

THE HOUSE OF REPRESENTATIVES  
Monday, February 9, 2009

House Joint  
Resolution No. 1017

HJR 1017

HOUSE JOINT RESOLUTION NO. 1017 - By: BANZ of the House.

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, the original Constitutional Convention was comprised of 112 members,  
5 with 55 delegates from Indian Territory, 55 delegates from Oklahoma Territory, and two  
6 members from Osage tribal land; and

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

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

12 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
13 REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 52ND  
14 OKLAHOMA LEGISLATURE:

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

19 SECTION 2. The Constitutional Convention shall convene at twelve o'clock noon,  
20 July 13, 2011, in Oklahoma City at the State Capitol.

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

1           1. There shall be seventy-six delegates selected from the Legislature: fifty-two  
2 delegates shall be members of the House of Representatives, twenty-six of whom shall be  
3 Democrats and twenty-six of whom shall be Republicans and twenty-four delegates shall  
4 be members of the Senate, twelve of whom shall be Democrats and twelve of whom shall  
5 be Republicans. Thirteen of the members from the House of Representatives who are  
6 Republicans and thirteen of the members from the House of Representatives who are  
7 Democrats shall reside west of Interstate Highway 35 (I-35) and thirteen of the members  
8 from the House of Representatives who are Republicans and thirteen of the members  
9 from the House of Representatives who are Democrats shall reside east of I-35. Six of  
10 the members from the Senate who are Republicans and six of the members from the  
11 Senate who are Democrats shall reside west of Interstate Highway 35 (I-35) and six of  
12 the members of the Senate who are Republicans and six of the members from the Senate  
13 who are Democrats shall reside east of I-35. For purposes of this paragraph, if Interstate  
14 35 passes through the district of a legislator, the entire district shall be considered to be  
15 west of I-35;

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

1           3. Six delegates shall be selected by lot pursuant to subsection E of this section  
2 from the Judicial Department of government within this state; provided, none shall be  
3 justices or judges subject to statewide retention ballot. Three of the judicial delegates  
4 shall reside west of Interstate Highway 35 (I-35) and three of the judicial delegates shall  
5 reside east of I-35. For purposes of this paragraph, if Interstate Highway 35 passes  
6 through a county, other than Payne County, the entire county shall be considered to be  
7 west of I-35; and

8           4. Sixteen delegates from the public at large shall be selected by lot, pursuant to  
9 subsection E of this section. No at-large delegate shall be a statewide elected official.  
10 Seven of the at-large delegates shall reside west of Interstate Highway 35 (I-35), seven of  
11 the at-large delegates shall reside east of Interstate Highway 35 (I-35), and two of the at-  
12 large delegates shall be from Osage tribal land. Two of the at-large delegates shall be  
13 student body presidents from the two comprehensive state universities; provided, if such  
14 person is unable or ineligible to serve in this capacity, a student shall be selected by the  
15 president of the university to serve as a delegate. The delegate from the University of  
16 Oklahoma shall be one of the seven delegates from west of Interstate Highway 35 (I-35)  
17 and the delegate from Oklahoma State University shall be one of the seven delegates  
18 from east of Interstate Highway 35 (I-35). For purposes of this paragraph, if Interstate  
19 Highway 35 passes through a county, other than Payne County, the entire county shall  
20 be considered to be west of I-35.

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

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

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

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

7 1. Members of the House of Representatives who wish to serve as delegates to the  
8 Constitutional Convention shall submit their names to the Speaker of the House of  
9 Representatives. From the list of names submitted, the Speaker of the House shall select  
10 two delegates and the Minority Leader of the House shall select two delegates. Names  
11 shall be drawn by lot according to procedures established by the Constitutional  
12 Convention Commission to select the remainder of the delegates from the House of  
13 Representatives. If an insufficient number of Representatives meeting the qualifications  
14 required by paragraph 1 of subsection A of this section submit their names for  
15 consideration, the Constitutional Convention Commission shall provide for selection of  
16 the balance of membership from the membership of the House of Representatives or  
17 former members of the House of Representatives, subject to the qualifications provided  
18 for in paragraph 1 of subsection A of this section;

19 2. Members of the Senate who wish to serve as delegates to the Constitutional  
20 Convention shall submit their names to the President Pro Tempore of the Senate. From  
21 the list of names submitted, the President Pro Tempore of the Senate shall select two  
22 delegates and the Minority Leader of the Senate shall select two delegates. Names shall

1 be drawn by lot according to procedures established by the Constitutional Convention  
2 Commission to select the remainder of the delegates from the Senate. If an insufficient  
3 number of Senators meeting the qualifications required by paragraph 1 of subsection A of  
4 this section submit their names for consideration, the Constitutional Convention  
5 Commission shall provide for selection of the balance of membership from the  
6 membership of the Senate or former members of the Senate, subject to the qualifications  
7 provided for in paragraph 1 of subsection A of 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, 2011. By February 15, 2011, 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, 2011.

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  
19 case 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, the House of Representatives principal author of the measure

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 calling for the Constitutional Convention or a designee selected by the Speaker of the  
2 House, and the Senate principal author or a designee selected by the President Pro  
3 Tempore of the Senate. The principal authors shall serve as cochairs of the Commission;  
4 provided, if a designee is selected to replace a principal author pursuant to this  
5 subsection, the designee shall serve as cochair. The Commission shall conduct public  
6 hearings prior to the delegate selection process to gather input from the public for issues  
7 to be addressed by the Constitutional Convention.

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

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

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

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

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

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

5 G. The original Constitution and all amendments added by the initiative petition  
6 process or the legislative referendum process by July 15, 2011, shall be the working draft  
7 for consideration by the Constitutional Convention. No article of the Constitution shall  
8 be reviewed by the Convention for possible alterations, revisions, or amendments, unless  
9 the motion to do so receives the approval of two-thirds (2/3) of the delegates. Thereafter,  
10 any proposed alteration, revision, or amendment to an article shall require a simple  
11 majority for adoption. To reverse any previous action taken by the Convention  
12 pertaining to an alteration, revision or amendment, two-thirds (2/3) of the delegates must  
13 approve the motion.

14 SECTION 5. The Constitutional Convention shall adjourn sine die no later than  
15 June 30, 2012.

16 SECTION 6. The delegates to the Constitutional Convention shall receive no  
17 compensation but shall receive reimbursement for mileage and per diem as provided in  
18 the State Travel Reimbursement Act for the time that the Constitutional Convention is  
19 in session up to a maximum of ninety (90) days.

20 SECTION 7. All expenses incurred by the Constitutional Convention acting within  
21 the scope of authority as provided for in this resolution and all expenses of holding the  
22 election for adoption or rejection of any alteration, revision, or amendment of the current

1 Constitution or proposed new Constitution shall be paid for by the state; and it is made  
2 the express duty of the Legislature to provide for payment of the expenses.

3 SECTION 8. The delegates shall be subject to all rules and regulations  
4 promulgated by the Ethics Commission and all state and federal laws to which  
5 legislators are subject.

6 SECTION 9. Any alteration, revision, or amendment of the current Constitution or  
7 new Constitution proposed by the Constitutional Convention shall be submitted to the  
8 electors of the state for adoption or rejection at the General Election to be held in 2012.

9 SECTION 10. After approval by the Governor, this resolution shall be submitted to  
10 the people by the Secretary of State for their approval or rejection at the next General  
11 Election.

12 SECTION 11. The Ballot Title for the proposed question to be put before the people  
13 as provided herein shall be in the following form:

14 **BALLOT TITLE**

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

16 **THE GIST OF THE PROPOSITION IS AS FOLLOWS:**

17 This measure calls a state Constitutional Convention. It would begin on July 15,  
18 2011. It would end by June 30, 2012. It would review the State Constitution. It  
19 could alter, amend, or revise the Constitution. It could propose a new State  
20 Constitution. There would be 112 delegates. Seventy-six delegates would be from  
21 the State Legislature. Fourteen delegates would be from the Executive  
22 Department. They would be from agencies, boards and commissions. Six delegates

1 would be judges. Sixteen members would be from the public at large. Most  
2 delegates would be picked by lot. A few delegates would be selected by leadership of  
3 the Legislature. Delegates would be paid for travel expenses for each day that the  
4 Convention meets. Payment is limited. Delegates can be paid for no more than  
5 ninety days. Any change in the Constitution or new Constitution must be presented  
6 for approval to state voters. This would happen at the General Election in 2012.

7 SHALL THE PROPOSAL BE APPROVED?

8 FOR THE PROPOSAL — YES \_\_\_\_\_

9 AGAINST THE PROPOSAL — NO \_\_\_\_\_

10 SECTION 12. The Chief Clerk of the House of Representatives, immediately after  
11 the passage of this resolution, shall prepare and file one copy thereof, including the  
12 Ballot Title set forth in  
13 SECTION 11 hereof, with the Governor, one copy with the Secretary of State and one  
14 copy with the Attorney General.

15 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02-05-09 - DO PASS.