

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 HOUSE BILL 1804

 By: Banz

7 AS INTRODUCED

8 An Act relating to statutes and reports; providing
9 for delegates to a federal Article V amendment
10 convention; defining terms; prohibiting delegates
11 from performing certain acts; providing for recall
12 for a violation; requiring delegates to take an oath;
 specifying oath; requiring the Legislature to perform
 certain duties; providing criminal penalty for
 violation of oath; providing for codification; and
 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 26.43 of Title 75, unless there
18 is created a duplication in numbering, reads as follows:

19 A. As used in this section:

20 1. "Article V amendment convention" means a "Convention for
21 proposing Amendments" as expressly provided in Article V of the
22 United States of America Constitution;

23 2. "Article V application" means a joint resolution passed by
24 the State Legislature of Oklahoma on the same subject or containing

1 the same proposed amendment text as thirty-three other sovereign
2 states requiring Congress to call an Article V amendment convention
3 by setting the time and place;

4 3. "Delegate" or "alternate" means a person selected by the
5 State Legislature of Oklahoma or any other method provided by law to
6 represent the State of Oklahoma at an Article V amendment
7 convention;

8 4. "Legislative instructions" means instructions given by the
9 State Legislature to delegates and alternates before and during an
10 Article V amendment convention; and

11 5. "Unauthorized amendment" means a proposed amendment that is
12 outside the subject matter of the application, the call, the
13 commission or any legislative instructions.

14 B. No delegate from this state to an Article V amendment
15 convention shall have the authority to vote to allow consideration
16 of or vote to approve an unauthorized amendment for ratification to
17 the United States of America Constitution. Any delegate casting a
18 vote to allow consideration or approval of an unauthorized amendment
19 shall be immediately recalled by the Speaker of the Oklahoma House
20 of Representatives and the President Pro Tempore of the Oklahoma
21 Senate and replaced by an alternate.

22 C. Every candidate for delegate or alternate from this state to
23 the Article V amendment convention shall be required to take the
24 following oath:

1 "I do solemnly swear or affirm that to the best of my abilities,
2 I will, as a delegate or alternate to an Article V amendment
3 convention, uphold the Constitution and laws of the United States of
4 America and the State of Oklahoma. I will not vote to allow
5 consideration of or to approve any unauthorized amendment proposed
6 for ratification to the United States of America Constitution."

7 D. The Oklahoma State Legislature shall certify in writing to
8 the Article V amendment convention the selection of delegates and
9 alternates, the recall and replacement of any delegate with an
10 alternate and the nullification of unauthorized votes cast by any
11 delegate of this state.

12 E. Any delegate who violates the oath contained in this
13 section, upon conviction, shall be guilty of a misdemeanor and shall
14 be punished by a fine of not more than One Thousand Dollars
15 (\$1,000.00).

16 SECTION 2. This act shall become effective November 1, 2015.

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18 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/25/2015 - DO PASS.
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