

1 STATE OF OKLAHOMA

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

3 HOUSE JOINT  
4 RESOLUTION 1028

By: Duncan

5  
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State  
8 to refer to the people for their approval or  
9 rejection a proposed new section of Article VII of  
10 the Constitution of the State of Oklahoma; requiring  
11 the Oklahoma Bar Association to submit certain rules  
12 and canons to the Legislature upon promulgation and  
13 adoption; providing for approval, disapproval,  
14 approval in part, and amendment to submitted rules by  
15 the Legislature; providing date by which rule shall  
16 be submitted; providing time limit for certain  
17 action; requiring written notification of approval,  
18 approval in part, or amendment of rule to the  
19 Oklahoma Bar Association; requiring return and  
20 written notification of reasons for disapproval;  
21 providing outcome if Legislature fails to approve a  
22 rule; providing ballot title; and directing filing.  
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17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
18 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

19 SECTION 1. 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 the Constitution of the State of  
22 Oklahoma by adding a new Section 17 to Article VII thereof, to read  
23 as follows:  
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1 Section 17. A. Upon the promulgation and adoption of any rule  
2 adopted for inclusion in the Oklahoma Rules of Professional Conduct,  
3 any canon adopted for inclusion in the Code of Judicial Conduct, any  
4 court rule adopted for inclusion in the Rules for District Courts of  
5 Oklahoma or Oklahoma Supreme Court Rules, and any rule governing  
6 admission to the practice of law in the State of Oklahoma, the  
7 Oklahoma Bar Association shall submit the adopted rule or canon to  
8 the Legislature for review on or before April 1 of each year. The  
9 Legislature shall have the power to approve, disapprove, approve in  
10 part, and amend the adopted rule.

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

14 1. If the Legislature approves, approves in part, or amends the  
15 rule, the Legislature shall immediately notify the Oklahoma Bar  
16 Association in writing of the approval, approval in part, or  
17 amendment to the rule.

18 2. If the Legislature disapproves the adopted rule, the  
19 Legislature shall return the entire document to the Oklahoma Bar  
20 Association with reasons in writing for the disapproval of the  
21 entire rule.

22 3. If the Legislature approves the rule in part, the  
23 Legislature shall return the portions of the document that were not  
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1 approved to the Oklahoma Bar Association with reasons in writing for  
2 the portions of the rule that were not approved.

3 C. Failure of the Legislature to approve a rule within the  
4 specified period shall constitute disapproval of the rule.

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

8 BALLOT TITLE

9 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

10 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

11 This measure creates a new section of the Oklahoma Constitution.  
12 It creates a new section in Article 7. This section will allow  
13 the Legislature to approve, disapprove, change, or approve part  
14 of a rule. The rule that the Legislature can approve,  
15 disapprove, change, or approve a part of, must be a rule that  
16 has been created and adopted by the Oklahoma Bar Association.  
17 The Oklahoma Bar Association must give the rule to the  
18 Legislature by April 1 of each year. The Legislature has thirty  
19 days to approve, disapprove, change, or approve part of the  
20 rule. If the Legislature approves the rule, it has to  
21 immediately tell the Oklahoma Bar Association. If the  
22 Legislature does not approve the rule, it must return the rule  
23 to the Oklahoma Bar Association and tell it why it did not

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1 approve the rule. If the Legislature does not approve the rule  
2 within thirty days, the rule is considered not to be approved.

3 SHALL THE PROPOSAL BE APPROVED?

4 FOR THE PROPOSAL - YES \_\_\_\_\_

5 AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

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12 52-1-6326 MMP 01/03/09  
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