

CS for SJR 27

1 THE STATE SENATE
2 Monday, February 23, 2009

3 Committee Substitute for
4 Senate Joint
5 Resolution No. 27

6 COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 27 - By:
7 Anderson of the Senate and Sullivan of the House.

8 [Judicial Nominating Commission - composition]

9 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
10 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

11 SECTION 1. The Secretary of State shall refer to the people for
12 their approval or rejection, as and in the manner provided by law,
13 the following proposed amendment to Section 3 of Article VII-B of
14 the Oklahoma Constitution to read as follows:

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

18 (1) six ~~(6)~~ members to be appointed by the Governor, which
19 shall include at least one (1) from each congressional district
20 established by the Statutes of Oklahoma and existing at the date of
21 the adoption of this Article, none of whom shall be admitted to
22 practice law in the State of Oklahoma;

23 (2) six ~~(6)~~ members, which shall include at least one (1) from
24 each congressional district established by the Statutes of Oklahoma

1 and existing at the date of the adoption of this Article who are,
2 however, members of the Oklahoma Bar Association and who have been
3 elected by the other active members of their district under
4 procedures adopted by the Board of Governors of the Oklahoma Bar
5 Association, until changed by statute; and

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

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

19 The six ~~(6)~~ lay members of the Commission who are appointed by
20 the Governor shall be appointed within ninety (90) days from the
21 date that this Article becomes effective. Two ~~(2)~~ members shall be
22 appointed for a term of two (2) years, two ~~(2)~~ members for a term of
23 four (4) years, and two ~~(2)~~ members for a term of six (6) years.

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

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

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

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

19 (e) The concurrence of the majority of Commissioners in office
20 at the time shall be sufficient to decide any question, unless
21 otherwise provided herein. The Commission shall have jurisdiction
22 to determine whether the qualifications of nominees to hold Judicial

1 Office have been met and to determine the existence of vacancies on
2 the Commission.

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

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

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

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

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

20 BALLOT TITLE
21 Legislative Referendum No. _____ State Question No. _____

22 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

11 SHALL THE PROPOSAL BE APPROVED?

12 FOR THE PROPOSAL - YES _____

13 AGAINST THE PROPOSAL - NO _____

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

19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-10-09 - DO
20 PASS, As Amended and Coauthored.