

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE JOINT
7 RESOLUTION NO. 1043

By: Lepak

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9 COMMITTEE SUBSTITUTE

10 A Joint Resolution relating to an Article V
11 Convention for proposing amendments to the United
12 States Constitution and a gathering of the states in
13 preparation for an Article V Convention; authorizing
14 a delegation of commissioners from this state to
15 attend and participate in gatherings of the states;
16 stating purpose; providing for selection and
17 composition of the delegation; providing that the
18 delegation shall be bound by the rules established
19 for the gathering of states; providing that the
20 delegation to the convention of states shall also
21 serve as commissioners to the Article V Convention
22 for proposing amendments to the United States
23 Constitution when called; providing for selection of
24 alternates; prohibiting commissioners to the Article
 V Convention from voting for unauthorized amendments;
 providing for replacement of 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; providing termination date; and
 directing filing and distribution.

1 WHEREAS, Article V of the Constitution of the United States
2 provides that upon receipt of applications from two-thirds of the
3 legislatures of the several states, Congress shall call a convention
4 of the states for proposing amendments; and

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

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

18 WHEREAS, it has also been proposed by several states, including
19 Oklahoma, that a convention be called for proposing amendments to
20 "impose fiscal restraints on the federal government, limit the power
21 and jurisdiction of the federal government, and limit the terms of
22 office for its officials and for members of Congress"; and
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1 WHEREAS, in its call Congress will be required to specify an
2 initial time and place for the meeting of the Article V Convention
3 for proposing amendments; and

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

7 WHEREAS, a gathering of the states called by a state legislature
8 and consisting of members authorized by other state legislatures
9 would be an effective way of considering and recommending solutions
10 to common issues related to an Article V Convention, including
11 planning for and recommending rules and procedures for an Article V
12 Convention, and recommending to Congress the initial date and
13 location of an Article V Convention; and

14 WHEREAS, a planning convention of the several states in
15 September in Phoenix, Arizona, was attended by a delegation from
16 Oklahoma as authorized by House Concurrent Resolution No. 1007 of
17 the 1st Session of the 56th Oklahoma Legislature.

18 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
19 AND THE SENATE OF THE 2ND SESSION OF THE 56TH OKLAHOMA LEGISLATURE:

20 THAT a delegation of commissioners selected as provided in this
21 resolution shall be authorized to attend and participate in a
22 gathering of states proposed by any state legislature for the
23 purposes of developing rules and procedures for an Article V
24 Convention for proposing amendments to the United States

1 Constitution to require a balanced federal budget, or to impose
2 fiscal restraints on the federal government, to limit the power and
3 jurisdiction of the federal government and to limit the terms of
4 office for federal officials and members of Congress and for
5 proposing an initial date and location for the meeting of the
6 several states in an Article V Convention.

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

14 THAT two of the commissioners appointed by the Speaker of the
15 Oklahoma House of Representatives shall be current members of the
16 Oklahoma House of Representatives at the time of appointment, and
17 two of the commissioners appointed by the President Pro Tempore of
18 the Oklahoma State Senate shall be current members of the Oklahoma
19 State Senate at the time of appointment. The third commissioner
20 appointed by the Speaker of the Oklahoma House of Representatives
21 shall be a current or former member of the Oklahoma House of
22 Representatives and the third commissioner appointed by the
23 President Pro Tempore of the Oklahoma State Senate shall be a
24 current or former member of the Oklahoma State Senate.

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2 THAT the commissioners shall be bound by the rules adopted by
3 the gathering of the states or provided for in the proposal for the
4 Article V Convention.

5 THAT unless otherwise provided by the Oklahoma Legislature, the
6 commissioners provided for in this resolution shall also serve as
7 commissioners to the Article V Convention for proposing amendments
8 to the United States Constitution when called and shall be bound by
9 the rules adopted by the members of the Article V Convention.

10 THAT if a commissioner is unable to participate in either the
11 state gathering or an Article V Convention to propose amendments to
12 the United States Constitution either permanently or temporarily,
13 the appointing authority or authorities shall select an alternate,
14 who shall be a current or former member of the appointing
15 authority's legislative body, to serve for the time the commissioner
16 is unable to serve. The alternate shall be bound by the same rules
17 and procedures as the original commissioner.

18 THAT no commissioner or alternate from this state to an Article
19 V Convention shall have the authority to vote to allow consideration
20 of or vote to approve an unauthorized amendment for ratification to
21 the United States Constitution.

22 THAT any commissioner or alternate casting a vote to allow
23 consideration or approval of an unauthorized amendment shall be
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1 immediately recalled by the appointing authority or authorities and
2 be replaced by an alternate.

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

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

7 "I do solemnly swear or affirm that to the best of my abilities
8 I will, as a commissioner (alternate commissioner) to a convention
9 for proposing any amendment to the United States Constitution,
10 uphold the Constitution and laws of the United States and the State
11 of Oklahoma.

12 I will abide by my specific instructions from the Legislature of
13 the State of Oklahoma. I will not vote to allow consideration of or
14 to approve any amendment proposed for ratification to the United
15 States Constitution that is unrelated to the subject of the approved
16 call of the convention by Congress.

17 I will vote only for convention rules that provide that each
18 state have one equal vote and that a state or commissioner shall not
19 be allowed to propose an amendment that is unrelated to the approved
20 call of the convention. I acknowledge that any violation of this
21 oath may result in being recalled by the Legislature of the State of
22 Oklahoma or its authorized committee."

23 THAT an Article V Convention Committee shall be composed of
24 three members, one appointed by the Speaker of the Oklahoma House of

1 Representatives, one appointed by the President Pro Tempore of the
2 Oklahoma State Senate and one appointed jointly by the Speaker and
3 President Pro Tempore. A member of the Article V Convention
4 Committee may not be a member of the delegation. The duties of the
5 Article V Convention Committee and their appointing authority or
6 authorities include:

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

9 2. Advising the delegation on the Legislature's position on
10 issues before the convention;

11 3. Disciplining any commissioner who violates the oath of
12 office or instructions or is otherwise guilty of malfeasance or
13 nonfeasance. Discipline may include recall from the convention,
14 removal as a commissioner or demotion to the office of alternate
15 commissioner;

16 4. Notifying the convention that a commissioner has been
17 recalled, removed as a commissioner or demoted to the office of
18 alternate commissioner; and

19 5. Replacing any recalled commissioner.

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

22 1. The convention is convened under the authority granted to
23 the state legislatures of the several states by Article V of the
24 Constitution of the United States;

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

4 3. The scope of the convention's authority is defined by
5 applications adopted by at least two-thirds of the legislatures of
6 the several states, which authority is limited to the subject of the
7 approved call of the convention. The convention has no authority to
8 propose or discuss an amendment on any other subject outside the
9 approved call of the convention by Congress;

10 4. The convention shall provide for disciplining a commissioner
11 or delegation for exceeding the scope of the convention's authority
12 by raising subjects for discussion or debate that lie outside the
13 convention's authority;

14 5. The convention shall not infringe on the respective state
15 legislatures' authority to instruct, discipline, recall and replace
16 commissioners; and

17 6. All voting at the convention or in a committee shall be by
18 state with each state having one vote without apportionment or
19 division. Each state legislature shall determine the internal
20 voting and quorum rules for casting the vote of its delegation.

21 THAT the provisions of this resolution shall expire on December
22 31, 2023.

23 THAT the Chief Clerk of the House of Representatives,
24 immediately after the passage of this resolution, shall prepare and

1 file one copy thereof with the Secretary of State and one copy with
2 the Attorney General and transmit copies to the President and
3 Secretary of the United States Senate and to the Speaker and Clerk
4 of the United States House of Representatives, to the members of the
5 Oklahoma Congressional Delegation, and to the presiding officers of
6 each of the legislative houses in the several states, requesting
7 their cooperation.

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9 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/01/2018 - DO PASS,
10 As Amended.
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