

Resolution

ENROLLED HOUSE

JOINT

RESOLUTION NO. 1043

By: Lepak of the House

and

Bergstrom of the Senate

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 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; providing for selection of 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.

SUBJECT: Article V Convention and preconvention delegation

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

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

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

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

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

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

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

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

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

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

THAT two of the commissioners appointed by the Speaker of the Oklahoma House of Representatives shall be current members of the Oklahoma House of Representatives at the time of appointment, and two of the commissioners appointed by the President Pro Tempore of the Oklahoma State Senate shall be current members of the Oklahoma State Senate at the time of appointment. The third commissioner appointed by the Speaker of the Oklahoma House of Representatives shall be a current or former member of the Oklahoma House of Representatives and the third commissioner appointed by the President Pro Tempore of the Oklahoma State Senate shall be a current or former member of the Oklahoma State Senate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Replacing any recalled commissioner.

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

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

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

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

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

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

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

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

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

Passed the House of Representatives the 30th day of April, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 18th day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____