

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 17, 2022

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SJR 43

By: Treat, Bullard, Jett, Bergstrom, Newhouse, and Daniels of the Senate and Lepak of the House

Title: Constitutional amendment; establishing appointment procedure for certain Justices and Judges; creating the Joint Select Committee on Judicial Confirmation.

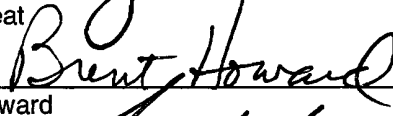
together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

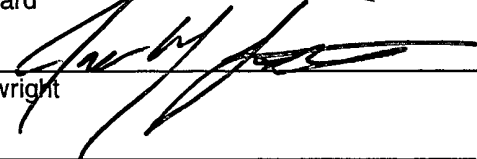
1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

SENATE CONFEREES:



Treat


Howard


Leewright

Boren



Daniels


Bullard

Floyd

HOUSE CONFEREES:

Conference Committee on Banking, Financial Services and Pensions

Senate Action _____ Date _____ House Action _____ Date _____

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE JOINT
6 RESOLUTION NO. 43

By: Treat, Bullard, Jett,
Bergstrom, Newhouse, and
Daniels of the Senate

7 and

8 Lepak of the House

9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 A Joint Resolution directing the Secretary of State
12 to refer to the people for their approval or
13 rejection the repeal of Section 3 of Article VII-B,
14 which relates to the Judicial Nominating Commission,
15 and the proposed amendment to Section 4 of Article
16 VII-B of the Oklahoma Constitution; providing for
17 appointment procedure for appellate justices and
18 judges; modifying procedure for filling certain
19 judicial vacancies; creating the Joint Select
20 Committee on Judicial Confirmation; stating purpose
21 of Committee; specifying terms of Committee members;
22 providing for membership of Committee; requiring
23 designation of co-chairs; authorizing co-chair to
24 call meeting of Committee; establishing quorum
requirements; establishing voting requirements;
requiring request for national criminal history
record check on nominee within specified time period;
requiring convening of confirmation hearing within
specified time period; requiring certain meetings to
be open to the public; authorizing modification of
certain provisions by statute; requiring Legislature
to adopt joint rules; providing an effective date;
providing ballot title; and directing filing.

1 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
2 2ND SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

3 SECTION 1. The Secretary of State shall refer to the people for
4 their approval or rejection, as and in the manner provided by law,
5 the following proposed amendment to the Constitution of Oklahoma,
6 the repeal of Section 3 of Article VII-B and the amendment of
7 Section 4 of Article VII-B of the Oklahoma Constitution to read as
8 follows:

9 Section 4. (a) When a vacancy in any Judicial Office, however
10 arising, occurs or is certain to occur, the ~~Judicial Nominating~~
11 ~~Commission shall choose and submit to the Governor and the Chief~~
12 ~~Justice of the Supreme Court three (3) nominees, each of whom has~~
13 ~~previously notified the Commission in writing that he will serve as~~
14 ~~a Judicial Officer if appointed. The Governor shall nominate and~~
15 ~~appoint one (1) of the nominees, subject to confirmation by the~~
16 ~~Joint Select Committee on Judicial Confirmation established by this~~
17 ~~section, a qualified individual to fill the vacancy, but if he fails~~
18 ~~to do so within sixty (60) days the Chief Justice of the Supreme~~
19 ~~Court shall appoint one (1) of the nominees, the appointment to be~~
20 ~~certified by the Secretary of State.~~

21 (b) There is hereby created the Joint Select Committee on
22 Judicial Confirmation, which is authorized to meet for the purpose
23 of considering judicial nominations made pursuant to this Article or
24 any other provision of law. The Joint Select Committee on Judicial

1 Confirmation shall consist of the following members, whose terms on
2 the Committee shall coincide with the duration of the two sessions
3 of the Legislature during which they are appointed:

4 1. Seven members of the Senate appointed by the President Pro
5 Tempore of the Senate at the beginning of each Legislature including
6 one member designated by the President Pro Tempore of the Senate to
7 serve as co-chair;

8 2. Nine members of the House of Representatives appointed by
9 the Speaker of the House of Representatives at the beginning of each
10 Legislature including one member designated by the Speaker of the
11 House of Representatives to serve as co-chair;

12 3. The President Pro Tempore of the Senate as an ex officio
13 voting member; and

14 4. The Speaker of the House of Representatives as an ex officio
15 voting member.

16 (c) The Joint Select Committee on Judicial Confirmation shall
17 meet for the purpose of considering judicial nominations whenever
18 they arise, whether or not the Legislature is in session. Either
19 co-chair may call a meeting of the Committee. A quorum of nine
20 members consisting of four members of the Senate and five members of
21 the House of Representatives shall be necessary to convene a meeting
22 of the Committee. To confirm a judicial nomination, a separate
23 majority vote of both the members representing the Senate and the
24 members representing the House of Representatives shall be required.

1 Upon confirmation of a judicial nomination as required by this
2 section, the appointment shall be certified by the Secretary of
3 State.

4 (d) The co-chairs of the Joint Select Committee on Judicial
5 Confirmation shall request a national criminal history record check
6 on a nominee from the Oklahoma State Bureau of Investigation within
7 thirty (30) days of receiving written notification from the Governor
8 of the nomination. The Joint Select Committee on Judicial
9 Confirmation shall convene a confirmation hearing on a nominee
10 within one hundred twenty (120) days of receiving written
11 notification from the Governor of the nomination. Hearings of the
12 Committee to confirm a nominee shall be open to the public. The
13 requirements of this subsection may be amended by statute.

14 (e) The Legislature shall adopt joint rules in order to
15 implement the provisions of this section.

16 (f) The provisions of this amendment shall become effective
17 immediately on passage.

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

21 BALLLOT TITLE
22 Legislative Referendum No. _____ State Question No. _____

23 THE GIST OF THE PROPOSITION IS AS FOLLOWS:
24

1 This measure would amend the Oklahoma Constitution. It would
2 repeal Section 3 of 7-B, which created the Judicial Nominating
3 Commission. It would amend Section 4 of Article 7-B, which
4 established the process for appointing certain appellate
5 justices and judges. The amendment abolishes the Judicial
6 Nominating Commission and replaces it with a new process for
7 appointing Justices of the Supreme Court and Judges of the Court
8 of Criminal Appeals. The Governor would nominate and appoint
9 Justices and Judges, subject to the confirmation by a new Joint
10 Select Committee on Judicial Confirmation. The Joint Select
11 Committee on Judicial Confirmation would consist of legislators
12 from both the Oklahoma State Senate and Oklahoma House of
13 Representatives.

14 SHALL THE PROPOSAL BE APPROVED?

15 FOR THE PROPOSAL - YES _____

16 AGAINST THE PROPOSAL - NO _____

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

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