

1 **SENATE FLOOR VERSION**

2 March 1, 2011

3 SENATE JOINT  
4 RESOLUTION NO. 36

By: Jolley of the Senate

5 and

6 Sullivan of the House

7  
8 A Joint Resolution directing the Secretary of State  
9 to refer to the people for their approval or  
10 rejection the repeal of Section 3 of Article VII-B,  
11 which relates to the Judicial Nominating Commission,  
12 and the proposed amendment to Section 4 of Article  
13 VII-B of the Oklahoma Constitution; modifying certain  
14 appointment procedure; requiring Senate confirmation  
15 of certain judicial appointments; providing ballot  
16 title; and directing filing.

17 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
18 1ST SESSION OF THE 53RD 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 repeal of Section 3 and the following proposed amendment to  
22 Section 4 of Article VII-B of the Oklahoma Constitution to read as  
23 follows:

24 Section 4. When a vacancy in any Judicial Office, however  
arising, occurs or is certain to occur, ~~the Judicial Nominating  
Commission shall choose and submit to the Governor and the Chief~~

1 ~~Justice of the Supreme Court three (3) nominees, each of whom has~~  
2 ~~previously notified the Commission in writing that he will serve as~~  
3 ~~a Judicial Officer if appointed. The the Governor shall appoint ~~one~~~~  
4 ~~(1) of the nominees~~ a nominee to fill the vacancy, ~~but if he fails~~  
5 ~~to do so within sixty (60) days the Chief Justice of the Supreme~~  
6 ~~Court shall appoint one (1) of the nominees, the appointment to be~~  
7 certified by the Secretary of State and to be confirmed by the  
8 Senate. If the Senate is not in session when an appointment is  
9 made, the Governor may call the Senate into special session no more  
10 than once per quarter to advise and consent on any such  
11 appointments.

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

15 BALLOT TITLE  
16 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

17 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

18 This measure would amend the Oklahoma Constitution. It would  
19 repeal Section 3 of Article 7-B. This would end the Judicial  
20 Nominating Commission. It would amend Section 4 of Article 7-B.

21 This section provides for filling vacancies for judges. The  
22 Governor will pick the new judge and the Senate will approve.

23 SHALL THE PROPOSAL BE APPROVED?

24 FOR THE PROPOSAL - YES \_\_\_\_\_

1           AGAINST THE PROPOSAL – NO \_\_\_\_\_

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

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-22-11 - DO  
8 PASS, As Coauthored.