

1 ENGROSSED SENATE
2 BILL NO. 622

By: Aldridge of the Senate

3 and

4 Banz of the House

5
6 [Secretary of State - amendment to Oklahoma
7 Constitution - certain officials to be appointed by
8 Governor - ballot title - filing]
9

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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 Sections 1, 4 and 23 of Article
14 VI and Sections 15 and 16 of Article IX of the Oklahoma Constitution
15 to read as follows:

16 Section 1. A. The Executive authority of the state shall be
17 vested in a Governor, Lieutenant Governor, Secretary of State, State
18 Auditor and Inspector, Attorney General, State Treasurer,
19 Superintendent of Public Instruction, Commissioner of Labor,
20 Commissioner of Insurance and other officers provided by law and
21 this Constitution, each of whom shall keep ~~his~~ the office and public
22 records, books and papers at the seat of government, and shall
23 perform such duties as may be designated in this Constitution or
24 prescribed by law.

1 B. The Secretary of State, State Treasurer, Superintendent of
2 Public Instruction, Commissioner of Labor and Commissioner of
3 Insurance shall be appointed by the Governor by and with the consent
4 of the Senate for a term of four (4) years to run concurrently with
5 the term of the Governor.

6 Section 4. A. The term of office of the Governor, Lieutenant
7 Governor, State Auditor and Inspector, and Attorney General, ~~State~~
8 ~~Treasurer, Commissioner of Labor and Superintendent of Public~~
9 ~~Instruction~~ shall be four (4) years from the second Monday of
10 January next after their election. The ~~said~~ officers shall be
11 eligible to immediately succeed themselves except as otherwise
12 provided in this section.

13 B. ~~1.~~ No person shall be eligible to serve as Governor for a
14 period of time in excess of eight (8) years. Such years need not be
15 consecutive. Any years served by a person serving as Governor for
16 less than a full term to fill a vacancy in such office shall not be
17 included in the eight-year limitation set forth herein.

18 ~~2. Notwithstanding the provisions of this amendment, any person~~
19 ~~-serving as Governor at the time of passage of this amendment shall~~
20 ~~be eligible to complete the term of office to which he or she was~~
21 ~~elected but shall not be eligible to serve as Governor for a period~~
22 ~~of time in excess of eight (8) years, excluding years served for~~
23 ~~less than a full term to fill a vacancy in such office. The~~

24

1 ~~provisions of this paragraph shall apply regardless of whether such~~
2 ~~years were served prior to or after passage of this amendment.~~

3 C. No person shall be eligible to serve as Lieutenant Governor,
4 State Auditor and Inspector, or Attorney General, ~~State Treasurer,~~
5 ~~Commissioner of Labor or Superintendent of Public Instruction~~ for a
6 period of time in excess of eight (8) years. Such years need not be
7 consecutive. Any years served by a person elected or appointed to
8 serve less than a full term to fill a vacancy in any such office
9 shall not be included in the limitations set forth herein. ~~Any~~
10 ~~person serving in such position at the time of passage of this~~
11 ~~amendment shall be eligible to complete the term for which he or she~~
12 ~~has been elected and shall be eligible to serve an additional eight~~
13 ~~(8) years thereafter, notwithstanding the provisions of this~~
14 ~~amendment.~~

15 D. The Legislature is hereby authorized to enact laws to
16 implement the provisions of subsections B and C of this section.

17 Section 23. ~~A. There shall be elected by the qualified~~
18 ~~electors of the State, at the first general election, a chief~~
19 ~~officer of the Insurance Department, who shall be styled the~~
20 ~~"Insurance Commissioner", whose term of office shall be four years:~~
21 ~~Provided, That the first term of the Insurance Commissioner so~~
22 ~~elected, shall expire at the time of the expiration of the term of~~
23 ~~office of the first Governor elected. The Insurance Commissioner~~

24

1 shall be at least twenty-five (25) years of age and well versed in
2 insurance matters.

3 ~~B. No person shall be eligible to serve as Insurance~~
4 ~~Commissioner for a period of time in excess of eight (8) years.~~
5 ~~Such years need not be consecutive. Any years served by a person~~
6 ~~elected or appointed to serve less than a full term to fill a~~
7 ~~vacancy in such office shall not be included in the limitation set~~
8 ~~forth herein. Any person serving in such position at the time of~~
9 ~~passage of this amendment shall be eligible to complete the term for~~
10 ~~which he or she has been elected and shall be eligible to serve an~~
11 ~~additional eight (8) years thereafter, notwithstanding the~~
12 ~~provisions of this amendment. The Legislature is hereby authorized~~
13 ~~to enact laws to implement the provisions of this subsection.~~

14 Section 15. ~~A.~~ A Corporation Commission is hereby created, to
15 be composed of three persons, who shall be elected by the people at
16 a general election for State officers, and their terms of office
17 shall be six (6) years. In case of a vacancy in said office, the
18 Governor of the State shall fill such vacancy by appointment until
19 the next general election, when a successor shall be elected to fill
20 out any unexpired term appointed by the Governor by and with the
21 consent of the Senate for a term of four (4) years to run
22 concurrently with the term of the Governor.

23 ~~B. No person shall be eligible to serve as Corporation~~
24 ~~Commissioner for a period of time in excess of twelve (12) years.~~

1 ~~Such years need not be consecutive. Any years served by a person~~
2 ~~elected or appointed to serve less than a full term to fill a~~
3 ~~vacancy in such office shall not be included in the limitation set~~
4 ~~forth herein. Any person serving in such position at the time of~~
5 ~~passage of this amendment shall be eligible to complete the term for~~
6 ~~which he or she has been elected and shall be eligible to serve an~~
7 ~~additional twelve (12) years thereafter, notwithstanding the~~
8 ~~provisions of this amendment. The Legislature is hereby authorized~~
9 ~~to enact laws to implement the provisions of this subsection.~~

10 Section 16. The qualifications of ~~such commissioners~~ members of
11 the Corporation Commission shall be as follows: To be resident
12 citizens of this State for over two years next preceding the
13 ~~election~~ their appointment, and qualified voters under the
14 Constitution and laws, and not less than thirty years of age; ~~nor~~
15 ~~shall such commissioners, or either of them,~~ No person appointed
16 as a member of the Corporation Commission shall be, directly or
17 indirectly, interested in any railroad, street railway, traction
18 line, canal, steam boat, pipe line, car line, sleeping car line, car
19 association, express line, telephone or telegraph line, operated for
20 hire, in this State, or out of it, or any stock, bond, mortgage,
21 security, or earnings of any such railroad, street railway, traction
22 line, canal, steam boat, pipe line, car line, sleeping car line, car
23 association, express line, telephone or telegraph line, compress or
24 elevator companies; ~~and if.~~ If such Commissioner shall voluntarily

1 | become so interested, ~~his~~ the office shall become vacant, ~~and if~~.
2 | If any Corporation Commissioner shall become so interested otherwise
3 | than voluntarily, he or she shall, within a reasonable time, divest
4 | himself or herself of such interest; and failing to do this, ~~his~~ the
5 | office shall become vacant. Nor shall any such commissioner hold
6 | any other office under the government of the United States, or of
7 | this State, or any other state government, and shall not, while such
8 | Commissioner, engage in any occupation or business inconsistent with
9 | ~~his~~ duties as such commissioner.

10 | SECTION 2. The Ballot Title for the proposed Constitutional
11 | amendment as set forth in SECTION 1 of this act shall be in the
12 | following form:

13 | BALLOT TITLE

14 | Legislative Referendum No. _____ State Question No. _____

15 | THE GIST OF THE PROPOSITION IS AS FOLLOWS:

16 | This measure amends several sections of the state Constitution.
17 | Under current law, there are 11 statewide elective offices.
18 | This measure would make 7 of these appointed by the Governor.
19 | The Governor, Lieutenant Governor, State Auditor and Inspector
20 | and Attorney General would still be elected. The offices that
21 | would be changed are the State Treasurer, Superintendent of
22 | Public Instruction, Commissioner of Labor, Commissioner of
23 | Insurance and three Corporation Commissioners. The Governor
24 | would have to have the advice and consent of the Senate. The

1 persons appointed would serve for a term of four years. The
2 term would be the same as the Governor's term.

3 SHALL THE PROPOSAL BE APPROVED?

4 FOR THE PROPOSAL - YES _____

5 AGAINST THE PROPOSAL - NO _____

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

10 Passed the Senate the 14th day of March, 2011.

11
12 _____
13 Presiding Officer of the Senate

14 Passed the House of Representatives the ____ day of _____,
15 2011.

16
17 _____
18 Presiding Officer of the House
19 of Representatives