

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HJR1041 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Mark Lepak

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED COMMITTEE SUBSTITUTE  
FOR  
HOUSE JOINT  
RESOLUTION NO. 1041

By: Lepak

PROPOSED COMMITTEE SUBSTITUTE

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 4 of Article VII-B of the Constitution of the State of Oklahoma; modifying provisions related to selection of justices or judges; requiring appointment by Governor; providing for appointment by Chief Justice of the Oklahoma Supreme Court in certain circumstances; prescribing confirmation process by Legislature; providing for authority of nominee during certain time period; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
2ND SESSION OF THE 59TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 4 of Article VII-B of the Constitution of the State of Oklahoma to read as follows:

1       Section 4. When a vacancy in any Judicial Office, however  
2 arising, occurs or is certain to occur, the ~~Judicial Nominating~~  
3 ~~Commission shall choose and submit to the Governor and the Chief~~  
4 ~~Justice of the Supreme Court three (3) nominees, each of whom has~~  
5 ~~previously notified the Commission in writing that he will serve as~~  
6 ~~a Judicial Officer if appointed. The Governor shall appoint one (1)~~  
7 ~~of the nominees~~ a qualified person to fill the vacancy, but if he  
8 fails to do so within sixty (60) days after the vacancy occurs, the  
9 Chief Justice of the Supreme Court shall appoint ~~one (1) of the~~  
10 ~~nominees, the appointment to~~ a qualified person and in either case,  
11 except as otherwise provided by this section, the nominee shall not  
12 begin to serve until confirmation of the nomination by a majority  
13 vote of the members elected to and constituting the Oklahoma State  
14 Senate and by a majority vote of the members elected to and  
15 constituting the Oklahoma House of Representatives. The vote for  
16 confirmation may occur in both chambers on the same day. If the  
17 vote for confirmation does not occur on the same day as the  
18 confirmation in the second chamber, it shall occur not later than  
19 fourteen (14) days after the day upon which the first confirmation  
20 vote occurs. If a chamber votes to confirm a nominee and the  
21 opposite chamber does not vote on the confirmation within the time  
22 prescribed by this section, the nominee shall be deemed confirmed.  
23 After confirmation, the appointment shall be certified by the  
24 Secretary of State. If the Governor makes an appointment when the

1 Legislature is not in session, the nominee shall be able to serve  
2 until the Legislature convenes in either regular session or in an  
3 extraordinary session during which a confirmation vote is authorized  
4 based upon the call for the extraordinary session whether pursuant  
5 to Section 27A of Article V or Section 7 of Article VI of the  
6 Oklahoma Constitution.

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

10 BALLOT TITLE

11 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

12 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

13 This measure amends the Oklahoma Constitution. It amends  
14 Section 4 of Article 7-B. The Judicial Nominating Commission  
15 makes recommendations for appointment of justices to the  
16 appeals courts in Oklahoma which includes the Oklahoma Supreme  
17 Court and the Oklahoma Court of Criminal Appeals. This measure  
18 would replace the Judicial Nominating Commission. The Governor  
19 would appoint qualified persons to fill vacancies. If the  
20 Governor did not act within a certain time, the Chief Justice  
21 of the Oklahoma Supreme Court would make the appointment. All  
22 appointments would be subject to confirmation by the Oklahoma  
23 State Senate and the Oklahoma House of Representatives or by  
24 one chamber. The confirmation vote could take place in the two

1 chambers on the same day. If one chamber confirmed the  
2 nominee, the other chamber would have fourteen (14) days to act  
3 upon the nomination. If the other chamber did not act upon the  
4 nomination within fourteen (14) days, the nomination would be  
5 confirmed. Confirmation would require a majority vote of  
6 lawmakers elected to and constituting each of the two  
7 legislative chambers. If the Governor appointed someone when  
8 the Legislature was not in session, the appointee would have  
9 authority to act until the Legislature was in session.

10 SHALL THE PROPOSAL BE APPROVED?

11 FOR THE PROPOSAL - YES \_\_\_\_\_

12 AGAINST THE PROPOSAL - NO \_\_\_\_\_

13 SECTION 3. The Chief Clerk of the House of Representatives,  
14 immediately after the passage of this resolution, shall prepare and  
15 file one copy thereof, including the Ballot Title set forth in  
16 SECTION 2 hereof, with the Secretary of State and one copy with the  
17 Attorney General.

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19 59-2-10008 MAH 02/07/24  
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