

ENROLLED HOUSE JOINT RESOLUTION 1041
ENACTED BY THE FIRST REGULAR SESSION OF THE
52ND LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 753
LEGISLATIVE REFERENDUM NUMBER 353

RECEIVED: May 20, 2009

Resolution

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1041

By: Benge, Trebilcock and
Faught of the House

and

Jolley of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 1 of Article VII of the Constitution of the State of Oklahoma; requiring Senate confirmation of appointments and reappointments to the Workers' Compensation Court; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 52ND 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 1 of Article VII of the Constitution of the State of Oklahoma to read as follows:

Section 1. The judicial power of this State shall be vested in the Senate, sitting as a Court of Impeachment, a Supreme Court, the Court of Criminal Appeals, the Court on the Judiciary, the State ~~Industrial Workers' Compensation~~ Court, the Court of Bank Review, the Court of Tax Review, and such intermediate appellate courts as may be provided by statute, District Courts, and such Boards, Agencies and Commissions created by the Constitution or established by statute as exercise adjudicative authority or render decisions in individual proceedings. Provided that the Court of Criminal Appeals, the ~~State Industrial Workers' Compensation~~ Court, the Court of Bank Review and the Court of Tax Review and such Boards, Agencies

and Commissions as have been established by statute shall continue in effect, subject to the power of the Legislature to change or abolish said Courts, Boards, Agencies, or Commissions. Municipal Courts in cities or incorporated towns shall continue in effect and shall be subject to creation, abolition or alteration by the Legislature by general laws, but shall be limited in jurisdiction to criminal and traffic proceedings arising out of infractions of the provisions of ordinances of cities and towns or of duly adopted regulations authorized by such ordinances. Any appointment or reappointment, as provided by law, by the Governor to fill a position on the Workers' Compensation Court shall be confirmed by a majority of the Senate.

SECTION 2. The Ballot Title for the proposed Constitutional amendment 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 would amend the Oklahoma Constitution. It would amend Section 1 of Article 7. This section deals with judges and justices. This includes judges on the Workers' Compensation Court. This measure will require that the Senate approve any person chosen by the Governor to fill a position on the Workers' Compensation Court.

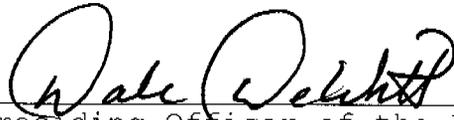
SHALL THE PROPOSAL BE APPROVED?

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

Passed the House of Representatives the 18th day of May, 2009.


Presiding Officer of the House of
Representatives

Passed the Senate the 19th day of May, 2009.


Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
20th day of May, 2009,
at 1:57 o'clock P M.

By: M. Susan Lewis



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor

May 20, 2009

The Honorable Drew Edmondson
Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

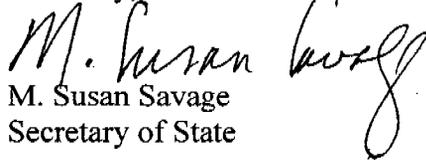
Dear Attorney General Edmondson:

You are hereby notified that Enrolled House Joint Resolution 1041 was received in the Office of the Secretary of State this 20th day of May, 2009. This resolution has been designated as **State Question Number 753, Legislative Referendum Number 353.**

Pursuant to 34 O.S., 2008 Supp., Section 9, this office is submitting the proposed ballot title to you for review.

If this office may be of further assistance, please advise.

Sincerely,


M. Susan Savage
Secretary of State

MSS/ks



W. A. DREW EDMONDSON
ATTORNEY GENERAL OF OKLAHOMA

May 26, 2009

The Honorable M. Susan Savage
Oklahoma Secretary of State
Room 101, State Capitol Building
Oklahoma City, Oklahoma 73105

Re: State Question Number 753
Legislative Referendum Number 353

Dear Secretary Savage:

I am in receipt of your letter to Attorney General W.A. Drew Edmondson regarding the above. Attorney General Edmondson has requested that I respond back to you. I have referred this information to Neal Leader, Senior Assistant Attorney General, for his information and use.

If you have any questions, please feel free to contact Mr. Leader directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Gruber".

TOM GRUBER
FIRST ASSISTANT ATTORNEY GENERAL

RECEIVED

MAY 28 2009

OKLAHOMA SECRETARY
OF STATE

TG:st

cc: W.A. Drew Edmondson
Attorney General

Neal Leader



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

June 1, 2009

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Benge
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

FILED

JUN 1 2009

OKLAHOMA SECRETARY
OF STATE

Re: Ballot Title for State Question No. 753, Legislative Referendum 353

Dear Secretary Savage, Senator Coffee, and Speaker Benge:

In accordance with the provisions of 34 O.S.Supp.2008, § 9(C), we have reviewed the Ballot Title for the above referenced State Question and conclude that it does not comply with applicable laws for the following reason:

- It does not adequately explain the effect of the proposition.

Having found that the Ballot Title does not comply with applicable law, we will, in conformity with the provisions of 34 O.S.Supp.2008, § 9(C), within ten (10) business days, Prepare a Preliminary Ballot Title which complies with the law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. A. Edmondson".

W. A. DREW EDMONDSON
ATTORNEY GENERAL

WAE/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

June 15, 2009

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Bengtson
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

FILED

JUN 15 2009

OKLAHOMA SECRETARY
OF STATE

**Re: Preliminary Ballot Title for State Question No. 753, Legislative
Referendum No. 353**

Dear Secretary Savage, Senator Coffee, and Speaker Bengtson:

The following is a preliminary ballot title we have prepared in accordance with 34 O.S.Supp.2008, § 9(C). We determined the proposed ballot title was defective and have prepared this preliminary ballot title which complies with the applicable law.

Pursuant to 34 O.S.Supp.2008, § 9(C), we may consider any comments made by the President Pro Tempore of the Senate and the Speaker of the House of Representatives and are required to file a final ballot title with the Secretary of State no sooner than ten (10) business days and no later than fifteen (15) business days after furnishing this preliminary ballot title. We ask that, if you have any comments to the ballot title, you provide them to us by June 29, 2009, so that we may have an opportunity to consider them in preparing the final ballot title.

The preliminary ballot title reads as follows:

This measure amends the Oklahoma Constitution. It amends Section 1 of Article 7. This Section deals with judges and justices. This includes judges on the Workers' Compensation Court.

The Governor appoints all Workers' Compensation Court judges. Current law limits this appointment power. The Governor can only appoint a nominee submitted by the Judicial Nominating Commission. That Commission submits three names to the Governor. It also submits the name of the incumbent judge, if that judge chooses to seek reappointment.

This measure further limits the Governor's power to appoint these judges. It requires the Senate to approve the appointment of Worker's Compensation Court judges. The measure does not address what occurs when the Senate does not confirm an appointment. It does not make clear whether the Commission submits another name to the Governor or whether the Governor is limited to appointing from the remaining nominee(s).

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

If you have any questions you may contact Senior Assistant Attorney General Sandy Rinehart at 522-4392. Thank you.

Respectfully submitted,



**W. A. DREW EDMONDSON
ATTORNEY GENERAL**

WAE/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

July 1, 2009

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

FILED

JUL 1 2009

**OKLAHOMA SECRETARY
OF STATE**

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Bengtson
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

**Re: Final Ballot Title for State Question No. 753, Legislative
Referendum No. 353**

Dear Secretary Savage, Senator Coffee, and Speaker Bengtson:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S. Supp. 2008, § 9(C), prepared the following Final Ballot Title. As a Title 34 Ballot Title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Final Ballot Title reads as follows:

FINAL BALLOT TITLE FOR STATE QUESTION NO. 753

This measure amends the Oklahoma Constitution. It amends Section 1 of Article 7. This Section deals with judges and justices. This includes judges on the Workers' Compensation Court.

The Governor appoints all Workers' Compensation Court judges. Current law limits this appointment power. The Governor can only appoint a nominee submitted by the Judicial Nominating Commission. That Commission submits three names to the Governor. It also submits the name of the incumbent judge, if that judge chooses to seek reappointment.

This measure further limits the Governor's power to appoint these judges. It requires the Senate to approve the appointment of Worker's Compensation Court judges. The measure does not address what occurs when the Senate does not confirm an appointment. It does not make clear whether the Commission submits another name to the Governor or whether the Governor is limited to appointing from the remaining nominee(s).

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,



W.A. DREW EDMONDSON
ATTORNEY GENERAL

WAE/ab