

EHJR 1080

1 THE STATE SENATE

2 Monday, April 7, 2008

3 ENGROSSED

4 House Joint

5 Resolution No. 1080

6 As Amended

7 ENGROSSED HOUSE JOINT RESOLUTION NO. 1080 - By: Banz, Dorman, Kiesel  
8 and Miller of the House and Paddock of the Senate.

9 [ Constitutional Convention - Constitutional Convention  
10 Commission - ballot title - directing filing ]

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

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

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

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

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

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

7           SECTION 1. There is hereby called a Constitutional Convention  
8 for the purpose of altering, revising, or amending the current  
9 Constitution, or to propose a new Constitution for the State of  
10 Oklahoma, to be submitted to the people for their approval or  
11 rejection.

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

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

16           1. There shall be seventy-six delegates selected by lot, as  
17 provided in subsection E of this section, from the Legislature:  
18 fifty-two delegates shall be members of the House of Representatives  
19 and twenty-four delegates shall be members of the Senate. Twenty-  
20 six of the members from the House of Representatives shall reside  
21 west of Interstate Highway 35 (I-35) and twenty-six of the members  
22 from the House of Representatives shall reside east of I-35. Twelve  
23 of the members from the Senate shall reside west of Interstate

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

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

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

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

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

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

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

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

20           1. Members of the House of Representatives who wish to serve as  
21 delegates to the Constitutional Convention shall submit their names  
22 to the Speaker of the House of Representatives. Names shall be  
23 drawn by lot according to procedures established by the

1 Constitutional Convention Commission. If an insufficient number of  
2 Representatives meeting the qualifications required by paragraph 1  
3 of subsection A of this section submit their names for  
4 consideration, the Constitutional Convention Commission shall  
5 provide for selection of the balance of membership from the  
6 membership of the House of Representatives or former members of the  
7 House of Representatives, subject to the qualifications provided for  
8 in paragraph 1 of subsection A of this section;

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

20       3. Members of Executive Department agencies, boards and  
21 commissions who wish to serve as delegates to the Constitutional  
22 Convention shall submit their names to the Governor. Names shall be  
23 drawn by lot according to procedures established by the

1 Constitutional Convention Commission. If an insufficient number of  
2 individuals from the Executive Department of government meeting the  
3 qualifications required by paragraph 2 of subsection A of this  
4 section submit their names for consideration, the Constitutional  
5 Convention Commission shall provide for selection of the balance of  
6 membership from within the Executive Department or from former  
7 officers or employees from the Executive Department;

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

19 5. Members of the public at large shall submit their names to  
20 the Lieutenant Governor. Names shall be drawn by lot according to  
21 procedures established by the Constitutional Convention Commission.  
22 If an insufficient number of individuals meeting the qualifications  
23 of paragraph 4 of subsection A of this section submit their names

1 for consideration, the Constitutional Convention Commission shall  
2 provide for selection of the balance of membership from persons who  
3 have submitted their names pursuant to paragraphs 1 through 4 of  
4 this subsection.

5 F. Persons wishing to serve as delegates shall submit their  
6 applications by February 1, 2009. By February 15, 2009, the persons  
7 to whom the applications have been submitted shall forward the  
8 applications to the Constitutional Convention Commission. Delegates  
9 shall be selected by March 1, 2009.

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

1 input from the public for issues to be addressed by the  
2 Constitutional Convention.

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

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

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

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

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

21 F. No article or section of the Constitution that has been  
22 added, altered or revised pursuant to the initiative petition  
23 process or the legislative referendum process shall be repealed,

1 altered or revised by the Constitutional Convention unless four-  
2 fifths (4/5) of the delegates approve such a motion.

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

14 SECTION 5. The delegates to the Constitutional Convention shall  
15 receive no compensation but shall receive reimbursement for mileage  
16 and per diem as provided in the State Travel Reimbursement Act for  
17 the time that the Constitutional Convention is in session up to a  
18 maximum of ninety (90) days.

19 SECTION 6. All expenses incurred by the Constitutional  
20 Convention acting within the scope of authority as provided for in  
21 this resolution and all expenses of holding the election for  
22 adoption or rejection of any alteration, revision, or amendment of  
23 the current Constitution or proposed new Constitution shall be paid

1 for by the state; and it is made the express duty of the Legislature  
2 to provide for payment of the expenses.

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

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

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

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

17 BALLOT TITLE

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

19 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

20 This measure calls a state Constitutional Convention. It would  
21 begin on July 15, 2009. It would review the State Constitution.  
22 It could alter, amend, or revise the Constitution. It could  
23 propose a new State Constitution. There would be 112 delegates.

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

11 SHALL THE PROPOSAL BE APPROVED?

12 FOR THE PROPOSAL - YES \_\_\_\_\_

13 AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

19 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 4-2-08 - DO PASS, As  
20 Amended.