

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1530

By: Banz

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5
6 AS INTRODUCED

7 An Act relating to statutes and reports; providing
8 for delegates to a federal constitutional convention;
9 defining terms; prohibiting delegates from performing
10 certain acts; providing for recall for a violation;
11 requiring delegates to take an oath; specifying oath;
12 requiring the Legislature to perform certain duties;
13 providing criminal penalty for violation of oath;
14 providing for codification; providing an effective
15 date; and declaring an emergency.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 26.43 of Title 75, unless there
19 is created a duplication in numbering, reads as follows:

20 A. As used in this section:

21 1. "Article V convention" means a "Convention for proposing
22 Amendments" as expressly provided in Article V of the United States
23 of America Constitution;

24 2. "Article V application" means a joint resolution passed by
the State Legislature of Oklahoma on the same subject or containing
the same proposed amendment text as thirty-three other sovereign

1 states requiring Congress to call an Article V convention by setting
2 the time and place;

3 3. "Delegate" or "alternate" means a person selected by the
4 State Legislature of Oklahoma or any other method provided by law to
5 represent the State of Oklahoma at an Article V convention;

6 4. "Legislative instructions" means instructions given by the
7 state legislature to delegates and alternates before and during an
8 Article V convention; and

9 5. "Unauthorized amendment" means a proposed amendment that is
10 outside the subject matter of the application, the call, the
11 commission, or any legislative instructions.

12 B. No delegate from this state to an Article V convention shall
13 have the authority to vote to allow consideration of or vote to
14 approve an unauthorized amendment for ratification to the United
15 States of America Constitution. Any delegate casting a vote to
16 allow consideration or approval of an unauthorized amendment shall
17 be immediately recalled by the Speaker of the Oklahoma House of
18 Representatives and the President Pro Tempore of the Oklahoma Senate
19 and replaced by an alternate.

20 C. Every candidate for delegate or alternate from this state to
21 the Article V convention shall be required to take the following
22 oath:

23 "I do solemnly swear or affirm that to the best of my abilities,
24 I will, as a delegate or alternate to an Article V convention,

1 uphold the Constitution and laws of the United States of America and
2 the State of Oklahoma. I will not vote to allow consideration of or
3 to approve any unauthorized amendment proposed for ratification to
4 the United States of America Constitution.

5 D. The Oklahoma State Legislature shall certify in writing to
6 the Article V convention the selection of delegates and alternates,
7 the recall and replacement of any delegate with an alternate and the
8 nullification of unauthorized votes cast by any delegate of this
9 state.

10 E. Any delegate who violates the oath contained in this
11 section, upon conviction, shall be guilty of a misdemeanor.

12 SECTION 2. This act shall become effective July 1, 2013.

13 SECTION 3. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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18 54-1-5477 SD 01/14/13

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