

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE JOINT
6 RESOLUTION NO. 1080

By: Banz

7 COMMITTEE SUBSTITUTE

8 A Joint Resolution calling a Constitutional
9 Convention to alter, revise, or amend the present
10 Constitution of the State of Oklahoma or to propose a
11 new Constitution; fixing the time and place thereof;
12 providing for selection of delegates to the
13 Convention; providing requirements and restrictions
14 for eligibility; creating a Constitutional Convention
15 Commission; stating purpose; providing for
16 composition; providing for election of officers and
17 organization of the Constitutional Convention;
18 providing for employment of staff; providing for
19 rules of procedure; prohibiting consideration of
20 certain provisions of the Constitution; providing for
21 working draft to be considered by the Constitutional
22 Convention; providing voting requirements for certain
23 actions; providing for compensation of delegates;
24 providing for payment of expenses of the Convention;
providing for submission of constitutional changes to
the voters of the state; providing for submission of
this joint resolution to a vote of the people;
providing ballot title; and directing filing.

21 WHEREAS, Section 2 of Article XXIV of the Oklahoma Constitution
22 requires that a proposal to hold a Constitutional Convention shall
23 be submitted to a vote of the people at least once every twenty (20)
24 years; and

1 WHEREAS, the last proposal providing for a Constitutional
2 Convention was submitted to a vote of the people March 17, 1970; and

3 WHEREAS, a State Question to eliminate the requirement that a
4 Constitutional Convention proposal be submitted to the people every
5 twenty (20) years was defeated at the General Election held November
6 8, 1994; and

7 WHEREAS, it is incumbent upon the Legislature to enact a law
8 providing for a Constitutional Convention and to submit said law to
9 a vote of the people; and

10 WHEREAS, in accordance with court decisions and Attorney General
11 opinions, it is necessary that said law provide the organization of
12 the Convention and the procedure to be followed by the Convention
13 and that said law be signed by the Governor.

14 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
15 AND THE SENATE OF THE 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

16 SECTION 1. There is hereby called a Constitutional Convention
17 for the purpose of altering, revising, or amending the current
18 Constitution, or to propose a new Constitution for the State of
19 Oklahoma, to be submitted to the people for their approval or
20 rejection.

21 SECTION 2. The Constitutional Convention shall convene at
22 twelve o'clock noon, July 15, 2009, in Oklahoma City at the State
23 Capitol.

24 SECTION 3. A. Delegates shall be chosen as follows:

1 1. There shall be seventy-six delegates selected by lot, as
2 provided in subsection E of this section, from the Legislature:
3 fifty-two delegates shall be members of the House of Representatives
4 and twenty-four delegates shall be members of the Senate. Twenty-
5 six of the members from the House of Representatives shall reside
6 west of Interstate Highway 35 (I-35) and twenty-six of the members
7 from the House of Representatives shall reside east of I-35. Twelve
8 of the members from the Senate shall reside west of Interstate
9 Highway 35 (I-35) and twelve of the members of the Senate shall
10 reside east of I-35. For purposes of this paragraph, if Interstate
11 Highway 35 passes through a county, other than Payne County, the
12 entire county shall be considered to be west of I-35;

13 2. Fourteen delegates shall be selected by lot pursuant to
14 subsection E of this section from the Executive Department of
15 government agencies, boards and commissions within this state;
16 provided, none shall be statewide elected officials. Seven of the
17 Executive Department delegates shall reside west of Interstate
18 Highway 35 (I-35) and seven of the Executive Department delegates
19 shall reside east of I-35. For purposes of this paragraph, if
20 Interstate Highway 35 passes through a county, other than Payne
21 County, the entire county shall be considered to be west of I-35;

22 3. Eight delegates shall be selected by lot pursuant to
23 subsection E of this section from the Judicial Department of
24 government within this state; provided, none shall be justices or

1 judges subject to statewide retention ballot. Four of the judicial
2 delegates shall reside west of Interstate Highway 35 (I-35) and four
3 of the judicial delegates shall reside east of I-35. For purposes
4 of this paragraph, if Interstate Highway 35 passes through a county,
5 other than Payne County, the entire county shall be considered to be
6 west of I-35; and

7 4. Fourteen delegates from the public at large shall be
8 selected by lot, pursuant to subsection E of this section. No at-
9 large delegate shall be a statewide elected official. Seven of the
10 at-large delegates shall reside west of Interstate Highway 35 (I-35)
11 and seven of the at-large delegates shall reside east of I-35. For
12 purposes of this paragraph, if Interstate Highway 35 passes through
13 a county, other than Payne County, the entire county shall be
14 considered to be west of I-35.

15 B. An individual shall be eligible to serve as a delegate if
16 the individual is at least twenty-one (21) years of age and is a
17 qualified elector.

18 C. Except as provided in paragraph 5 of subsection E of this
19 section, an individual shall be eligible for consideration for
20 selection as a delegate pursuant to only one of the categories
21 provided for in subsection A of this section.

22 D. No member of Congress from this state or person holding any
23 other federal office shall be eligible to be a delegate.

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1 E. Delegates selected by lot shall be chosen pursuant to the
2 following procedure:

3 1. Members of the House of Representatives who wish to serve as
4 delegates to the Constitutional Convention shall submit their names
5 to the Speaker of the House of Representatives. Names shall be
6 drawn by lot according to procedures established by the
7 Constitutional Convention Commission. If an insufficient number of
8 Representatives meeting the qualifications required by paragraph 1
9 of subsection A of this section submit their names for
10 consideration, the Constitutional Convention Commission shall
11 provide for selection of the balance of membership from the
12 membership of the House of Representatives or former members of the
13 House of Representatives, subject to the qualifications provided for
14 in paragraph 1 of subsection A of this section;

15 2. Members of the Senate who wish to serve as delegates to the
16 Constitutional Convention shall submit their names to the President
17 Pro Tempore of the Senate. Names shall be drawn by lot according to
18 procedures established by the Constitutional Convention Commission.
19 If an insufficient number of Senators meeting the qualifications
20 required by paragraph 1 of subsection A of this section submit their
21 names for consideration, the Constitutional Convention Commission
22 shall provide for selection of the balance of membership from the
23 membership of the Senate or former members of the Senate, subject to

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1 the qualifications provided for in paragraph 1 of subsection A of
2 this section;

3 3. Members of Executive Department agencies, boards and
4 commissions who wish to serve as delegates to the Constitutional
5 Convention shall submit their names to the Governor. Names shall be
6 drawn by lot according to procedures established by the
7 Constitutional Convention Commission. If an insufficient number of
8 individuals from the Executive Department of government meeting the
9 qualifications required by paragraph 2 of subsection A of this
10 section submit their names for consideration, the Constitutional
11 Convention Commission shall provide for selection of the balance of
12 membership from within the Executive Department or from former
13 officers or employees from the Executive Department;

14 4. Members of the Judicial Department who wish to serve as
15 delegates to the Constitutional Convention shall submit their names
16 to the Chief Justice of the Oklahoma Supreme Court. Names shall be
17 drawn by lot according to procedures established by the
18 Constitutional Convention Commission. If an insufficient number of
19 individuals from the Judicial Department of government meeting the
20 qualifications required by paragraph 3 of subsection A of this
21 section submit their names for consideration, the Constitutional
22 Convention Commission shall provide for selection of the balance of
23 membership from within the Judicial Department or from former
24 justices or judges from the Judicial Department; and

1 5. Members of the public at large shall submit their names to
2 the Lieutenant Governor. Names shall be drawn by lot according to
3 procedures established by the Constitutional Convention Commission.
4 If an insufficient number of individuals meeting the qualifications
5 of paragraph 4 of subsection A of this section submit their names
6 for consideration, the Constitutional Convention Commission shall
7 provide for selection of the balance of membership from persons who
8 have submitted their names pursuant to paragraphs 1 through 4 of
9 this subsection.

10 F. Persons wishing to serve as delegates shall submit their
11 applications by February 1, 2009. By February 15, 2009, the persons
12 to whom the applications have been submitted shall forward the
13 applications to the Constitutional Convention Commission. Delegates
14 shall be selected by March 1, 2009.

15 G. There is hereby created a Constitutional Convention
16 Commission. The purpose of the Commission is to develop the form to
17 be used for application to serve as a delegate, establish the
18 procedure for drawing names by lot, supervise the selection process
19 for delegates to the Constitutional Convention and provide lists of
20 alternates to serve in case of a vacancy. The Constitutional
21 Convention Commission shall be composed of the Governor or a
22 designee, the Chief Justice of the Supreme Court or a designee, the
23 Speaker of the House of Representatives or a designee, the President
24 Pro Tempore of the Senate or a designee, and the House of

1 Representatives and Senate principal authors of the measure calling
2 for the Constitutional Convention. The principal authors shall
3 serve as cochairs of the Commission. The Commission shall conduct
4 public hearings prior to the delegate selection process to gather
5 input from the public for issues to be addressed by the
6 Constitutional Convention.

7 SECTION 4. A. The Secretary of State shall call the
8 Constitutional Convention to order and preside until one of the
9 delegates is chosen President of the Constitutional Convention by
10 vote of the Convention.

11 B. Prior to the selection of a President, the delegates shall
12 take an oath to support the Constitution of the United States and to
13 faithfully discharge their duties as delegates. The Convention may
14 employ staff necessary to assist the delegates in performing their
15 duties.

16 C. After choosing a President, the Convention shall organize
17 itself and select such other officers as it deems necessary.

18 D. The Convention may establish rules for the Convention. Any
19 parliamentary question not provided for by the Oklahoma Constitution
20 or the rules of the Constitutional Convention shall be governed by
21 Mason's Manual of Legislative Procedure.

22 E. A majority of the delegates shall constitute a quorum to
23 transact business. A majority of the delegates shall be necessary
24 for the adoption of any measure.

1 F. No article or section of the Constitution that has been
2 added, altered or revised pursuant to the initiative petition
3 process or the legislative referendum process shall be repealed,
4 altered or revised by the Constitutional Convention unless four-
5 fifths (4/5) of the delegates approve such a motion.

6 G. The original Constitution and all amendments added by the
7 initiative petition process or the legislative referendum process by
8 July 15, 2009, shall be the working draft for consideration by the
9 Constitutional Convention. No article of the Constitution shall be
10 reviewed by the Convention for possible alterations, revisions or
11 amendments, unless the motion to do so receives the approval of two-
12 thirds (2/3) of the delegates. Thereafter, any proposed alteration,
13 revision or amendment to an article shall require a simple majority
14 for adoption. To reverse any previous action taken by the
15 Convention pertaining to an alteration, revision or amendment, two-
16 thirds (2/3) of the delegates must approve the motion.

17 SECTION 5. The delegates to the Constitutional Convention shall
18 receive no compensation but shall receive reimbursement for mileage
19 and per diem as provided in the State Travel Reimbursement Act for
20 the time that the Constitutional Convention is in session up to a
21 maximum of one hundred eighty (180) days.

22 SECTION 6. All expenses incurred by the Constitutional
23 Convention acting within the scope of authority as provided for in
24 this resolution and all expenses of holding the election for

1 adoption or rejection of any alteration, revision, or amendment of
2 the current Constitution or proposed new Constitution shall be paid
3 for by the state; and it is made the express duty of the Legislature
4 to provide for payment of the expenses.

5 SECTION 7. The delegates shall be subject to all rules and
6 regulations promulgated by the Ethics Commission and all state and
7 federal laws to which legislators are subject.

8 SECTION 8. Any alteration, revision, or amendment of the
9 current Constitution or new Constitution proposed by the
10 Constitutional Convention shall be submitted to the electors of the
11 state for adoption or rejection in the General Election held in
12 2010.

13 SECTION 9. This resolution shall be submitted to the electors
14 by the State Election Board for their approval or rejection at the
15 next General Election.

16 SECTION 10. The Ballot Title for the proposed question to be
17 put before the people as provided herein shall be in the following
18 form:

19 BALLOT TITLE

20 Legislative Referendum No. _____ State Question No. _____

21 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

22 This measure calls a state Constitutional Convention. It would
23 begin on July 15, 2009. It would review the State Constitution.

24 It could alter, amend, or revise the Constitution. It could

1 propose a new State Constitution. There would be 112 delegates.
2 Seventy-six delegates would be from the State Legislature.
3 Fourteen delegates would be from the Executive Department. They
4 would be from agencies, boards and commissions. Eight delegates
5 would be judges. Fourteen members would be from the public at
6 large. Delegates would be picked by lot. Delegates would be
7 paid for travel expenses for each day that the Convention meets.
8 Payment is limited. Delegates can be paid for no more than one
9 hundred eighty days. Any change in the Constitution or new
10 Constitution must be presented for approval to state voters.
11 This would happen at the General Election in 2010.

12 SHALL THE PROPOSAL BE APPROVED?

13 FOR THE PROPOSAL - YES _____

14 AGAINST THE PROPOSAL - NO _____

15 SECTION 11. The Chief Clerk of the House of Representatives,
16 immediately after the passage of this resolution, shall prepare and
17 file one copy thereof, including the Ballot Title set forth in
18 SECTION 10 hereof, with the Secretary of State and one copy with the
19 Attorney General.

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