

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3941

By: Kannady

AS INTRODUCED

An Act relating to state government; creating the Oklahoma Federal Recommendation Committee Act; creating the Oklahoma Federal Recommendation Committee; establishing committee members; providing committing purpose; setting committee jurisdiction; prescribing procedure for nomination process; requiring certain qualifications for nominees; establishing procedure for making recommendation; creating rules of procedure for committee; exempting committee from Open Meetings Act and Open Records Act; authorizing committee to promulgate rules; limiting and clarifying purpose of committee; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 466.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Federal Recommendation Committee Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 466.2 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 A. There is hereby created the Oklahoma Federal Recommendation
5 Committee. The Committee shall be composed of:

- 6 1. The Speaker of the House of Representatives;
- 7 2. The President Pro Tempore of the Senate;
- 8 3. The Chair of the House Judiciary, Civil Committee;
- 9 4. The Chair of the House Judiciary, Criminal Committee;
- 10 5. The Chair of the Senate Judiciary Committee; and
- 11 6. The Vice Chair of the Senate Judiciary Committee.

12 B. The Committee shall recommend to the United States Senators
13 from Oklahoma nominations of individuals to fill United States
14 Attorney positions for the Northern, Western, and Eastern Districts
15 of Oklahoma or such other districts as may be established.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 466.3 of Title 74, unless there
18 is created a duplication in numbering, reads as follows:

19 With respect to a vacancy in a United States Attorney position
20 within the jurisdiction of the Oklahoma Federal Recommendation
21 Committee, the Committee shall:

- 22 1. Affirmatively seek out qualified candidates for appointment
23 to each such vacancy;

1 2. Consider all applications from qualified individuals
2 interested in appointment to each such vacancy; and

3 3. Recommend the nomination of not less than four nor more than
4 six individuals who are the most qualified of those considered to
5 serve.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 466.4 of Title 74, unless there
8 is created a duplication in numbering, reads as follows:

9 A. When there is a vacancy in a position within the
10 jurisdiction of the Oklahoma Federal Recommendation Committee, the
11 Committee shall begin seeking candidates and accepting applications
12 to fill such a vacancy. The Committee shall:

13 1. Notify the Oklahoma Bar Association, the general public, and
14 such organizations as the Committee, as a whole, deem appropriate of
15 the existence of such vacancy;

16 2. Request that those notified submit the names of individuals
17 believed to be highly qualified to fill such vacancy, including
18 their own, within thirty (30) days from the date of the request; and

19 3. Establish and release publicly in an appropriate manner an
20 email and mailing address to which applications and recommendations
21 for appointment to such vacancy may be sent.

22 B. Within seventy-five (75) days of the date of the request set
23 under paragraph 2 of subsection A of this section, the Committee
24 shall evaluate the qualifications of all candidates for appointment

1 to fill such vacancy and by the process provided for in Section 5 of
2 this act, shall designate not less than four nor more than six
3 individuals it considers best qualified to fill the vacancy. No
4 candidates may be designated as qualified for appointment under this
5 subsection unless the Commission determines that:

6 1. The candidate possesses all the qualifications provided by
7 law for the position involved;

8 2. The candidate possesses the relevant qualities of character,
9 experience, temperament, and professional competence necessary for
10 service as a United States Attorney; and

11 3. The candidate is willing to be designated.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 466.5 of Title 74, unless there
14 is created a duplication in numbering, reads as follows:

15 After the Oklahoma Federal Recommendation Committee has
16 designated not less than four nor more than six individuals as best
17 qualified to fill a vacancy, the Committee shall immediately
18 communicate the recommendation to the United States Senators from
19 Oklahoma.

20 SECTION 6. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 466.6 of Title 74, unless there
22 is created a duplication in numbering, reads as follows:
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1 A. The Oklahoma Federal Recommendation Committee shall be co-
2 chaired by the Speaker of the House and the President Pro Tempore of
3 the Senate.

4 B. The proceedings and all information received by the
5 Committee shall be made fully available to the United States
6 Senators from Oklahoma, but shall remain confidential in all other
7 regards and shall not be subject to the Open Records Act nor the
8 Open Meeting Act.

9 C. No candidates for a vacancy shall be recommended for
10 nomination to fill any vacancy except by an affirmative vote of a
11 majority of the members of the Committee.

12 D. All voting shall be completed by recorded vote; however,
13 records of recorded votes shall be kept confidential and shall not
14 be subject to the Open Records Act. Voting records shall only be
15 revealed to other members of the Committee and to the United States
16 Senators from Oklahoma.

17 E. The Committee may adopt additional rules of procedure by
18 which it shall operate. Any such rules shall be made available to
19 the public.

20 SECTION 7. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 466.7 of Title 74, unless there
22 is created a duplication in numbering, reads as follows:

23 Nothing contained in the Oklahoma Federal Recommendation
24 Committee Act shall be construed as an intention to impair or impede

1 the Constitutional and statutory powers, duties, or prerogatives of
2 the United States Senate or the President of the United States.

3 SECTION 8. This act shall become effective November 1, 2022.

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