

THE HOUSE OF REPRESENTATIVES
Wednesday, February 27, 2008

Committee Substitute for
House Joint
Resolution No. 1080

COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 1080 - By: BANZ AND DORMAN of the House and PADDACK of the Senate.

A Joint Resolution calling a Constitutional Convention to alter, revise, or amend the present Constitution of the State of Oklahoma or to propose a new Constitution; fixing the time and place thereof; providing for selection of delegates to the Convention; providing requirements and restrictions for eligibility; creating a Constitutional Convention Commission; stating purpose; providing for composition; providing for election of officers and organization of the Constitutional Convention; providing for employment of staff; providing for rules of procedure; prohibiting consideration of certain provisions of the Constitution; providing for working draft to be considered by the Constitutional Convention; providing voting requirements for certain actions; providing for compensation of delegates; 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.

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

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

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

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

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

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

12 SECTION 1. There is hereby called a Constitutional Convention for the purpose of
13 altering, revising, or amending the current Constitution, or to propose a new
14 Constitution for the State of Oklahoma, to be submitted to the people for their approval
15 or rejection.

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

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

19 1. There shall be seventy-six delegates selected by lot, as provided in subsection E
20 of this section, from the Legislature: fifty-two delegates shall be members of the House of
21 Representatives and twenty-four delegates shall be members of the Senate. Twenty-six
22 of the members from the House of Representatives shall reside west of Interstate

1 Highway 35 (I-35) and twenty-six of the members from the House of Representatives
2 shall reside east of I-35. Twelve of the members from the Senate shall reside west of
3 Interstate Highway 35 (I-35) and twelve of the members of the Senate shall reside east of
4 I-35. For purposes of this paragraph, if Interstate Highway 35 passes through a county,
5 other than Payne County, the entire county shall be considered to be west of I-35;

6 2. Fourteen delegates shall be selected by lot pursuant to subsection E of this
7 section from the Executive Department of government agencies, boards and commissions
8 within this state; provided, none shall be statewide elected officials. Seven of the
9 Executive Department delegates shall reside west of Interstate Highway 35 (I-35) and
10 seven of the Executive Department delegates shall reside east of I-35. For purposes of
11 this paragraph, if Interstate Highway 35 passes through a county, other than Payne
12 County, the entire county shall be considered to be west of I-35;

13 3. Eight delegates shall be selected by lot pursuant to subsection E of this section
14 from the Judicial Department of government within this state; provided, none shall be
15 justices or judges subject to statewide retention ballot. Four of the judicial delegates
16 shall reside west of Interstate Highway 35 (I-35) and four of the judicial delegates shall
17 reside east of I-35. For purposes of this paragraph, if Interstate Highway 35 passes
18 through a county, other than Payne County, the entire county shall be considered to be
19 west of I-35; and

20 4. Fourteen delegates from the public at large shall be selected by lot, pursuant to
21 subsection E of this section. No at-large delegate shall be a statewide elected official.
22 Seven of the at-large delegates shall reside west of Interstate Highway 35 (I-35) and

1 seven of the at-large delegates shall reside east of I-35. For purposes of this paragraph,
2 if Interstate Highway 35 passes through a county, other than Payne County, the entire
3 county shall be considered to be west of I-35.

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

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

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

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

12 1. Members of the House of Representatives who wish to serve as delegates to the
13 Constitutional Convention shall submit their names to the Speaker of the House of
14 Representatives. Names shall be drawn by lot according to procedures established by the
15 Constitutional Convention Commission. If an insufficient number of Representatives
16 meeting the qualifications required by paragraph 1 of subsection A of this section submit
17 their names for consideration, the Constitutional Convention Commission shall provide
18 for selection of the balance of membership from the membership of the House of
19 Representatives or former members of the House of Representatives, subject to the
20 qualifications provided for in paragraph 1 of subsection A of this section;

21 2. Members of the Senate who wish to serve as delegates to the Constitutional
22 Convention shall submit their names to the President Pro Tempore of the Senate.

1 Names shall be drawn by lot according to procedures established by the Constitutional
2 Convention Commission. If an insufficient number of Senators meeting the
3 qualifications required by paragraph 1 of subsection A of this section submit their names
4 for consideration, the Constitutional Convention Commission shall provide for selection
5 of the balance of membership from the membership of the Senate or former members of
6 the Senate, subject to the qualifications provided for in paragraph 1 of subsection A of
7 this section;

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

17 4. Members of the Judicial Department who wish to serve as delegates to the
18 Constitutional Convention shall submit their names to the Chief Justice of the Oklahoma
19 Supreme Court. Names shall be drawn by lot according to procedures established by the
20 Constitutional Convention Commission. If an insufficient number of individuals from
21 the Judicial Department of government meeting the qualifications required by paragraph
22 3 of subsection A of this section submit their names for consideration, the Constitutional

1 Convention Commission shall provide for selection of the balance of membership from
2 within the Judicial Department or from former justices or judges from the Judicial
3 Department; and

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

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

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

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~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

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

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

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

14 SECTION 6. All expenses incurred by the Constitutional Convention acting within
15 the scope of authority as provided for in this resolution and all expenses of holding the
16 election for adoption or rejection of any alteration, revision, or amendment of the current
17 Constitution or proposed new Constitution shall be paid for by the state; and it is made
18 the express duty of the Legislature to provide for payment of the expenses.

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

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

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

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

8 BALLOT TITLE

9 Legislative Referendum No. _____ State Question No. _____

10 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

11 This measure calls a state Constitutional Convention. It would begin on July 15,
12 2009. It would review the State Constitution. It could alter, amend, or revise the
13 Constitution. It could propose a new State Constitution. There would be 112
14 delegates. Seventy-six delegates would be from the State Legislature. Fourteen
15 delegates would be from the Executive Department. They would be from agencies,
16 boards and commissions. Eight delegates would be judges. Fourteen members
17 would be from the public at large. Delegates would be picked by lot. Delegates
18 would be paid for travel expenses for each day that the Convention meets. Payment
19 is limited. Delegates can be paid for no more than one hundred eighty days. Any
20 change in the Constitution or new Constitution must be presented for approval to
21 state voters. This would happen at the General Election in 2010.

22 SHALL THE PROPOSAL BE APPROVED?

1 FOR THE PROPOSAL — YES _____

2 AGAINST THE PROPOSAL — NO _____

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

7 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02-26-08 - DO PASS, As
8 Amended and Coauthored.

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