

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 3162

By: Hickman of the House

and

Bingman of the Senate

4
5
6
7 An Act directing the Secretary of State to refer to
8 the people for their approval or rejection a proposed
9 amendment to Sections 1, 3 and 4 of Article VII-B of
10 the Constitution of the State of Oklahoma; clarifying
11 definition; modifying terms of office of certain
12 members of the Judicial Nominating Commission;
13 modifying quorum requirement; modifying jurisdiction
14 of the Judicial Nominating Commission; modifying
15 selection process for appellate court vacancies;
16 requiring that certain information remains
17 confidential; requiring confirmation by a legislative
18 select committee; providing for composition of select
19 committee; providing selection process for district
20 court vacancies; providing ballot title; and
21 directing filing.

22 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
23 entire bill and insert

24 "[judicial appointments and confirmation - ballot
title - filing]

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

SECTION 1. The Secretary of State shall refer to the people for
their approval or rejection, as and in the manner provided by law,

1 the following proposed amendment to Section 4 of Article VII-B of
2 the Oklahoma Constitution to read as follows:

3 Section 4. When a vacancy in any Judicial Office, however
4 arising, occurs or is certain to occur, ~~the Judicial Nominating~~
5 ~~Commission shall choose and submit to the Governor and the Chief~~
6 ~~Justice of the Supreme Court three (3) nominees, each of whom has~~
7 ~~previously notified the Commission in writing that he will serve as~~
8 ~~a Judicial Officer if appointed. The~~ the Governor shall appoint ~~one~~
9 ~~(1) of the nominees~~ a nominee to fill the vacancy, ~~but if he fails~~
10 ~~to do so within sixty (60) days the Chief Justice of the Supreme~~
11 ~~Court shall appoint one (1) of the nominees,~~ the appointment to be
12 certified by the Secretary of State and to be confirmed by the
13 Senate. Prior to the nomination being submitted, the Governor shall
14 submit the name of the nominee or nominees he or she wishes to have
15 considered by the Judicial Nominating Commission. The Commission
16 shall provide an advisory rating of "qualified" or "not qualified"
17 to the Governor for each nomination submitted prior to the
18 submission of the nomination to the Senate, provided, the Commission
19 shall complete its work within ninety (90) days of receiving the
20 submission of potential nominees from the Governor. If the
21 Legislature is in session when an appointment is made, the Senate
22 shall have sixty (60) days from the date of appointment to confirm
23 or reject the appointee. If the Legislature is not in session when
24 an appointment is made, the Governor may either call the Legislature

1 into special session no more than once per quarter for the Senate to
2 advise and consent on any such appointments, or the Senate shall
3 have sixty (60) days from convening on the first Monday in February
4 of each year pursuant to Section 26 of Article 5 of the Oklahoma
5 Constitution to confirm or reject any interim appointees. Inaction
6 on an appointee by the Senate within the specified time periods
7 shall constitute confirmation of such appointee.

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

11 BALLOT TITLE

12 Legislative Referendum No. _____ State Question No. _____

13 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

14 This measure would amend the Oklahoma Constitution. It would
15 amend Section 4 of Article 7-B. This section provides for
16 filling vacancies for judges. The Governor will pick the new
17 judge after consultation and rating of the judges by the
18 Judicial Nominating Commission. The appointment will require
19 confirmation by the Senate. The Governor may call the Senate
20 into special session no more than once per quarter.

21 SHALL THE PROPOSAL BE APPROVED?

22 FOR THE PROPOSAL - YES _____

23 AGAINST THE PROPOSAL - NO _____

24

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

6 and when the title is restored, amend the title to
7 conform

8 Passed the Senate the 20th day of April, 2016.

9

10

Presiding Officer of the Senate

11

12 Passed the House of Representatives the ____ day of _____,
13 2016.

14

15

Presiding Officer of the House
of Representatives

16

17

18

19

20

21

22

23

24