarding parole for convicts sentenced to death or
23 sentenced to life imprisonment without parole.

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1 The Governor shall have the power to grant, after conviction and
2 after favorable recommendation by a majority vote of the said Board,
3 commutations, pardons and paroles for all offenses, except cases of
4 impeachment, upon such conditions and with such restrictions and
5 limitations as he may deem proper, subject to such regulations as
6 may be prescribed by law. Provided, the Governor shall not have the
7 power to grant paroles if a convict has been sentenced to death or
8 sentenced to life imprisonment without parole. The Legislature
9 shall have the authority to prescribe a minimum mandatory period of
10 confinement which must be served by a person prior to being eligible
11 to be considered for parole. The Governor shall have power to grant
12 after conviction, reprieves, or leaves of absence not to exceed
13 sixty (60) days, without the action of said Board.

14 He shall communicate to the Legislature, at each regular
15 session, each case of reprieve, commutation, parole or pardon,
16 granted, stating the name of the convict, the crime of which he was
17 convicted, the date and place of conviction, and the date of
18 commutation, pardon, parole and reprieve.

19 SECTION 3. The Secretary of State shall refer to the people for
20 their approval or rejection, as and in the manner provided by law,
21 the following proposed amendment to Section 31a of Article VI of the
22 Constitution of the State of Oklahoma to read as follows:

23 Section 31a. There is hereby created a Board of Regents for the
24 Oklahoma Agricultural and Mechanical College and all Agricultural

1 and Mechanical Schools and Colleges maintained in whole or in part
2 by the State. The Board shall consist of nine (9) members, eight
3 (8) members to be appointed by the Governor by and with the advice
4 and consent of the Senate, a majority of whom shall be farmers, and
5 the ninth member shall be the President of the State Board of
6 Agriculture. Any vacancy occurring among the appointed members
7 shall be filled by appointment of the Governor by and with the
8 advice and consent of the Senate. ~~The members of the Board shall be~~
9 ~~removable only for cause as provided by law for the removal of~~
10 ~~officers not subject to impeachment.~~ The members shall be appointed
11 for terms of eight (8) years each, with one term expiring each year,
12 provided that the members of the first Board shall be appointed for
13 terms of from one (1) to eight (8) years respectively. Provided
14 that no State, National or County officer shall ever be appointed as
15 a member of said Board of Regents until two years after his tenure
16 as such officer has ceased.

17 SECTION 4. 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 2 of Article XIII-A of
20 the Constitution of the State of Oklahoma to read as follows:

21 Section 2. There is hereby established the Oklahoma State
22 Regents for Higher Education, consisting of nine (9) members, whose
23 qualifications may be prescribed by law. The Board shall consist of
24 nine (9) members appointed by the Governor, and confirmed by the

1 ~~Senate, and who shall be removable only for cause, as provided by~~
2 ~~law for the removal of officers not subject to impeachment.~~ Upon
3 the taking effect of this Article, the Governor shall appoint the
4 said Regents for terms of office as follows: one for a term of one
5 year, one for a term of two years, one for a term of three years,
6 one for a term of four years, one for a term of five years, one for
7 a term of six years, one for a term of seven years, one for a term
8 of eight years, and one for a term of nine years. Any appointment
9 to fill a vacancy shall be for the balance of the term only. Except
10 as above designated, the term of office of said Regents shall be
11 nine years or until their successors are appointed and qualified.

12 The Regents shall constitute a coordinating board of control for
13 all State institutions described in Section 1 hereof, with the
14 following specific powers: (1) it shall prescribe standards of
15 higher education applicable to each institution; (2) it shall
16 determine the functions and courses of study in each of the
17 institutions to conform to the standards prescribed; (3) it shall
18 grant degrees and other forms of academic recognition for completion
19 of the prescribed courses in all of such institutions; (4) it shall
20 recommend to the State Legislature the budget allocations to each
21 institution, and; (5) it shall have the power to recommend to the
22 Legislature proposed fees for all of such institutions, and any such
23 fees shall be effective only within the limits prescribed by the
24 Legislature.

1 SECTION 5. The Secretary of State shall refer to the people for
2 their approval or rejection, as and in the manner provided by law,
3 the following proposed amendment to Section 3 of Article XXV of the
4 Constitution of the State of Oklahoma to read as follows:

5 Section 3. The Department of Public Welfare shall be under the
6 control of a commission to be known as the Oklahoma Public Welfare
7 Commission, composed of nine members appointed by the Governor and
8 selected on the basis of recognized interest in and knowledge of the
9 problems of public welfare. Each member of the Commission shall be
10 at least thirty years of age, shall be a citizen of the United
11 States, and shall have been a qualified elector of Oklahoma at least
12 five years next preceding his or her appointment. Members of the
13 Commission or any person employed by and working under direction of
14 said Commission may be of either sex. Immediately upon the taking
15 effect of this Article, the Governor shall appoint the members of
16 said Commission for terms of office as follows: One member for a
17 term of one year, one member for a term of two years, one member for
18 a term of three years, one member for a term of four years, one
19 member for a term of five years, one member for a term of six years,
20 one member for a term of seven years, one member for a term of eight
21 years and one member for a term of nine years. Except as above
22 designated, the term of office of the members of said Commission
23 shall be nine years or until their successors are appointed and
24 qualified. The Governor shall designate one member of the

1 Commission as chairman. Members of the Commission shall receive no
2 compensation for their services but shall be allowed necessary
3 traveling and other expenses actually incurred while in the
4 performance of their official duties. The Governor shall have the
5 power to fill vacancies on the Commission for the remainder of the
6 unexpired term.

7 ~~No member of said Commission shall be subject to removal by the~~
8 ~~Governor, but any such member shall be removable only in the manner~~
9 ~~and for the causes now provided in Article 2, Chapter 20, Oklahoma~~
10 ~~Statutes 1931, for the removal of officers not subject to~~
11 ~~impeachment. The venue of actions for removal shall be in Oklahoma~~
12 ~~County.~~

13 SECTION 6. The Secretary of State shall refer to the people for
14 their approval or rejection, as and in the manner provided by law,
15 the following proposed amendment to Section 1 of Article XXVI of the
16 Constitution of the State of Oklahoma to read as follows:

17 Section 1. There is hereby created a Department of Wildlife
18 Conservation of the State of Oklahoma and an Oklahoma Wildlife
19 Conservation Commission. The Department of Wildlife Conservation
20 shall be governed by the Wildlife Conservation Director, hereinafter
21 created, under such rules, regulations and policies as may be
22 prescribed from time to time by the Oklahoma Wildlife Conservation
23 Commission. Such rules and regulations and amendments thereof shall
24 be filed and recorded in the office of the Secretary of State, and

1 shall become effective on the tenth (10th) day following such
2 filing.

3 Said Commission shall be composed of eight (8) members to be
4 appointed by the Governor by and with the consent of the Senate ~~and~~
5 ~~shall be removable only for cause, as provided by law for the~~
6 ~~removal of officers not subject to impeachment;~~ one (1) member from
7 each of eight (8) districts as the same are presently defined by
8 Title 29 O.S.1951, Section 104. The term of office of each such
9 member shall be eight (8) years, except that the first appointed
10 members shall hold office for terms as follows: the member
11 appointed from the first district shall hold office until July 1st
12 following his appointment, and the members appointed from the
13 second, third, fourth, fifth, sixth, seventh and eighth districts
14 shall hold office until July 1st of the second, third, fourth,
15 fifth, sixth, seventh and eighth succeeding calendar years,
16 respectively. In the event the Governor fails to fill a vacancy
17 within thirty (30) days following such vacancy, the remaining
18 members of the Commission may appoint a qualified person to fill
19 such vacancy for the unexpired portion of the term.

20 The members of the Commission shall receive no salary or other
21 compensation for their services, other than per diem and expenses as
22 may be authorized by the Legislature.

23 Each member of the Commission shall take the oaths required of
24 other State officers, and each shall execute a good and sufficient

1 corporate surety bond in the sum of Ten Thousand Dollars
2 (\$10,000.00) payable to the State of Oklahoma, and conditioned upon
3 the faithful performance of duty, and the premium thereon shall be
4 payable by the State.

5 SECTION 7. The Secretary of State shall refer to the people for
6 their approval or rejection, as and in the manner provided by law,
7 the following proposed amendment to Section 3 of Article XXVI of the
8 Constitution of the State of Oklahoma to read as follows:

9 Section 3. A Director of Wildlife Conservation shall be
10 appointed by a majority vote of the entire Commission, ~~who shall be~~
11 ~~removed only for cause and after public hearing by the Commission.~~
12 His duties and compensation for his services shall be fixed by a
13 majority vote of the entire Commission.

14 The Director shall, with the approval of the Commission, appoint
15 such assistants and employees as the Commission may deem necessary.

16 The Commission shall determine the qualifications of the
17 Director, all assistants and employees. No Commissioner shall be
18 eligible for employment as Director or otherwise.

19 SECTION 8. The Secretary of State shall refer to the people for
20 their approval or rejection, as and in the manner provided by law,
21 the following proposed amendment to Section 1 of Article XXVIII of
22 the Constitution of the State of Oklahoma to read as follows:

23 Section 1. There is hereby created the Alcoholic Beverage Laws
24 Enforcement Commission. The purpose of the Commission shall be to

1 enforce the alcoholic beverage laws of the State, and the Commission
2 shall have such power and authority to enforce such laws, rules and
3 regulations as shall be prescribed by the Legislature.

4 The Commission shall consist of seven (7) members, to be
5 appointed by the Governor with the advice and consent of the State
6 Senate. Five (5) of the members shall be at-large members
7 representing the lay citizenry. The remaining two (2) members shall
8 be persons with law enforcement experience in the State. Any time
9 there is a vacancy on the Commission the Governor shall appoint a
10 replacement, with the advice and consent of the State Senate, within
11 ninety (90) days. Members of the Commission shall be appointed for
12 a term of five (5) years. The Commission shall appoint a Director,
13 whose duties shall be defined by the Legislature. No more than four
14 (4) members of the Commission shall be appointed from the same
15 political party. No more than two (2) members of the Commission
16 shall be appointed from the same federal congressional district.

17 No member of the Commission shall hold any license authorized by
18 this Article, or have any interest in any capacity, in the
19 manufacture, sale, distribution or transportation of alcoholic
20 beverages.

21 ~~The members of the Commission shall be removable from office for~~
22 ~~cause as other officers not subject to impeachment.~~

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

4 BALLOT TITLE

5 Legislative Referendum No. _____ State Question No. _____

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This measure amends the Oklahoma Constitution. It amends
8 Section 14.1 of Article 6. This measure allows the Governor to
9 appoint and replace certain persons who are appointed by the
10 Governor. The Governor can replace up to forty percent of these
11 appointments. The persons appointed can be made to any agency,
12 board, or commission under the Executive Branch. The Governor
13 must make the appointments within the first twelve months in
14 office. The Governor may remove certain appointments for any
15 reason. It removes the removal for cause for the members of the
16 Pardon and Parole Board. It removes the removal for cause for
17 the members of the Board of Regents. It removes the removal for
18 cause for the members of the State Regents for Higher Education.
19 It removes the removal for cause for the members of the
20 Department of Public Welfare. It removes the removal for cause
21 for the members of the Oklahoma Department of Wildlife
22 Commission. It removes the removal for cause for the Director
23 of the Wildlife Conservation. It removes the removal for cause

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1 for the members of the ABLE Commission. The ABLE Commission
2 means the Alcohol Beverage Laws Enforcement Commission.

3 SHALL THE PROPOSAL BE APPROVED?

4 FOR THE PROPOSAL - YES _____

5 AGAINST THE PROPOSAL - NO _____

6 SECTION 10. The Chief Clerk of the House of Representatives,
7 immediately after the passage of this act, shall prepare and file
8 one copy thereof, including the Ballot Title set forth in SECTION 9
9 hereof, with the Secretary of State and one copy with the Attorney
10 General.

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12 52-2-9353 LRB 12/29/09
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