

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE JOINT
4 RESOLUTION 1012

By: McEachin of the House

5 And

6 Newhouse of the Senate

7
8 AS INTRODUCED

9 A Joint Resolution directing the Secretary of State
10 to refer to the people for their approval or
11 rejection a proposed amendment to Section 1 of
12 Article I of the Constitution of the State of
13 Oklahoma; clarifying powers of Congress and of the
14 State of Oklahoma; providing ballot title; and
15 directing filing.

16 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
17 1ST SESSION OF THE 56TH OKLAHOMA LEGISLATURE:

18 SECTION 1. The Secretary of State shall refer to the people for
19 their approval or rejection, as and in the manner provided by law,
20 the following proposed amendment to Section 1 of Article I of the
21 Constitution of the State of Oklahoma to read as follows:

22 Section 1. The State of Oklahoma is an inseparable part of the
23 Federal Union, and the Constitution of the United States is the
24 supreme law of the land to the extent that, and only to the extent
that the Legislative Power was delegated to the Federal Government
by Section 8 of Article I of the Constitution of the United States

1 and certain other specific powers are vested in the Federal
2 Government pursuant to Articles IV and V and the Thirteenth,
3 Fourteenth, Fifteenth, Sixteenth, Nineteenth, Twenty-third, Twenty-
4 fourth and Twenty-sixth Amendments to the Constitution of the United
5 States. Therefore, the People of the State of Oklahoma reserved and
6 continue to possess all but the following Powers which are
7 specifically vested in the Government of the United States by the
8 Constitution of the United States and amendments thereto:

9 "The Congress shall have Power To lay and collect Taxes,
10 Duties, Imposts and Excises, to pay the Debts and provide for
11 the common Defence and general Welfare of the United States;
12 but all Duties, Imposts and Excises shall be uniform throughout
13 the United States;

14 To borrow Money on the credit of the United States;

15 To regulate Commerce with foreign Nations, and among the
16 several States, and with the Indian Tribes;

17 To establish an uniform Rule of Naturalization, and uniform
18 Laws on the subject of Bankruptcies throughout the United
19 States;

20 To coin Money, regulate the Value thereof, and of foreign Coin,
21 and fix the Standard of Weights and Measures;

22 To provide for the Punishment of counterfeiting the Securities
23 and current Coin of the United States;

24 To establish Post Offices and post Roads;

1 To promote the Progress of Science and useful Arts, by securing
2 for limited Times to Authors and Inventors the exclusive Right
3 to their respective Writings and Discoveries;

4 To constitute Tribunals inferior to the supreme Court;

5 To define and punish Piracies and Felonies committed on the
6 high Seas, and Offences against the Law of Nations;

7 To declare War, grant Letters of Marque and Reprisal, and make
8 Rules concerning Captures on Land and Water;

9 To raise and support Armies, but no Appropriation of Money to
10 that Use shall be for a longer Term than two Years;

11 To provide and maintain a Navy;

12 To make Rules for the Government and Regulation of the land and
13 naval Forces;

14 To provide for calling forth the Militia to execute the Laws of
15 the Union, suppress Insurrections and repel Invasions;

16 To provide for organizing, arming, and disciplining, the
17 Militia, and for governing such Part of them as may be employed
18 in the Service of the United States, reserving to the States
19 respectively, the Appointment of the Officers, and the
20 Authority of training the Militia according to the discipline
21 prescribed by Congress;

22 To exercise exclusive Legislation in all Cases whatsoever, over
23 such District (not exceeding ten Miles square) as may, by
24 Cession of particular States, and the Acceptance of Congress,

1 become the Seat of the Government of the United States, and to
2 exercise like Authority over all Places purchased by the
3 Consent of the Legislature of the State in which the Same shall
4 be, for the Erection of Forts, Magazines, Arsenals, dock-Yards,
5 and other needful Buildings;

6 To make all Laws which shall be necessary and proper for
7 carrying into Execution the foregoing Powers, and all other
8 Powers vested by this Constitution in the Government of the
9 United States, or in any Department or Officer thereof";

10 The Power delegated under Article IV, Section 1 to assure that
11 "Full Faith and Credit shall be given in each State to the
12 public Acts, Records, and judicial Proceedings of every other
13 State; and the Congress may by general Laws prescribe the
14 Manner in which such Acts, Records and Proceedings shall be
15 proved, and the Effect thereof";

16 The Power delegated under Article IV, Section 2 to assure that
17 the "Citizens of each State shall be entitled to all Privileges
18 and Immunities of Citizens in the several States", and to
19 assure that "A Person charged in any State with Treason,
20 Felony, or other Crime, who shall flee from Justice, and be
21 found in another State, shall on Demand of the executive
22 Authority of the State from which he fled, be delivered up, to
23 be removed to the State having Jurisdiction of the Crime";
24

1 The Power delegated under Article IV, Section 3 to provide for
2 the admission of new States into the Union, subject to the
3 prohibitions regarding the territorial integrity of existing
4 States, and the "Power to dispose of and make all needful Rules
5 and Regulations respecting the Territory or other Property
6 belonging to the United States";

7 The Power, and the obligation, delegated to the Federal
8 Government pursuant to Article IV, Section 4 to "guarantee to
9 every State in the Union a Republican Form of Government",
10 including the obligation that the Federal Government "shall
11 protect each of them against Invasion;" and, with specific
12 reference to Oklahoma, on Application of the Oklahoma
13 Legislature, or of the Governor of Oklahoma when, the Oklahoma
14 Legislature cannot be convened, "against domestic Violence";

15 The Powers delegated pursuant to Article V with respect to the
16 proposal and ratification of amendments to the Constitution of
17 the United States;

18 The Power delegated pursuant to Article VI to require that
19 Members of the Oklahoma Legislature and all executive and
20 judicial officers of the State of Oklahoma be bound by "Oath or
21 Affirmation to support" the Constitution of the United States
22 and prohibiting the imposition of a religious test;

23 The Power delegated to the Congress of the United States
24 pursuant to the Sixteenth Amendment "to lay and collect taxes

1 on incomes, from whatever source derived, without apportionment
2 among the several States, and without regard to any census or
3 enumeration";

4 The Power delegated to the Congress of the United States to
5 enforce the rights and prohibitions established by the
6 Thirteenth, Fourteenth, Fifteenth, Nineteenth, Twenty-third,
7 Twenty-fourth and Twenty-sixth Amendments to the Constitution
8 of the United States by appropriate legislation; and,

9 The provisions of the Constitution of the United States
10 providing specifically for the establishment and maintenance of
11 the Legislative, Executive and Judicial branches of the Federal
12 Government.

13 SECTION 2. The Ballot Title for the proposed Constitutional
14 amendment as set forth in SECTION 1 of this resolution shall be in
15 the following form:

16 BALLOT TITLE

17 Legislative Referendum No. _____ State Question No. _____

18 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

19 This measure amends an existing section of the Oklahoma
20 Constitution. It amends the section that declares Oklahoma is
21 part of the United States and that the United States
22 Constitution is the supreme law of the land. The proposed
23 amendment reiterates that the relationship between the
24 Government of the United States and the State of Oklahoma is a

1 federal republic with a guarantee that all nondelegated powers
2 and authorities are reserved to the states and therefore vested
3 in the people of the State of Oklahoma, subject to further
4 delegation by the states to their state and local governments or
5 municipal entities.

6 SHALL THE PROPOSAL BE APPROVED?

7 FOR THE PROPOSAL - YES _____

8 AGAINST THE PROPOSAL - NO _____

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

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15 56-1-6283 SD 01/17/17
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