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AS AMENDED

JOINT

By: Lepak of the House

and

Bergstrom of the Senate

[Article V Convention - termination date - filing
and distribution]

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

WHEREAS, the Oklahoma Legislature adopted SJR 4 in the 2nd Session of the 55th Oklahoma Legislature that applied to the Congress of the United States "for the calling of a convention of the states limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all

1 estimated federal revenues for that fiscal year, together with any
2 related and appropriate fiscal restraints"; and

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

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

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

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

18 WHEREAS, a gathering of the states called by a state legislature
19 and consisting of members authorized by other state legislatures
20 would be an effective way of considering and recommending solutions
21 to common issues related to an Article V Convention, including
22 planning for and recommending rules and procedures for an Article V
23 Convention, and recommending to Congress the initial date and
24 location of an Article V Convention; and

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

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

7 THAT a delegation of commissioners selected as provided in this
8 resolution shall be authorized to attend and participate in a
9 gathering of states proposed by any state legislature for the
10 purposes of developing rules and procedures for an Article V
11 Convention for proposing amendments to the United States
12 Constitution to require a balanced federal budget, or to impose
13 fiscal restraints on the federal government, to limit the power and
14 jurisdiction of the federal government and to limit the terms of
15 office for federal officials and members of Congress and for
16 proposing an initial date and location for the meeting of the
17 several states in an Article V Convention.

18 THAT the delegation of commissioners shall be composed of seven
19 members, three of whom shall be appointed by the Speaker of the
20 Oklahoma House of Representatives, three of whom shall be appointed
21 by the President Pro Tempore of the Oklahoma State Senate, and one
22 of whom shall be appointed by agreement of both the Speaker of the
23 Oklahoma House of Representatives and the President Pro Tempore of
24 the Oklahoma State Senate.

1 THAT two of the commissioners appointed by the Speaker of the
2 Oklahoma House of Representatives shall be current members of the
3 Oklahoma House of Representatives at the time of appointment, and
4 two of the commissioners appointed by the President Pro Tempore of
5 the Oklahoma State Senate shall be current members of the Oklahoma
6 State Senate at the time of appointment. The third commissioner
7 appointed by the Speaker of the Oklahoma House of Representatives
8 shall be a current or former member of the Oklahoma House of
9 Representatives and the third commissioner appointed by the
10 President Pro Tempore of the Oklahoma State Senate shall be a
11 current or former member of the Oklahoma State Senate.

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

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

20 THAT if a commissioner is unable to participate in either the
21 state gathering or an Article V Convention to propose amendments to
22 the United States Constitution either permanently or temporarily,
23 the appointing authority or authorities shall select an alternate,
24 who shall be a current or former member of the appointing

1 authority's legislative body, to serve for the time the commissioner
2 is unable to serve. The alternate shall be bound by the same rules
3 and procedures as the original commissioner.

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

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

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

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

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

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

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

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

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

19 2. Advising the delegation on the Legislature's position on
20 issues before the convention;

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

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

6 5. Replacing any recalled commissioner.

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

9 1. The convention is convened under the authority **reserved** to
10 the state legislatures of the several states by Article V of the
11 Constitution of the United States;

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

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

21 4. The convention shall provide for disciplining a commissioner
22 or delegation for exceeding the scope of the convention's authority
23 by raising subjects for discussion or debate that lie outside the
24 convention's authority;

1 5. The convention shall not infringe on the respective state
2 legislatures' authority to instruct, discipline, recall and replace
3 commissioners; and

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

8 THAT the provisions of this resolution shall expire on December
9 31, 2023.

10 THAT the Chief Clerk of the House of Representatives,
11 immediately after the passage of this resolution, shall prepare and
12 file one copy thereof with the Secretary of State and one copy with
13 the Attorney General and transmit copies to the President and
14 Secretary of the United States Senate and to the Speaker and Clerk
15 of the United States House of Representatives, to the members of the
16 Oklahoma Congressional Delegation, and to the presiding officers of
17 each of the legislative houses in the several states, requesting
18 their cooperation.

19 COMMITTEE REPORT BY: COMMITTEE ON RULES
20 April 11, 2018 - DO PASS AS AMENDED
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