

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE JOINT
4 RESOLUTION 1004

By: Hardin (Tommy)

5
6 AS INTRODUCED

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8 A Joint Resolution making two separate applications
9 to the United States Congress to call a convention of
10 the states under Article V of the United States
11 Constitution for the purpose of proposing amendments
12 to the United States Constitution related to
13 balancing the federal budget, imposing fiscal
14 restraints on the federal government, limiting the
15 power and jurisdiction of the federal government and
16 limiting the terms of office for its officials and
17 for members of Congress; providing for construction
18 of applications; directing transmission; specifying
19 that applications constitute continuing application
20 for certain time period; and directing filing.

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22 WHEREAS, the founders of the Constitution of the United States,
23 through the enactment of Article V, empowered state legislators to
24 be guardians of liberty against future abuses of power by the
federal government; and

WHEREAS, the federal government has created a crushing national
debt through improper and imprudent spending; and

WHEREAS, the federal government has invaded the legitimate roles
of the states through the manipulative process of federal mandates,
most of which are unfunded to a great extent; and

1 WHEREAS, the federal government has ceased to live under a
2 proper interpretation of the Constitution of the United States; and

3 WHEREAS, it is the solemn duty of the states to protect the
4 liberty of our people, particularly for the generations to come, by
5 proposing amendments to the Constitution of the United States
6 through a convention of the states under Article V of the United
7 States Constitution to place clear restraints on these and related
8 abuses of power; and

9 WHEREAS, the citizens of the State of Oklahoma believe that it
10 is in the best interest of the people of the United States to amend
11 the United States Constitution in order to adopt a balanced budget
12 amendment and to address the areas of overreach of the federal
13 government; and

14 WHEREAS, as early as 1976, the Thirty-fifth Oklahoma Legislature
15 enacted House Joint Resolution No. 1049, calling for an Article V
16 Convention for the purpose of preparing and submitting to the states
17 an amendment "requiring in the absence of a national emergency that
18 the total of all federal appropriations made by the Congress for any
19 fiscal year may not exceed the total of all estimated federal
20 revenue for that fiscal year"; and

21 WHEREAS, the Thirty-fifth Oklahoma Legislature acknowledged in
22 House Joint Resolution No. 1049 the critical need for a federal
23 balanced budget amendment with the prophetic statement "believing
24 that fiscal irresponsibility at the federal level, with the

1 inflation which results from this policy, is the greatest threat
2 which faces our nation we firmly believe that constitutional
3 restraint is necessary to bring the fiscal discipline needed to
4 restore fiscal responsibility"; and

5 WHEREAS, pursuant to the provisions of Article V of the
6 Constitution of the United States, each state may request Congress
7 to provide for a convention to propose amendments.

8 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
9 AND THE SENATE OF THE 1ST SESSION OF THE 57TH OKLAHOMA LEGISLATURE:

10 SECTION 1. The Oklahoma Legislature hereby makes two separate
11 applications to Congress, under the provisions of Article V of the
12 Constitution of the United States. The first such application is
13 set forth in Sections 2 through 5 of this resolution. The second
14 such application is set forth in Sections 6 through 9 of this
15 resolution.

16 SECTION 2. The Oklahoma Legislature hereby applies to Congress,
17 under the provisions of Article V of the Constitution of the United
18 States, for the calling of a convention of the states limited to
19 proposing an amendment to the Constitution of the United States
20 requiring that in the absence of a national emergency the total of
21 all federal appropriations made by the Congress for any fiscal year
22 may not exceed the total of all estimated federal revenues for that
23 fiscal year, together with any related and appropriate fiscal
24 restraints.

1 SECTION 3. The Secretary of State is hereby directed to
2 transmit copies of this application to the President and Secretary
3 of the United States Senate, the Speaker and Clerk of the United
4 States House of Representatives and members of the United States
5 Senate and House of Representatives from this state; also to
6 transmit copies hereof to the presiding officers of the legislative
7 houses in several states, requesting their cooperation.

8 SECTION 4. This application is to be considered as covering the
9 same subject matter as the presently outstanding balanced budget
10 applications from other states, including, but not limited to,
11 previously adopted applications from Alabama, Alaska, Arkansas,
12 Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas,
13 Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska,
14 Nevada, New Hampshire, New Mexico, North Carolina, North Dakota,
15 Ohio, Pennsylvania, South Dakota, Tennessee, Texas, Utah and West
16 Virginia; and this application shall be aggregated with same for the
17 purpose of attaining the two-thirds (2/3) of states necessary to
18 require the calling of a convention, but shall not be aggregated
19 with any applications on any other subject.

20 SECTION 5. This application constitutes a continuing
21 application in accordance with Article V of the Constitution of the
22 United States until the legislatures of at least two-thirds (2/3) of
23 the several states have made applications on the same subject, or
24 until December 31, 2019, whichever occurs earlier. It supersedes

1 all previous applications by this Legislature on the same subject,
2 including, but not limited to, Senate Joint Resolution No. 4 of the
3 2nd Session of the 55th Oklahoma Legislature.

4 SECTION 6. The Legislature of the State of Oklahoma hereby
5 applies to Congress, under the provisions of Article V of the
6 Constitution of the United States, for the calling of a convention
7 of the states limited to proposing amendments to the United States
8 Constitution that impose fiscal restraints on the federal
9 government, limit the power and jurisdiction of the federal
10 government, and limit the terms of office for its officials and for
11 members of Congress.

12 SECTION 7. This application shall be aggregated with the
13 applications of Georgia (SR736, 2014), Florida (SM476, 2014), Alaska
14 (HJR22, 2014), Alabama (HJR112, 2015), Tennessee (SJR67, 2016) and
15 Indiana (SJR14, 2016) together with any future applications for a
16 convention for the specific and exclusive purpose of proposing
17 amendments to the Constitution of the United States limited to the
18 purposes stated herein.

19 SECTION 8. The Secretary of State is hereby directed to
20 transmit copies of this application to the President and Secretary
21 of the United States Senate and to the Speaker and Clerk of the
22 United States House of Representatives, to transmit copies to the
23 members of the United States Senate and United States House of
24 Representatives from this state, and to transmit copies hereof to

1 the presiding officers of each of the legislative houses in the
2 several states, requesting their cooperation.

3 SECTION 9. This application constitutes a continuing
4 application in accordance with Article V of the Constitution of the
5 United States until the legislatures of at least two-thirds (2/3) of
6 the several states have made applications on the same subject, or
7 until December 31, 2019, whichever occurs earlier. It supersedes
8 all previous applications by this Legislature on the same subject,
9 including, but not limited to, Senate Joint Resolution No. 4 of the
10 2nd Session of the 55th Oklahoma Legislature.

11 SECTION 10. The Chief Clerk of the House of Representatives,
12 immediately after the passage of this resolution, shall prepare and
13 file one copy thereof with the Secretary of State.

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