

BILL SUMMARY

MEASURE: HJR 1080 (Committee Substitute)

AUTHOR: Representative Banz

SUBJECT: A Joint Resolution relating to Constitutional Convention; calling a Constitutional Convention; vote of the people; ballot title; filing.

PROVISIONS: WHEREAS The Oklahoma Constitution requires that a proposal to hold a Constitutional Convention shall be submitted to a vote of the people at least once every 20 years; the last proposal providing for a Constitutional Convention was submitted to a vote of the people March 17, 1970; a State Question to eliminate the requirement that a Constitutional Convention proposal be submitted to the people every 20 years was defeated at General Election on November 8, 1994; the Legislature should enact a law providing for a Constitutional Convention and submit that to a vote of the people; it is necessary that said law provide the organization of the Convention and the procedure to be followed and that law be signed by the Governor.

BE IT RESOLVED BY THE HOUSE AND SENATE:

Section 1. A Constitutional Convention shall be called to alter, revise, or amend the current Constitution or propose a new one, to be submitted to the people of Oklahoma for their approval or rejection.

Section 2. The Constitutional Convention shall convene at 12:00 p.m., July 15, 2009, in Oklahoma City at the State Capitol.

Section 3. A. Delegates shall be chosen as follows:

1. 76 delegates selected by lot, from the legislature:
 - 52 delegates shall be members of the House.
 - 26 members of the House shall reside west of I-35 and
 - 26 members of the House shall reside east of I-35.
 - 24 delegates shall be members of the Senate.
 - 12 members of the Senate shall reside west of I-35 and
 - 12 members of the Senate shall reside east of I-35;
2. 14 shall be selected by lot from the Executive Department of Government agencies, board, and commissions; provided, none shall be elected officials.
 - 7 of the Executive Department delegates shall reside west of I-35 and
 - 7 of the Executive Department delegates shall reside east of I-35;

3. 8 delegates shall be selected by lot from the Judicial Department of government; provided, none shall be justices or judges subject to statewide retention ballot.

4 of the judicial delegates shall reside west of I-35 and

4 of the judicial delegates shall reside east of I-35; and

4. 14 delegates from the public at large shall be selected by lot. No at-large delegate shall be a statewide elected official.

7 of the at-large delegates shall reside west of I-35 and

7 of the at-large delegates shall reside east of I-35.

B. A person shall be eligible for consideration as a delegate if he/she is at least 21 years of age and a qualified elector.

C. Except as provided for in E.5., a person can be considered to be a delegate pursuant to only one of the categories in subsection A.

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

E. Delegates selected by lot shall be chosen as follows:

1. Members of the House must submit their names to the Speaker. Names shall be drawn by lot according to procedures established. If not enough Representatives submit their names, the Commission shall provide for selection of the remainder from members of the House or former members of the House;

2. Members of the Senate shall submit their names to the President Pro Tempore of the Senate. Names shall be drawn by lot according to procedures established. If not enough Senators submit their names, the Commission shall provide for selection of the remainder from members of the Senate or former members of the Senate;

3. Members of Executive Department agencies, boards and commissions shall submit their names to the Governor. Names shall be drawn by lot according to procedures established. If not enough persons from the Executive Department of government submit their names, the Commission shall provide for selection of the remainder from members of the Executive Department or from former officers or employees from the Executive Department;

4. Members of the Judicial Department shall submit their names to the Chief Justice of the Oklahoma Supreme Court. Names shall be drawn by lot according to procedures established. If not enough persons from the Judicial Department of government submit their names, the Commission shall provide for selection of the remainder from members of the Judicial Department or from former justices or judges; and

5. Members of the public at large shall submit their names to the

Lieutenant Governor. Names shall be drawn by lot according to procedures established. If not enough public persons submit their names, the Commission shall provide for selection of the remainder from persons who have submitted their names pursuant to paragraphs 1-4 of this subsection.

F. Persons wishing to be a delegate shall submit their applications by February 1, 2009. By February 15, 2009, the officers receiving the applications shall forward to the Commission. Delegates shall be selected by March 1, 2009.

G. Creating a Constitutional Convention Commission. The Commission is to develop the delegate application, the procedure to draw names by lot, supervise the selection process and provide lists of alternates. The Commission shall be composed of the Governor, the Chief Justice of the Supreme Court, the Speaker, the President Pro Tempore, or a designee of any of these officers, and the House and Senate principal authors of the measure calling for the Constitutional Convention. The principal authors shall serve as cochairs of the Commission. Public hearings shall be conducted prior to delegate selection process to gather input from the public for issues to be addressed.

Section 4. A. The Secretary of State shall call the Constitutional Convention to order and preside until a delegate is chosen President of the Convention by vote of the Convention;

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

C. After electing a President, the Convention shall organize and select other officers as it deems necessary.

D. The Convention may establish rules. Any parliamentary question not provided for shall be governed by Mason's.

E. A majority of the 112 delegates shall constitute a quorum. A majority of delegates is necessary for the adoption of any measure.

F. No article or section of the Constitution that has been revised pursuant to the initiative petition or the legislative referendum process shall be altered, or revised by the Constitutional Convention unless 4/5 of the delegates approve.

G. The original Constitution and all amendments added by the initiative petition process or the legislative referendum process by July 15, 2009, shall be the working draft for consideration by the Constitutional Convention. No article of the Constitution shall be reviewed by the Convention for possible amendments unless there is a 2/3 majority approval of the delegates. Any amendment shall require a simple majority for adoption. To reverse any previous action taken by the Convention pertaining to an amendment, 2/3 of the delegates must approve the motion.

Section 5. Delegates shall receive no compensation, except for mileage and per diem reimbursement per the State Travel Reimbursement Act for the time the Convention is in session up to a maximum of 180 days.

Section 6. All expenses incurred by the Convention acting within the scope of authority and all expenses of holding the election for adoption or rejection of any amendment of the current Constitution or proposed new one shall be paid for by the state; and is made the duty of the Legislature to provide for payment of the expenses.

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

Section 8. Any amendment of the current Constitution or new Constitution proposed shall be submitted to the people of the state for adoption or rejection in the General Election held in 2010.

Section 9. This resolution shall be submitted to the electors by the state Election Board for their approval or rejection at the next General Election.

Section 10. **BALLOT TITLE** Outlines the Ballot Title for the proposed question calling for a state Constitutional Convention to be put before the people as provided herein.

Section 11. **BALLOT TITLE DISTRIBUTION** Immediately after passage, the Chief Clerk of the House shall provide the Secretary of State and the Attorney General with one copy each of the House Joint Resolution and the Ballot Title as set forth in Section 10.

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DATE: March 4, 2008