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THE STATE SENATE  
Monday, April 6, 2009

ENGROSSED  
House Joint  
Resolution No. 1017  
As Amended

ENGROSSED HOUSE JOINT RESOLUTION NO. 1017 - By: Banz of the House  
and Paddock of the Senate.

[ Joint Resolution - Constitutional Convention -  
Constitutional Convention Commission - ballot title -  
filing ]

WHEREAS, Section 2 of Article XXIV of 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 twenty (20)  
years; and

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

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

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

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

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

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

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

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

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

19       1. There shall be seventy-six delegates selected from the  
20 Legislature: fifty-two delegates shall be members of the House of  
21 Representatives, twenty-six of whom shall be Democrats and twenty-  
22 six of whom shall be Republicans and twenty-four delegates shall be  
23 members of the Senate, twelve of whom shall be Democrats and twelve

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

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

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

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

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

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

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

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

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

15 1. Members of the House of Representatives who wish to serve as  
16 delegates to the Constitutional Convention shall submit their names  
17 to the Speaker of the House of Representatives. From the list of  
18 names submitted, the Speaker of the House shall select two delegates  
19 and the Minority Leader of the House shall select two delegates.  
20 Names shall be drawn by lot according to procedures established by  
21 the Constitutional Convention Commission to select the remainder of  
22 the delegates from the House of Representatives. If an insufficient  
23 number of Representatives meeting the qualifications required by

1 paragraph 1 of subsection A of this section submit their names for  
2 consideration, the Constitutional Convention Commission shall  
3 provide for selection of the balance of membership from the  
4 membership of the House of Representatives or former members of the  
5 House of Representatives, subject to the qualifications provided for  
6 in paragraph 1 of subsection A of this section;

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

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

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

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

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

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

6 F. Persons wishing to serve as delegates shall submit their  
7 applications by February 1, 2011. By February 15, 2011, the persons  
8 to whom the applications have been submitted shall forward the  
9 applications to the Constitutional Convention Commission. Delegates  
10 shall be selected by March 1, 2011.

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

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

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

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

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

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

1 E. A simple majority of the delegates shall constitute a quorum  
2 to transact business. A simple majority of the delegates shall be  
3 necessary for the adoption of any measure.

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

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

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

22 SECTION 6. The delegates to the Constitutional Convention shall  
23 receive no compensation but shall receive reimbursement for mileage

1 and per diem as provided in the State Travel Reimbursement Act for  
2 the time that the Constitutional Convention is in session up to a  
3 maximum of ninety (90) days.

4 SECTION 7. All expenses incurred by the Constitutional  
5 Convention acting within the scope of authority as provided for in  
6 this resolution and all expenses of holding the election for  
7 adoption or rejection of any alteration, revision, or amendment of  
8 the current Constitution or proposed new Constitution shall be paid  
9 for by the state; and it is made the express duty of the Legislature  
10 to provide for payment of the expenses.

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

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

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

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

4 BALLOT TITLE  
5 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This measure calls a state Constitutional Convention. It would  
8 begin on July 15, 2011. It would end by June 30, 2012. It  
9 would review the State Constitution. It could alter, amend, or  
10 revise the Constitution. It could propose a new State  
11 Constitution. There would be 112 delegates. Seventy-six  
12 delegates would be from the State Legislature. Fourteen  
13 delegates would be from the Executive Department. They would be  
14 from agencies, boards and commissions. Six delegates would be  
15 judges. Sixteen members would be from the public at large.  
16 Most delegates would be picked by lot. A few delegates would be  
17 selected by leadership of the Legislature. Delegates would be  
18 paid for travel expenses for each day that the Convention meets.  
19 Payment is limited. Delegates can be paid for no more than  
20 ninety days. Any change in the Constitution or new Constitution  
21 must be presented for approval to state voters. This would  
22 happen at the General Election in 2012.

23 SHALL THE PROPOSAL BE APPROVED?

1 FOR THE PROPOSAL - YES \_\_\_\_\_

2 AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-31-09 - DO  
9 PASS, As Amended.