

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE JOINT  
4 RESOLUTION 32

By: Floyd

5  
6 AS INTRODUCED

7 A Joint 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 gatherings of the states;  
13 stating purpose; providing for selection and  
14 composition of the delegation; providing that the  
15 delegation shall be bound by the rules established  
16 for the gathering of states; providing that the  
17 delegation to the convention of states shall also  
18 serve as commissioners to the Article V Convention  
19 for proposing amendments to the United States  
20 Constitution when called; providing for selection of  
21 alternates; prohibiting commissioners to the Article  
22 V Convention from voting for unauthorized amendments;  
23 providing for replacement of commissioners who  
24 violate the prohibition; providing for voting;  
25 requiring the taking of an oath; establishing an  
26 Article V Convention Committee; providing composition  
27 and duties; requiring commissioner to adhere to  
28 certain principles; providing termination date; and  
29 directing filing and distribution.

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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 57TH 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 eight  
2 members, four of whom shall be appointed by the Speaker of the  
3 Oklahoma House of Representatives, four of whom shall be appointed  
4 by the President Pro Tempore of the Oklahoma State Senate.

5            THAT three of the commissioners appointed by the Speaker of the  
6 Oklahoma House of Representatives shall be current members of the  
7 Oklahoma House of Representatives at the time of appointment, and  
8 three of the commissioners appointed by the President Pro Tempore of  
9 the Oklahoma State Senate shall be current members of the Oklahoma  
10 State Senate at the time of appointment. The fourth commissioner  
11 appointed by the Speaker of the Oklahoma House of Representatives  
12 shall be a current or former member of the Oklahoma House of  
13 Representatives and the fourth commissioner appointed by the  
14 President Pro Tempore of the Oklahoma State Senate shall be a  
15 current or former member of the Oklahoma State Senate. Of the four  
16 commissioners appointed by the Speaker of the Oklahoma House  
17 Representatives, two shall be registered members of the majority  
18 party of the Oklahoma Legislature and two from the minority party.  
19 Of the four Commissioners appointed by the President Pro Tempore of  
20 the Oklahoma State Senate, two shall be registered members of the  
21 majority party of the Oklahoma Legislature and two from the minority  
22 party.

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

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

9        THAT if a commissioner is unable to participate in either the  
10 state gathering or an Article V Convention to propose amendments to  
11 the United States Constitution either permanently or temporarily,  
12 the appointing authority or authorities shall select an alternate,  
13 who shall be a current or former member of the appointing  
14 authority's legislative body and be a registered member of the same  
15 party as the Commissioner being replaced, to serve for the time the  
16 commissioner is unable to serve. The alternate shall be bound by  
17 the same rules 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  
24

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 of the Legislature and two members shall be from the

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

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

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

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

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

21 5. Replacing any recalled commissioner so long as the  
22 replacement is from the same party of the one being recalled.

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

1           1. The convention is convened under the authority reserved to  
2 the state legislatures of the several states by Article V of the  
3 Constitution of the United States;

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

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

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

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

20           6. All voting at the convention or in a committee shall be by  
21 state with each state having one vote without apportionment or  
22 division. Each state legislature shall determine the internal  
23 voting and quorum rules for casting the vote of its delegation.  
24

1            THAT the provisions of this resolution shall expire on December  
2 31, 2023.

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.

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