

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE JOINT  
RESOLUTION 1043

By: Lepak

AS INTRODUCED

A Joint 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 gatherings 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; providing termination date; 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 legislatures of the several states, Congress shall call a convention of the states for proposing amendments; and

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

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

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

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

8        THAT at least two of the commissioners appointed by the Speaker  
9 of the Oklahoma House of Representatives shall be current members of  
10 the Oklahoma House of Representatives, and at least two of the  
11 commissioners appointed by the President Pro Tempore of the Oklahoma  
12 State Senate shall be current members of the Oklahoma State Senate.

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

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

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

1 serve for the time the commissioner is unable to serve. The  
2 alternate shall be bound by the same rules and procedures as the  
3 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 discuss or vote to allow  
23 consideration of or to approve any amendment proposed for  
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1 ratification to the United States Constitution that is unrelated to  
2 the subject of the approved 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 granted 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 January  
9 1, 2028.

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.

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