Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 4

By: Standridge, Mazzei, Crain, Griffin, Shaw, Bingman, Brecheen, Brown, and Yen of the Senate

and

Banz, Moore, Lepak, Hickman, McCullough, Echols and Cockroft of the House

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

SUBJECT: Constitutional Convention

WHEREAS, the founders of the Constitution of the United States, through the enactment of Article V, empowered state legislators to 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

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

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

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

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

WHEREAS, the Thirty-fifth Oklahoma Legislature acknowledged in House Joint Resolution No. 1049 the critical need for a federal balanced budget amendment with the prophetic statement "believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore fiscal responsibility"; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

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

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

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

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

require the calling of a convention, but shall not be aggregated with any applications on any other subject.

SECTION 5. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds (2/3) of the several states have made applications on the same subject, or until December 31, 2023, whichever occurs earlier. It supersedes all previous applications by this Legislature on the same subject.

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

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

SECTION 8. The Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, to transmit copies to the members of the United States Senate and United States House of Representatives from this state, and to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

SECTION 9. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds (2/3) of the several states have made applications on the same subject, or until December 31, 2023, whichever occurs earlier.

Passed the Senate the 26th day of April, 2016.

Eddie Fields
Presiding Officer of the Senate

Passed the House of Representatives the 18th day of April, 2016.

Lee R. Daney Jr.
Presiding Officer of the House
of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 27th day of April, 2016, at 3:19 o'clock P. M.

By: Chris Benge