

1 **SENATE FLOOR VERSION**

2 April 8, 2015

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 JOINT

6 RESOLUTION NO. 1020

By: Banz of the House

and

Loveless of the Senate

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9 **[Joint Resolution - Constitutional Convention -**
10 **Constitutional Convention Commission - ballot title -**
11 **filing]**

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

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

19 WHEREAS, a State Question to eliminate the requirement that a
20 Constitutional Convention proposal be submitted to the people every
21 twenty (20) years was defeated at the General Election held November
22 8, 1994; and

23 WHEREAS, the original Constitutional Convention was comprised of
24 one hundred twelve members, with fifty-five delegates from Indian

1 Territory, fifty-five delegates from Oklahoma Territory, and two
2 members from Osage tribal land; and

3 WHEREAS, it is incumbent upon the Legislature to enact a law
4 providing for a Constitutional Convention and to submit said law to
5 a vote of the people; and

6 WHEREAS, in accordance with court decisions and Attorney General
7 opinions, it is necessary that said law provide the organization of
8 the Convention and the procedure to be followed by the Convention
9 and that said law be signed by the Governor.

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

12 SECTION 1. There is hereby called a Constitutional Convention
13 for the purpose of altering, revising, or amending the current
14 Constitution, or to propose a new Constitution for the State of
15 Oklahoma, to be submitted to the people for their approval or
16 rejection.

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

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

21 1. There shall be seventy-six delegates selected from the
22 Legislature: fifty-two delegates shall be members of the House of
23 Representatives, twenty-six of whom shall be Democrats and twenty-
24 six of whom shall be Republicans and twenty-four delegates shall be

1 members of the Senate, twelve of whom shall be Democrats and twelve
2 of whom shall be Republicans. Thirteen of the members from the
3 House of Representatives who are Republicans and thirteen of the
4 members from the House of Representatives who are Democrats shall
5 reside west of Interstate Highway 35 (I-35) and thirteen of the
6 members from the House of Representatives who are Republicans and
7 thirteen of the members from the House of Representatives who are
8 Democrats shall reside east of I-35. Six of the members from the
9 Senate who are Republicans and six of the members from the Senate
10 who are Democrats shall reside west of I-35 and six of the members
11 of the Senate who are Republicans and six of the members from the
12 Senate who are Democrats shall reside east of I-35. For purposes of
13 this paragraph, if I-35 passes through the district of a legislator,
14 the entire district shall be considered to be west of I-35;

15 2. Fourteen delegates shall be selected by lot pursuant to
16 subsection E of this section from the Executive Department of
17 government agencies, boards and commissions within this state;
18 provided, none shall be statewide elected officials. Seven of the
19 Executive Department delegates shall reside west of Interstate
20 Highway 35 (I-35) and seven of the Executive Department delegates
21 shall reside east of I-35. For purposes of this paragraph, if I-35
22 passes through a county, other than Payne County, the entire county
23 shall be considered to be west of I-35;

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1 3. Six delegates shall be selected by lot pursuant to
2 subsection E of this section from the Judicial Department of
3 government within this state; provided, none shall be justices or
4 judges subject to statewide retention ballot. Three of the judicial
5 delegates shall reside west of Interstate Highway 35 (I-35) and
6 three of the judicial delegates shall reside east of I-35. For
7 purposes of this paragraph, if I-35 passes through a county, other
8 than Payne County, the entire county shall be considered to be west
9 of I-35; and

10 4. Sixteen delegates from the public at large shall be selected
11 by lot, pursuant to subsection E of this section. No at-large
12 delegate shall be a statewide elected official. Seven of the at-
13 large delegates shall reside west of Interstate Highway 35 (I-35),
14 seven of the at-large delegates shall reside east of I-35, and two
15 of the at-large delegates shall be from Osage tribal land. Two of
16 the at-large delegates shall be student body presidents from the two
17 comprehensive state universities; provided, if such person is unable
18 or ineligible to serve in this capacity, a student shall be selected
19 by the president of the university to serve as a delegate. The
20 delegate from the University of Oklahoma shall be one of the seven
21 delegates from west of I-35 and the delegate from Oklahoma State
22 University shall be one of the seven delegates from east of I-35.
23 For purposes of this paragraph, if I-35 passes through a county,
24

1 other than Payne County, the entire county shall be considered to be
2 west of I-35.

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

6 C. Except as provided in paragraph 5 of subsection E of this
7 section, an individual shall be eligible for consideration for
8 selection as a delegate pursuant to only one of the categories
9 provided for in subsection A of this section.

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

12 E. Delegates selected by lot shall be chosen pursuant to the
13 following procedure:

14 1. Members of the House of Representatives who wish to serve as
15 delegates to the Constitutional Convention shall submit their names
16 to the Speaker of the House of Representatives. From the list of
17 names submitted, the Speaker of the House shall select two delegates
18 and the Minority Leader of the House shall select two delegates.
19 Names shall be drawn by lot according to procedures established by
20 the Constitutional Convention Commission to select the remainder of
21 the delegates from the House of Representatives. If an insufficient
22 number of Representatives meeting the qualifications required by
23 paragraph 1 of subsection A of this section submit their names for
24 consideration, the Constitutional Convention Commission shall

1 provide for selection of the balance of membership from the
2 membership of the House of Representatives or former members of the
3 House of Representatives, subject to the qualifications provided for
4 in paragraph 1 of subsection A of this section;

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

19 3. Members of Executive Department agencies, boards and
20 commissions who wish to serve as delegates to the Constitutional
21 Convention shall submit their names to the Governor. Names shall be
22 drawn by lot according to procedures established by the
23 Constitutional Convention Commission. If an insufficient number of
24 individuals from the Executive Department of government meeting the

1 qualifications required by paragraph 2 of subsection A of this
2 section submit their names for consideration, the Constitutional
3 Convention Commission shall provide for selection of the balance of
4 membership from within the Executive Department or from former
5 officers or employees from the Executive Department;

6 4. Members of the Judicial Department who wish to serve as
7 delegates to the Constitutional Convention shall submit their names
8 to the Chief Justice of the Oklahoma Supreme Court. 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 Judicial Department of government meeting the
12 qualifications required by paragraph 3 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 Judicial Department or from former
16 justices or judges from the Judicial Department; and

17 5. Members of the public at large shall submit their names to
18 the Lieutenant Governor. Names shall be drawn by lot according to
19 procedures established by the Constitutional Convention Commission.
20 If an insufficient number of individuals meeting the qualifications
21 of paragraph 4 of subsection A of this section submit their names
22 for consideration, the Constitutional Convention Commission shall
23 provide for selection of the balance of membership from persons who
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1 have submitted their names pursuant to paragraphs 1 through 4 of
2 this subsection.

3 F. Persons wishing to serve as delegates shall submit their
4 applications by February 1, 2017. By February 16, 2017, the persons
5 to whom the applications have been submitted shall forward the
6 applications to the Constitutional Convention Commission. Delegates
7 shall be selected by March 1, 2017.

8 G. There is hereby created a Constitutional Convention
9 Commission. The purpose of the Commission is to develop the form to
10 be used for application to serve as a delegate, establish the
11 procedure for drawing names by lot, supervise the selection process
12 for delegates to the Constitutional Convention, and provide lists of
13 alternates to serve in case of a vacancy. The Constitutional
14 Convention Commission shall be composed of the Governor or a
15 designee, the Chief Justice of the Supreme Court or a designee, the
16 Speaker of the House of Representatives or a designee, the President
17 Pro Tempore of the Senate or a designee, a member of the House of
18 Representatives appointed by the Speaker of the House of
19 Representatives, and a member of the Senate appointed by the
20 President Pro Tempore of the Senate. The members appointed by the
21 Speaker of the House of Representatives and the President Pro
22 Tempore of the Senate shall serve as cochairs of the Commission.
23 The Commission shall conduct public hearings prior to the delegate
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1 selection process to gather input from the public for issues to be
2 addressed by the Constitutional Convention.

3 SECTION 4. A. The Secretary of State shall call the
4 Constitutional Convention to order and preside until one of the
5 delegates is chosen President of the Constitutional Convention by
6 vote of the Convention.

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

10 "I do solemnly swear or affirm that to the best of my abilities,
11 I will, as a delegate to the State Constitutional Convention, uphold
12 the Constitution and laws of the United States of America and the
13 State of Oklahoma. I will not vote to allow consideration of or to
14 approve any unauthorized amendment proposed for ratification to the
15 Oklahoma Constitution."

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

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

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

23 E. The Convention may establish rules for the Convention. Any
24 parliamentary question not provided for by the Oklahoma Constitution

1 or the rules of the Constitutional Convention shall be governed by
2 Mason's Manual of Legislative Procedure.

3 F. A simple majority of the delegates shall constitute a quorum
4 to transact business. A simple majority of the delegates shall be
5 necessary for the adoption of any measure.

6 G. No article or section of the Constitution that has been
7 added, altered or revised pursuant to the initiative petition
8 process or the legislative referendum process shall be repealed,
9 altered, or revised by the Constitutional Convention.

10 H. The original Constitution and all amendments added by the
11 initiative petition process or the legislative referendum process by
12 July 10, 2017, shall be the working draft for consideration by the
13 Constitutional Convention. No article of the Constitution shall be
14 reviewed by the Convention for possible alterations, revisions, or
15 amendments, unless the motion to do so receives the approval of two-
16 thirds (2/3) of the delegates. Thereafter, any proposed alteration,
17 revision, or amendment to an article shall require a simple majority
18 for adoption. To reverse any previous action taken by the
19 Convention pertaining to an alteration, revision or amendment, two-
20 thirds (2/3) of the delegates must approve the motion.

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

23 SECTION 6. The delegates to the Constitutional Convention shall
24 receive no compensation but shall receive reimbursement for mileage

1 and per diem as provided in the State Travel Reimbursement Act for
2 the time that the Constitutional Convention is in session up to a
3 maximum of ninety (90) days.

4 SECTION 7. All expenses incurred by the Constitutional
5 Convention acting within the scope of authority as provided for in
6 this resolution and all expenses of holding the election for
7 adoption or rejection of any alteration, revision, or amendment of
8 the current Constitution or proposed new Constitution shall be paid
9 for by the state; and it is made the express duty of the Legislature
10 to provide for payment of the expenses.

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

14 SECTION 9. Any alteration, revision, or amendment of the
15 current Constitution or new Constitution proposed by the
16 Constitutional Convention shall be submitted to the electors of the
17 state for adoption or rejection at the General Election to be held
18 in 2018.

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

22 SECTION 11. The Ballot Title for the proposed question to be
23 put before the people as provided herein shall be in the following
24 form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure calls a state Constitutional Convention. It would begin on July 10, 2017. It would end by June 30, 2018. It would review the State Constitution. It could alter, amend, or revise the Constitution. It could propose a new State Constitution. There would be one hundred twelve delegates. Seventy-six delegates would be from the State Legislature. Fourteen delegates would be from the Executive Department. They would be from agencies, boards and commissions. Six delegates would be judges. Sixteen members would be from the public at large. Most delegates would be picked by lot. A few delegates would be selected by leadership of the Legislature. Delegates would be paid for travel expenses for each day that the Convention meets. Payment is limited. Delegates can be paid for no more than ninety days. Any change in the Constitution or new Constitution must be presented for approval to state voters. This would happen at the General Election in 2018.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

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

6 COMMITTEE REPORT BY: COMMITTEE ON RULES
7 April 8, 2015 - DO PASS AS AMENDED
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