

1 STATE OF OKLAHOMA

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

3 HOUSE JOINT
4 RESOLUTION 1075

By: Reynolds

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 proposed amendments to Sections 2 and 6 of
10 Article VII-A of the Constitution of the State of
11 Oklahoma; modifying the composition of the Court on
the Judiciary; providing for appointment and term of
office; requiring confirmation by the Senate;
providing ballot title; and directing filing.

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14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
15 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

16 SECTION 1. The Secretary of State shall refer to the people for
17 their approval or rejection, as and in the manner provided by law,
18 the following proposed amendments to Sections 2 and 6 of Article
19 VII-A of the Constitution of the State of Oklahoma to read as
20 follows:

21 Section 2. (a) There is created a Court on the Judiciary,
22 hereinafter referred to as the Court, divided into a Trial Division
23 and an Appellate Division. The Court is vested, subject to the
24

1 provisions of this Article, with sole and exclusive jurisdiction to
2 hear and determine causes arising thereunder.

3 (b) The Trial Division shall be composed of nine (9) members,
4 ~~eight (8) of whom shall be the district judges senior in service,~~
5 ~~but under sixty (60) years of age, with no two (2) from the same~~
6 ~~Supreme Court Judicial District (in case of equal seniority, the~~
7 ~~eldest in years to serve), and one (1) active member of the Oklahoma~~
8 ~~Bar Association, chosen by its Executive Council or other body~~
9 ~~exercising similar powers~~ none of whom shall be judges and not more
10 than four of whom shall be attorneys licensed to practice law in
11 this state. The members of the Trial Division shall be appointed by
12 the Governor with the advice and consent of the Senate.

13 (c) The Appellate Division shall be composed of ~~two (2) members~~
14 ~~of the Supreme Court, chosen by that court; one (1) member of the~~
15 ~~Court of Criminal Appeals, chosen by that court; one (1) active~~
16 ~~member of the Oklahoma Bar Association, chosen by its Executive~~
17 ~~Council or other body exercising similar powers; and five (5)~~
18 ~~district judges, senior in service but under sixty five (65) years~~
19 ~~of age; except that no more than one (1) district judge from any~~
20 ~~Supreme Court Judicial District shall serve. In the event of equal~~
21 ~~seniority, the eldest in years shall serve. If any district judge~~
22 ~~is qualified for both divisions, he shall serve on the Appellate~~
23 ~~Division and the next in qualification shall serve on the Trial~~
24 ~~Division~~ nine (9) members, none of whom shall be judges and not more

1 than four of whom shall be attorneys licensed to practice law in
2 this state. The members of the Appellate Division shall be
3 appointed by the Governor with the advice and consent of the Senate.

4 (d) ~~Within thirty (30) days after the adoption of this~~
5 ~~amendment~~ On February 7, 2011, and thereafter prior to on the first
6 day in February of each odd-numbered year, the ~~Chief Justice of the~~
7 ~~Supreme Court, the Presiding Judge of the Court of Criminal Appeals~~
8 ~~and the President of the Bar Association shall certify to the~~
9 ~~Secretary of State the names of the judges who are chosen,~~
10 ~~respectively, by the said courts and by the Oklahoma Bar~~
11 ~~Association. The Secretary of State shall determine the district~~
12 ~~judges who hold membership on the Trial Division and the Appellate~~
13 ~~Division~~ Governor shall communicate the nominations for the Court on
14 the Judiciary to the Senate for confirmation. Promptly thereafter
15 ~~he shall notify~~ Within thirty (30) days after the confirmation of
16 all nominees, the members of the respective divisions to meet at the
17 State Capitol on a day certain, ~~within thirty (30) days to be~~
18 determined by the Governor, for purposes of organization and of
19 making or amending rules of procedure.

20 (e) Members of the courts so designated shall serve until ~~March~~
21 ~~First of the odd-numbered year next after the year in which they are~~
22 ~~named. The attainment of the age limit specified shall not~~
23 ~~terminate their service during the term~~ their successors are
24 appointed and confirmed by the Senate.

1 Section 6. (a) In all proceedings before the Court the
2 established rules for disqualification of judges for interest,
3 prejudice or partiality shall apply. ~~No district judge shall sit in~~
4 ~~a matter in which the respondent is a judge of a court within his~~
5 ~~district court judicial district. In the event of the~~
6 ~~disqualification or failure to act of a member of the Court, a judge~~
7 ~~pro tem to sit in his place shall be named by the authority~~
8 ~~appointing him, if he is a district judge, the qualified district~~
9 ~~judge from his Supreme Court judicial district, next in seniority,~~
10 ~~shall serve as judge pro tem.~~

11 (b) Members of the Court shall serve without compensation, but
12 shall receive the allowance for expense permitted district judges
13 serving outside their districts.

14 (c) The prosecutors shall receive such fair and just
15 compensation as the respective division of the Court shall award for
16 service before that division.

17 (d) The Legislature shall appropriate such sums as may be
18 necessary to carry out the provisions of this Article.

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

22 BALLOT TITLE
23 Legislative Referendum No. _____ State Question No. _____

24 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

1 This measure amends the State Constitution. It deals with the
2 Court on the Judiciary. This is a court that disciplines
3 judges. Now, the Court is made up of judges and lawyers. The
4 change would do away with the current makeup of the Court.
5 Instead this amendment would prohibit judges from being on the
6 Court. It would limit the number of lawyers that could be on
7 the Court. The Governor would select the members of the Court.
8 The State Senate would have to approve the persons the Governor
9 appoints.

10 SHALL THE PROPOSAL BE APPROVED?

11 FOR THE PROPOSAL - YES _____

12 AGAINST THE PROPOSAL - NO _____

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

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19 52-2-8081 SD 01/11/10
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