

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE JOINT
5 RESOLUTION 1048

By: Lepak of the House

and

Treat of the Senate

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9 AS INTRODUCED

10 A Joint Resolution directing the Secretary of State
11 to refer to the people for their approval or
12 rejection a proposed amendment to Sections 1, 4 and
13 23 of Article VI of the Constitution of the State of
14 Oklahoma; making the offices of State Treasurer,
15 Superintendent of Public Instruction, Commissioner of
16 Labor and Insurance Commissioner appointed; providing
17 for appointment by the Governor; providing for terms
18 of office; providing ballot title; and directing
19 filing.

20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
21 2ND SESSION OF THE 56TH OKLAHOMA LEGISLATURE:

22 SECTION 1. The Secretary of State shall refer to the people for
23 their approval or rejection, as and in the manner provided by law,
24 the following proposed amendments to Sections 1, 4 and 23 of Article
25 VI of the Constitution of the State of Oklahoma to read as follows:

1 Section 1. A. The Executive authority of the state shall be
2 vested in a Governor, Lieutenant Governor, Secretary of State, State
3 Auditor and Inspector, Attorney General, State Treasurer,
4 Superintendent of Public Instruction, Commissioner of Labor,
5 Commissioner of Insurance and other officers provided by law and
6 this Constitution, each of whom shall keep his or her office and
7 public records, books and papers at the seat of government, and
8 shall perform such duties as may be designated in this Constitution
9 or prescribed by law.

10 B. The Secretary of State shall be appointed by the Governor by
11 and with the consent of the Senate for a term of four (4) years to
12 run concurrently with the term of the Governor. Beginning with the
13 term of office of the Governor commencing in 2023, the State
14 Treasurer, Superintendent of Public Instruction, Commissioner of
15 Labor and Insurance Commissioner shall be appointed by the Governor
16 by and with the consent of the Senate and shall serve at the
17 pleasure of the Governor.

18 Section 4. A. The term of office of the Governor, Lieutenant
19 Governor, State Auditor and Inspector, and Attorney General, ~~State~~
20 ~~Treasurer, Commissioner of Labor and Superintendent of Public~~
21 ~~Instruction~~ shall be four (4) years from the second Monday of
22 January next after their election. The said officers shall be
23 eligible to immediately succeed themselves except as otherwise
24 provided in this section.

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

6 2. Notwithstanding the provisions of this amendment, any person
7 serving as Governor ~~at the time of passage of this amendment on~~
8 November 2, 2010, shall be eligible to complete the term of office
9 to which he or she was elected but shall not be eligible to serve as
10 Governor for a period of time in excess of eight (8) years,
11 excluding years served for less than a full term to fill a vacancy
12 in such office. The provisions of this paragraph shall apply
13 regardless of whether such years were served prior to or after
14 ~~passage of this amendment~~ November 2, 2010.

15 C. No person shall be eligible to serve as Lieutenant Governor,
16 State Auditor and Inspector, or Attorney General, ~~State Treasurer,~~
17 ~~Commissioner of Labor or Superintendent of Public Instruction~~ for a
18 period of time in excess of eight (8) years. Such years need not be
19 consecutive. Any years served by a person elected or appointed to
20 serve less than a full term to fill a vacancy in any such office
21 shall not be included in the limitations set forth herein. Any
22 person serving in such position ~~at the time of passage of this~~
23 ~~amendment~~ on November 2, 2010, shall be eligible to complete the
24 term for which he or she has been elected or appointed and shall be

1 eligible to serve an additional eight (8) years thereafter,
2 notwithstanding the provisions of this amendment.

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

5 Section 23. ~~A.~~ There shall be elected by the qualified
6 electors of the State, at the first general election, a chief
7 officer of the Insurance Department, who shall be styled the
8 "Insurance Commissioner", whose term of office shall be four years:
9 Provided, That the first term of the Insurance Commissioner so
10 elected, shall expire at the time of the expiration of the term of
11 office of the first Governor elected. Beginning with the term of
12 office of the Governor commencing in 2023, the Insurance
13 Commissioner shall be appointed by the Governor by and with the
14 consent of the Senate and shall serve at the pleasure of the
15 Governor. The Insurance Commissioner shall be at least twenty-five
16 (25) years of age and well versed in insurance matters.

17 ~~B. No person shall be eligible to serve as Insurance~~
18 ~~Commissioner for a period of time in excess of eight (8) years.~~
19 ~~Such years need not be consecutive. Any years served by a person~~
20 ~~elected or appointed to serve less than a full term to fill a~~
21 ~~vacancy in such office shall not be included in the limitation set~~
22 ~~forth herein. Any person serving in such position at the time of~~
23 ~~passage of this amendment shall be eligible to complete the term for~~
24 ~~which he or she has been elected and shall be eligible to serve an~~

~~additional eight (8) years thereafter, notwithstanding the provisions of this amendment. The Legislature is hereby authorized to enact laws to implement the provisions of this subsection.~~

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

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It proposes a change in the method for selection of the State Treasurer, the Superintendent of Public Instruction, the Commissioner of Labor and the Insurance Commissioner. Currently these officials are elected by the voters of the state. The amendment would change this and provide that these officials would be appointed by the Governor. These officials would serve at the pleasure of the Governor. The changes proposed in this measure would take place beginning with the term of office of the Governor that is to start in 2023.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and

1 file one copy thereof, including the Ballot Title set forth in
2 SECTION 2 hereof, with the Secretary of State and one copy with the
3 Attorney General.

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5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/28/2018 - DO PASS,
6 As Coauthored.
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