

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 HOUSE JOINT
5 RESOLUTION 1020

By: Banz of the House

and

Loveless of the Senate

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9 AS INTRODUCED

10 A Joint Resolution calling a Constitutional
11 Convention to alter, revise, or amend the present
12 Constitution of the State of Oklahoma or to propose a
13 new Constitution; fixing the time and place thereof;
14 providing for selection of delegates to the
15 Convention; providing requirements and restrictions
16 for eligibility; creating a Constitutional Convention
17 Commission; stating purpose; providing for
18 composition; providing for election of officers and
19 organization of the Constitutional Convention;
20 providing oath of office; providing for recall and
21 penalty for violation of oath; providing for
22 employment of staff; providing for rules of
23 procedure; prohibiting consideration of certain
24 provisions of the Constitution; providing for working
 draft to be considered by the Constitutional
 Convention; providing voting requirements for certain
 actions; providing for compensation of delegates;
 providing for payment of expenses of the Convention;
 providing for submission of constitutional changes to
 the voters of the state; providing for submission of
 this joint resolution to a vote of the people;
 providing ballot title; and directing filing.

1 WHEREAS, Section 2 of Article XXIV of the Oklahoma Constitution
2 requires that a proposal to hold a Constitutional Convention shall
3 be submitted to a vote of the people at least once every twenty (20)
4 years; and

5 WHEREAS, the last proposal providing for a Constitutional
6 Convention was submitted to a vote of the people March 17, 1970; and

7 WHEREAS, a State Question to eliminate the requirement that a
8 Constitutional Convention proposal be submitted to the people every
9 twenty (20) years was defeated at the General Election held November
10 8, 1994; and

11 WHEREAS, the original Constitutional Convention was comprised of
12 one hundred twelve members, with fifty-five delegates from Indian
13 Territory, fifty-five delegates from Oklahoma Territory, and two
14 members from Osage tribal land; and

15 WHEREAS, it is incumbent upon the Legislature to enact a law
16 providing for a Constitutional Convention and to submit said law to
17 a vote of the people; and

18 WHEREAS, in accordance with court decisions and Attorney General
19 opinions, it is necessary that said law provide the organization of
20 the Convention and the procedure to be followed by the Convention
21 and that said law be signed by the Governor.

22 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
23 AND THE SENATE OF THE 1ST SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

24

1 SECTION 1. There is hereby called a Constitutional Convention
2 for the purpose of altering, revising, or amending the current
3 Constitution, or to propose a new Constitution for the State of
4 Oklahoma, to be submitted to the people for their approval or
5 rejection.

6 SECTION 2. The Constitutional Convention shall convene at
7 twelve o'clock noon, July 10, 2017, in Oklahoma City at the State
8 Capitol.

9 SECTION 3. A. Delegates shall be chosen as follows:

10 1. There shall be seventy-six delegates selected from the
11 Legislature: fifty-two delegates shall be members of the House of
12 Representatives, twenty-six of whom shall be Democrats and twenty-
13 six of whom shall be Republicans and twenty-four delegates shall be
14 members of the Senate, twelve of whom shall be Democrats and twelve
15 of whom shall be Republicans. Thirteen of the members from the
16 House of Representatives who are Republicans and thirteen of the
17 members from the House of Representatives who are Democrats shall
18 reside west of Interstate Highway 35 (I-35) and thirteen of the
19 members from the House of Representatives who are Republicans and
20 thirteen of the members from the House of Representatives who are
21 Democrats shall reside east of I-35. Six of the members from the
22 Senate who are Republicans and six of the members from the Senate
23 who are Democrats shall reside west of I-35 and six of the members
24 of the Senate who are Republicans and six of the members from the

1 Senate who are Democrats shall reside east of I-35. For purposes of
2 this paragraph, if I-35 passes through the district of a legislator,
3 the entire district shall be considered to be west of I-35;

4 2. Fourteen delegates shall be selected by lot pursuant to
5 subsection E of this section from the Executive Department of
6 government agencies, boards and commissions within this state;
7 provided, none shall be statewide elected officials. Seven of the
8 Executive Department delegates shall reside west of Interstate
9 Highway 35 (I-35) and seven of the Executive Department delegates
10 shall reside east of I-35. For purposes of this paragraph, if I-35
11 passes through a county, other than Payne County, the entire county
12 shall be considered to be west of I-35;

13 3. Six delegates shall be selected by lot pursuant to
14 subsection E of this section from the Judicial Department of
15 government within this state; provided, none shall be justices or
16 judges subject to statewide retention ballot. Three of the judicial
17 delegates shall reside west of Interstate Highway 35 (I-35) and
18 three of the judicial delegates shall reside east of I-35. For
19 purposes of this paragraph, if I-35 passes through a county, other
20 than Payne County, the entire county shall be considered to be west
21 of I-35; and

22 4. Sixteen delegates from the public at large shall be selected
23 by lot, pursuant to subsection E of this section. No at-large
24 delegate shall be a statewide elected official. Seven of the at-

1 large delegates shall reside west of Interstate Highway 35 (I-35),
2 seven of the at-large delegates shall reside east of I-35, and two
3 of the at-large delegates shall be from Osage tribal land. Two of
4 the at-large delegates shall be student body presidents from the two
5 comprehensive state universities; provided, if such person is unable
6 or ineligible to serve in this capacity, a student shall be selected
7 by the president of the university to serve as a delegate. The
8 delegate from the University of Oklahoma shall be one of the seven
9 delegates from west of I-35 and the delegate from Oklahoma State
10 University shall be one of the seven delegates from east of I-35.
11 For purposes of this paragraph, if I-35 passes through a county,
12 other than Payne County, the entire county shall be considered to be
13 west of I-35.

14 B. An individual shall be eligible to serve as a delegate if
15 the individual is at least twenty-one (21) years of age and is a
16 qualified elector.

17 C. Except as provided in paragraph 5 of subsection E of this
18 section, an individual shall be eligible for consideration for
19 selection as a delegate pursuant to only one of the categories
20 provided for in subsection A of this section.

21 D. No member of Congress from this state or person holding any
22 other federal office shall be eligible to be a delegate.

23 E. Delegates selected by lot shall be chosen pursuant to the
24 following procedure:

1 1. Members of the House of Representatives who wish to serve as
2 delegates to the Constitutional Convention shall submit their names
3 to the Speaker of the House of Representatives. From the list of
4 names submitted, the Speaker of the House shall select two delegates
5 and the Minority Leader of the House shall select two delegates.
6 Names shall be drawn by lot according to procedures established by
7 the Constitutional Convention Commission to select the remainder of
8 the delegates from the House of Representatives. If an insufficient
9 number of Representatives meeting the qualifications required by
10 paragraph 1 of subsection A of this section submit their names for
11 consideration, the Constitutional Convention Commission shall
12 provide for selection of the balance of membership from the
13 membership of the House of Representatives or former members of the
14 House of Representatives, subject to the qualifications provided for
15 in paragraph 1 of subsection A of this section;

16 2. Members of the Senate who wish to serve as delegates to the
17 Constitutional Convention shall submit their names to the President
18 Pro Tempore of the Senate. From the list of names submitted, the
19 President Pro Tempore of the Senate shall select two delegates and
20 the Minority Leader of the Senate shall select two delegates. Names
21 shall be drawn by lot according to procedures established by the
22 Constitutional Convention Commission to select the remainder of the
23 delegates from the Senate. If an insufficient number of Senators
24 meeting the qualifications required by paragraph 1 of subsection A

1 of this section submit their names for consideration, the
2 Constitutional Convention Commission shall provide for selection of
3 the balance of membership from the membership of the Senate or
4 former members of the Senate, subject to the qualifications provided
5 for in paragraph 1 of subsection A of this section;

6 3. Members of Executive Department agencies, boards and
7 commissions who wish to serve as delegates to the Constitutional
8 Convention shall submit their names to the Governor. Names shall be
9 drawn by lot according to procedures established by the
10 Constitutional Convention Commission. If an insufficient number of
11 individuals from the Executive Department of government meeting the
12 qualifications required by paragraph 2 of subsection A of this
13 section submit their names for consideration, the Constitutional
14 Convention Commission shall provide for selection of the balance of
15 membership from within the Executive Department or from former
16 officers or employees from the Executive Department;

17 4. Members of the Judicial Department who wish to serve as
18 delegates to the Constitutional Convention shall submit their names
19 to the Chief Justice of the Oklahoma Supreme Court. Names shall be
20 drawn by lot according to procedures established by the
21 Constitutional Convention Commission. If an insufficient number of
22 individuals from the Judicial Department of government meeting the
23 qualifications required by paragraph 3 of subsection A of this
24 section submit their names for consideration, the Constitutional

1 Convention Commission shall provide for selection of the balance of
2 membership from within the Judicial Department or from former
3 justices or judges from the Judicial Department; and

4 5. Members of the public at large shall submit their names to
5 the Lieutenant Governor. Names shall be drawn by lot according to
6 procedures established by the Constitutional Convention Commission.
7 If an insufficient number of individuals meeting the qualifications
8 of paragraph 4 of subsection A of this section submit their names
9 for consideration, the Constitutional Convention Commission shall
10 provide for selection of the balance of membership from persons who
11 have submitted their names pursuant to paragraphs 1 through 4 of
12 this subsection.

13 F. Persons wishing to serve as delegates shall submit their
14 applications by February 1, 2017. By February 16, 2017, the persons
15 to whom the applications have been submitted shall forward the
16 applications to the Constitutional Convention Commission. Delegates
17 shall be selected by March 1, 2017.

18 G. There is hereby created a Constitutional Convention
19 Commission. The purpose of the Commission is to develop the form to
20 be used for application to serve as a delegate, establish the
21 procedure for drawing names by lot, supervise the selection process
22 for delegates to the Constitutional Convention, and provide lists of
23 alternates to serve in case of a vacancy. The Constitutional
24 Convention Commission shall be composed of the Governor or a

1 designee, the Chief Justice of the Supreme Court or a designee, the
2 Speaker of the House of Representatives or a designee, the President
3 Pro Tempore of the Senate or a designee, a member of the House of
4 Representatives appointed by the Speaker of the House of
5 Representatives, and a member of the Senate appointed by the
6 President Pro Tempore of the Senate. The members appointed by the
7 Speaker of the House of Representatives and the President Pro
8 Tempore of the Senate shall serve as cochairs of the Commission.
9 The Commission shall conduct public hearings prior to the delegate
10 selection process to gather input from the public for issues to be
11 addressed by the Constitutional Convention.

12 SECTION 4. A. The Secretary of State shall call the
13 Constitutional Convention to order and preside until one of the
14 delegates is chosen President of the Constitutional Convention by
15 vote of the Convention.

16 B. Prior to the selection of a President, the delegates shall
17 take the following oath to support the Constitution of the United
18 States and to faithfully discharge their duties as delegates:

19 "I do solemnly swear or affirm that to the best of my abilities,
20 I will, as a delegate to the State Constitutional Convention, uphold
21 the Constitution and laws of the United States of America and the
22 State of Oklahoma. I will not vote to allow consideration of or to
23 approve any unauthorized amendment proposed for ratification to the
24 Oklahoma Constitution."

1 Any delegate who violates the oath contained in this subsection,
2 shall be recalled and replaced by the appointing authority and, upon
3 conviction, shall be guilty of a misdemeanor.

4 C. The Convention may employ staff necessary to assist the
5 delegates in performing their duties.

6 D. After choosing a President, the Convention shall organize
7 itself and select such other officers as it deems necessary.

8 E. The Convention may establish rules for the Convention. Any
9 parliamentary question not provided for by the Oklahoma Constitution
10 or the rules of the Constitutional Convention shall be governed by
11 Mason's Manual of Legislative Procedure.

12 F. A simple majority of the delegates shall constitute a quorum
13 to transact business. A simple majority of the delegates shall be
14 necessary for the adoption of any measure.

15 G. No article or section of the Constitution that has been
16 added, altered or revised pursuant to the initiative petition
17 process or the legislative referendum process shall be repealed,
18 altered, or revised by the Constitutional Convention.

19 H. The original Constitution and all amendments added by the
20 initiative petition process or the legislative referendum process by
21 July 10, 2017, shall be the working draft for consideration by the
22 Constitutional Convention. No article of the Constitution shall be
23 reviewed by the Convention for possible alterations, revisions, or
24 amendments, unless the motion to do so receives the approval of two-

1 thirds (2/3) of the delegates. Thereafter, any proposed alteration,
2 revision, or amendment to an article shall require a simple majority
3 for adoption. To reverse any previous action taken by the
4 Convention pertaining to an alteration, revision or amendment, two-
5 thirds (2/3) of the delegates must approve the motion.

6 SECTION 5. The Constitutional Convention shall adjourn sine die
7 no later than June 30, 2018.

8 SECTION 6. The delegates to the Constitutional Convention shall
9 receive no compensation but shall receive reimbursement for mileage
10 and per diem as provided in the State Travel Reimbursement Act for
11 the time that the Constitutional Convention is in session up to a
12 maximum of ninety (90) days.

13 SECTION 7. All expenses incurred by the Constitutional
14 Convention acting within the scope of authority as provided for in
15 this resolution and all expenses of holding the election for
16 adoption or rejection of any alteration, revision, or amendment of
17 the current Constitution or proposed new Constitution shall be paid
18 for by the state; and it is made the express duty of the Legislature
19 to provide for payment of the expenses.

20 SECTION 8. The delegates shall be subject to all rules and
21 regulations promulgated by the Ethics Commission and all state and
22 federal laws to which legislators are subject.

23 SECTION 9. Any alteration, revision, or amendment of the
24 current Constitution or new Constitution proposed by the

1 Constitutional Convention shall be submitted to the electors of the
2 state for adoption or rejection at the General Election to be held
3 in 2016.

4 SECTION 10. After approval by the Governor, this resolution
5 shall be submitted to the people by the Secretary of State for their
6 approval or rejection at the next General Election.

7 SECTION 11. The Ballot Title for the proposed question to be
8 put before the people as provided herein shall be in the following
9 form:

10 BALLOT TITLE

11 Legislative Referendum No. _____ State Question No. _____

12 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

13 This measure calls a state Constitutional Convention. It would
14 begin on July 10, 2017. It would end by June 30, 2018. It
15 would review the State Constitution. It could alter, amend, or
16 revise the Constitution. It could propose a new State
17 Constitution. There would be one hundred twelve delegates.
18 Seventy-six delegates would be from the State Legislature.
19 Fourteen delegates would be from the Executive Department. They
20 would be from agencies, boards and commissions. Six delegates
21 would be judges. Sixteen members would be from the public at
22 large. Most delegates would be picked by lot. A few delegates
23 would be selected by leadership of the Legislature. Delegates
24 would be paid for travel expenses for each day that the

1 Convention meets. Payment is limited. Delegates can be paid
2 for no more than ninety days. Any change in the Constitution or
3 new Constitution must be presented for approval to state voters.
4 This would happen at the General Election in 2018.

5 SHALL THE PROPOSAL BE APPROVED?

6 FOR THE PROPOSAL - YES _____

7 AGAINST THE PROPOSAL - NO _____

8 SECTION 12. The Chief Clerk of the House of Representatives,
9 immediately after the passage of this resolution, shall prepare and
10 file one copy thereof, including the Ballot Title set forth in
11 SECTION 11 hereof, with the Governor, one copy with the Secretary of
12 State and one copy with the Attorney General.

13
14 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/18/2015 - DO PASS,
15 As Coauthored.
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