

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE CONCURRENT
RESOLUTION 1007

By: Lepak of the House

and

Brecheen of the Senate

AS INTRODUCED

A Concurrent Resolution relating to an Article V Convention for proposing amendments to the United States Constitution and a gathering of the states in preparation for an Article V Convention; authorizing a delegation of commissioners from this state to attend and participate in a gathering of the states; stating purpose; providing for selection and composition of the delegation; providing for selection of alternates; providing that the delegation shall be bound by the rules established for the gathering of states; providing that the delegation to the convention of states shall also serve as commissioners to the Article V Convention for proposing amendments to the United States Constitution when called; 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; and directing filing and distribution.

WHEREAS, Article V of the Constitution of the United States provides that upon receipt of applications from two-thirds of the

1 legislatures of the several states, Congress shall call a convention
2 of the states for proposing amendments; and

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

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

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

21 WHEREAS, in its call Congress will be required to specify an
22 initial time and place for the meeting of the Article V Convention
23 for proposing amendments; and
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1 WHEREAS, it is appropriate for the state legislatures to prepare
2 for the Article V Convention and recommend to Congress an initial
3 time and place to hold the convention; and

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

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

15 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
16 OF THE 1ST SESSION OF THE 56TH OKLAHOMA LEGISLATURE, THE SENATE
17 CONCURRING THEREIN:

18 THAT a delegation of commissioners selected as provided in this
19 resolution shall be authorized to attend and participate in a
20 gathering of states proposed by the State of Arizona or any other
21 state legislature for the purposes of developing rules and
22 procedures for an Article V Convention for proposing amendments to
23 the United States Constitution to require a balanced federal budget,
24 or to impose fiscal restraints on the federal government, to limit

1 the power and jurisdiction of the federal government and to limit
2 the terms of office for federal officials and members of Congress
3 and for proposing an initial date and location for the meeting of
4 the several states in an Article V Convention.

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

11 THAT at least two of the commissioners appointed by the Speaker
12 of the House of Representatives shall be current members of the
13 House of Representatives, and at least two of the commissioners
14 appointed by the President Pro Tempore of the Senate shall be
15 current members of the Senate.

16 THAT the commissioners shall be bound by the rules adopted by
17 the gathering of the states or provided for in the proposal for the
18 Article V Convention.

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

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1 THAT if a commissioner is unable to participate in either the
2 state gathering or an Article V Convention to propose amendments to
3 the United States Constitution either permanently or temporarily,
4 the appointing authority or authorities shall select an alternate to
5 serve for the time the commissioner is unable to serve. The
6 alternate shall be bound by the same rules and procedures as the
7 original commissioner.

8 THAT no commissioner or alternate from this state to an Article
9 V Convention shall have the authority to vote to allow consideration
10 of or vote to approve an unauthorized amendment for ratification to
11 the United States Constitution.

12 THAT any commissioner or alternate casting a vote to allow
13 consideration or approval of an unauthorized amendment shall be
14 immediately recalled by the Speaker of the House of Representatives
15 and the President Pro Tempore of the Senate and replaced by an
16 alternate.

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

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

21 "I do solemnly swear or affirm that to the best of my abilities
22 I will, as a commissioner (alternate commissioner) to a convention
23 for proposing any amendment to the United States Constitution,
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1 uphold the Constitution and laws of the United States and the State
2 of Oklahoma.

3 I will abide by my specific instructions from the Legislature of
4 the State of Oklahoma. I will not discuss or vote to allow
5 consideration of or to approve any amendment proposed for
6 ratification to the United States Constitution that is unrelated to
7 the subject of the approved call of the convention by Congress.

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

14 THAT an Article V Convention Committee shall be composed of
15 three members, one appointed by the Speaker of the House of
16 Representatives of the State of Oklahoma, one appointed by the
17 President Pro Tempore of the Senate of the State of Oklahoma and one
18 appointed jointly by the Speaker and President Pro Tempore. A
19 member of the Article V Convention Committee may not be a member of
20 the delegation. The duties of the Article V Convention Committee
21 include:

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

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

3 3. Disciplining any commissioner who violates the oath of
4 office or instructions or is otherwise guilty of malfeasance or
5 nonfeasance. Discipline may include recall from the convention or
6 demotion to the office of alternate commissioner;

7 4. Notifying the convention that a commissioner has been
8 recalled or demoted to an alternate commissioner; and

9 5. Replacing any recalled commissioner.

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

12 1. The convention is convened under the authority granted to
13 the state legislatures of the several states by Article V of the
14 Constitution of the United States;

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

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

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

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

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

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

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