

1 **SENATE FLOOR VERSION**

2 April 13, 2023

3 ENGROSSED HOUSE

4 JOINT

5 RESOLUTION NO. 1017

By: Lepak, Crosswhite Hader,  
and Maynard of the House

6 and

7 Bergstrom of the Senate

8  
9 A Joint Resolution relating to an Article V  
10 Convention for proposing amendments to the United  
11 States Constitution and a gathering of the states in  
12 preparation for an Article V Convention; authorizing  
13 a delegation of commissioners from this state to  
14 attend and participate in gatherings of the states;  
15 stating purpose; providing for selection and  
16 composition of the delegation; providing that the  
17 delegation shall be bound by the rules established  
18 for the gathering of states; providing that the  
19 delegation to the convention of states shall also  
20 serve as commissioners to the Article V Convention  
21 for proposing amendments to the United States  
22 Constitution when called; providing for selection of  
23 alternates; prohibiting commissioners to the Article  
24 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.

23 WHEREAS, Article V of the Constitution of the United States  
24 provides that upon receipt of applications from two-thirds of the

1 legislatures of the several states, Congress shall call a convention  
2 of the states for proposing amendments; and

3       WHEREAS, the Oklahoma Legislature adopted Senate Joint  
4 Resolution 4 in the 2nd Session of the 55th Oklahoma Legislature,  
5 and Senate Joint Resolution 23 in the 1st Session of the 57th  
6 Oklahoma Legislature, that applied to the Congress of the United  
7 States "for the calling of a convention of the states limited to  
8 proposing an amendment to the Constitution of the United States  
9 requiring that in the absence of a national emergency the total of  
10 all federal appropriations made by the Congress for any fiscal year  
11 may not exceed the total of all estimated federal revenues for that  
12 fiscal year, together with any related and appropriate fiscal  
13 restraints"; and

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

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

23  
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1       WHEREAS, in its call Congress will be required to specify an  
2 initial time and place for the meeting of the Article V Convention  
3 for proposing amendments; and

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

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

14       WHEREAS, a planning convention of the several states convened on  
15 September 12, 2017, in Phoenix, Arizona, and was attended by a  
16 delegation from Oklahoma as authorized by House Concurrent  
17 Resolution No. 1007 of the 1st Session of the 56th Oklahoma  
18 Legislature (2017).

19       NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES  
20 AND THE SENATE OF THE 1ST SESSION OF THE 59TH OKLAHOMA LEGISLATURE:

21       THAT a delegation of commissioners selected as provided in this  
22 resolution shall be authorized to attend and participate in a  
23 gathering of states proposed by any state legislature for the  
24 purposes of developing rules and procedures for an Article V

1 Convention for proposing amendments to the United States  
2 Constitution to require a balanced federal budget, or to impose  
3 fiscal restraints on the federal government, to limit the power and  
4 jurisdiction of the federal government and to limit the terms of  
5 office for federal officials and members of Congress and for  
6 proposing an initial date and location for the meeting of the  
7 several states in an Article V Convention.

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

15        THAT two of the commissioners appointed by the Speaker of the  
16 Oklahoma House of Representatives shall be current members of the  
17 Oklahoma House of Representatives at the time of appointment, and  
18 two of the commissioners appointed by the President Pro Tempore of  
19 the Oklahoma State Senate shall be current members of the Oklahoma  
20 State Senate at the time of appointment. The third commissioner  
21 appointed by the Speaker of the Oklahoma House of Representatives  
22 shall be a current or former member of the Oklahoma House of  
23 Representatives and the third commissioner appointed by the

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1 President Pro Tempore of the Oklahoma State Senate shall be a  
2 current or former member of the Oklahoma State Senate.

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

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

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

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

23 THAT any commissioner or alternate casting a vote to allow  
24 consideration or approval of an unauthorized amendment shall be

1 immediately recalled by the appointing authority or authorities and  
2 be replaced by an alternate.

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

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

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

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

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

23 THAT an Article V Convention Committee shall be composed of  
24 three members, one appointed by the Speaker of the Oklahoma House of

1 Representatives, one appointed by the President Pro Tempore of the  
2 Oklahoma State Senate and one appointed jointly by the Speaker and  
3 President Pro Tempore. A member of the Article V Convention  
4 Committee may not be a member of the delegation. The duties of the  
5 Article V Convention Committee and their appointing authority or  
6 authorities include:

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

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

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

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

19 5. Replacing any recalled commissioner.

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

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

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

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

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

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

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

21          **THAT** the Chief Clerk of the House of Representatives,  
22 immediately after the passage of this resolution, shall prepare and  
23 file one copy thereof with the Secretary of State and one copy with  
24 the Attorney General and transmit copies to the President and



1 Secretary of the United States Senate and to the Speaker and Clerk  
2 of the United States House of Representatives, to the members of the  
3 Oklahoma Congressional Delegation, and to the presiding officers of  
4 each of the legislative houses in the several states, requesting  
5 their cooperation.

6 COMMITTEE REPORT BY: COMMITTEE ON RULES  
7 April 13, 2023 - DO PASS  
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