

1 ENGROSSED HOUSE
2 CONCURRENT
3 RESOLUTION NO. 1007

By: Lepak and Lawson of the
House

and

Brecheen, Standridge and
Yen of the Senate

7 A Concurrent Resolution relating to an Article V
8 Convention for proposing amendments to the United
9 States Constitution and a gathering of the states in
10 preparation for an Article V Convention; authorizing
11 a delegation of commissioners from this state to
12 attend and participate in a gathering of the states;
13 stating purpose; providing for selection and
14 composition of the delegation; providing for
15 selection of alternates; providing that the
16 delegation shall be bound by the rules established
17 for the gathering of states; providing that the
18 delegation to the convention of states shall also
19 serve as commissioners to the Article V Convention
20 for proposing amendments to the United States
21 Constitution when called; prohibiting commissioners
22 to the Article V Convention from voting for
23 unauthorized amendments; providing for replacement of
24 commissioners who violate the prohibition; providing
for voting; requiring the taking of an oath;
establishing an Article V Convention Committee;
providing composition and duties; requiring
commissioner to adhere to certain principles; and
directing filing and distribution.

21 WHEREAS, Article V of the Constitution of the United States
22 provides that upon receipt of applications from two-thirds of the
23 legislatures of the several states, Congress shall call a convention
24 of the states for proposing amendments; and

1 WHEREAS, the Oklahoma Legislature adopted SJR 4 in the Second
2 Session of the 55th Oklahoma Legislature that applied to the
3 Congress of the United States "for the calling of a convention of
4 the states limited to proposing an amendment to the Constitution of
5 the United States requiring that in the absence of a national
6 emergency the total of all federal appropriations made by the
7 Congress for any fiscal year may not exceed the total of all
8 estimated federal revenues for that fiscal year, together with any
9 related and appropriate fiscal restraints"; and

10 WHEREAS, it appears that two-thirds of the states, including
11 Oklahoma, soon will have applied for a convention to propose such an
12 amendment adding to the United States Constitution a requirement
13 that the federal government balance its budget; and

14 WHEREAS, it has also been proposed by several states, including
15 Oklahoma, that a convention be called for proposing amendments to
16 "impose fiscal restraints on the federal government, limit the power
17 and jurisdiction of the federal government, and limit the terms of
18 office for its officials and for members of Congress"; and

19 WHEREAS, in its call Congress will be required to specify an
20 initial time and place for the meeting of the Article V Convention
21 for proposing amendments; and

22 WHEREAS, it is appropriate for the state legislatures to prepare
23 for the Article V Convention and recommend to Congress an initial
24 time and place to hold the convention; and

1 WHEREAS, a gathering of the states called by a state legislature
2 and consisting of members authorized by other state legislatures
3 would be an effective way of considering and recommending solutions
4 to common issues related to an Article V Convention, including
5 planning for and recommending rules and procedures for an Article V
6 Convention, and recommending to Congress the initial date and
7 location of an Article V Convention; and

8 WHEREAS, in HCR 2022 the State of Arizona has proposed a
9 planning convention of the several states for an Article V
10 Convention to convene at noon on September 12, 2017, in Phoenix,
11 Arizona.

12 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
13 OF THE 1ST SESSION OF THE 56TH OKLAHOMA LEGISLATURE, THE SENATE
14 CONCURRING THEREIN:

15 THAT a delegation of commissioners selected as provided in this
16 resolution shall be authorized to attend and participate in a
17 gathering of states proposed by the State of Arizona or any other
18 state legislature for the purposes of developing rules and
19 procedures for an Article V Convention for proposing amendments to
20 the United States Constitution to require a balanced federal budget,
21 or to impose fiscal restraints on the federal government, to limit
22 the power and jurisdiction of the federal government and to limit
23 the terms of office for federal officials and members of Congress
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1 and for proposing an initial date and location for the meeting of
2 the several states in an Article V Convention.

3 THAT the delegation of commissioners shall be composed of seven
4 members, three of whom shall be appointed by the Speaker of the
5 Oklahoma House of Representatives, three of whom shall be appointed
6 by the President Pro Tempore of the Oklahoma State Senate, and one
7 of whom shall be appointed by agreement of both the Speaker of the
8 Oklahoma House of Representatives and the President Pro Tempore of
9 the Oklahoma State Senate.

10 THAT the commissioners shall be bound by the rules adopted by
11 the gathering of the states or provided for in the proposal for the
12 Article V Convention.

13 THAT unless otherwise provided by the Oklahoma Legislature, the
14 commissioners provided for in this resolution shall also serve as
15 commissioners to the Article V Convention for proposing amendments
16 to the United States Constitution when called and shall be bound by
17 the rules adopted by the members of the Article V Convention.

18 THAT if a commissioner is unable to participate in either the
19 state gathering or an Article V Convention to propose amendments to
20 the United States Constitution either permanently or temporarily,
21 the appointing authority or authorities shall select an alternate to
22 serve for the time the commissioner is unable to serve. The
23 alternate shall be bound by the same rules and procedures as the
24 original commissioner.

1 THAT no commissioner or alternate from this state to an Article
2 V Convention shall have the authority to vote to allow consideration
3 of or vote to approve an unauthorized amendment for ratification to
4 the United States Constitution.

5 THAT any commissioner or alternate casting a vote to allow
6 consideration or approval of an unauthorized amendment shall be
7 immediately recalled by the appointing authority or authorities and
8 be replaced by an alternate.

9 THAT all voting in either a gathering of states or an Article V
10 Convention shall be by state with each state having one vote.

11 THAT commissioners and alternates shall take the following oath
12 of office before accepting their appointment:

13 "I do solemnly swear or affirm that to the best of my abilities
14 I will, as a commissioner (alternate commissioner) to a convention
15 for proposing any amendment to the United States Constitution,
16 uphold the Constitution and laws of the United States and the State
17 of Oklahoma.

18 I will abide by my specific instructions from the Legislature of
19 the State of Oklahoma. I will not discuss or vote to allow
20 consideration of or to approve any amendment proposed for
21 ratification to the United States Constitution that is unrelated to
22 the subject of the approved call of the convention by Congress.

23 I will vote only for convention rules that provide that each
24 state have one equal vote and that a state or commissioner shall not

1 be allowed to propose an amendment that is unrelated to the approved
2 call of the convention. I acknowledge that any violation of this
3 oath may result in being recalled by the Legislature of the State of
4 Oklahoma or its authorized committee."

5 THAT an Article V Convention Committee shall be composed of
6 three members, one appointed by the Speaker of the Oklahoma House of
7 Representatives, one appointed by the President Pro Tempore of the
8 Oklahoma State Senate and one appointed jointly by the Speaker and
9 President Pro Tempore. A member of the Article V Convention
10 Committee may not be a member of the delegation. The duties of the
11 Article V Convention Committee and their appointing authority or
12 authorities include:

13 1. Monitoring the delegation to determine if it is following
14 legislative instructions and obeying convention rules;

15 2. Advising the delegation on the Legislature's position on
16 issues before the convention;

17 3. Disciplining any commissioner who violates the oath of
18 office or instructions or is otherwise guilty of malfeasance or
19 nonfeasance. Discipline may include recall from the convention,
20 removal as a commissioner or demotion to the office of alternate
21 commissioner;

22 4. Notifying the convention that a commissioner has been
23 recalled, removed as a commissioner or demoted to the office of
24 alternate commissioner; and

1 5. Replacing any recalled commissioner.

2 THAT commissioners shall vote only for Article V Convention
3 rules consistent with the following principles:

4 1. The convention is convened under the authority granted to
5 the state legislatures of the several states by Article V of the
6 Constitution of the United States;

7 2. The only participants at this convention are the several
8 states represented by their respective delegations duly selected in
9 the manner that their respective legislatures have determined;

10 3. The scope of the convention's authority is defined by
11 applications adopted by at least two-thirds of the legislatures of
12 the several states, which authority is limited to the subject of the
13 approved call of the convention. The convention has no authority to
14 propose or discuss an amendment on any other subject outside the
15 approved call of the convention by Congress;

16 4. The convention shall provide for disciplining a commissioner
17 or delegation for exceeding the scope of the convention's authority
18 by raising subjects for discussion or debate that lie outside the
19 convention's authority;

20 5. The convention shall not infringe on the respective state
21 legislatures' authority to instruct, discipline, recall and replace
22 commissioners; and

23 6. All voting at the convention or in a committee shall be by
24 state with each state having one vote without apportionment or

1 division. Each state legislature shall determine the internal
2 voting and quorum rules for casting the vote of its delegation.

3 THAT the Chief Clerk of the House of Representatives,
4 immediately after the passage of this resolution, shall prepare and
5 file one copy thereof with the Secretary of State and one copy with
6 the Attorney General and transmit copies to the President and
7 Secretary of the United States Senate and to the Speaker and Clerk
8 of the United States House of Representatives, to the members of the
9 Oklahoma Congressional Delegation, and to the presiding officers of
10 each of the legislative houses in the several states, requesting
11 their cooperation.

12 Adopted by the House of Representatives the 3rd day of May,
13 2017.

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15 Presiding Officer of the House
16 of Representatives

17 Adopted by the Senate the ____ day of _____, 2017.

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19 Presiding Officer of the Senate

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