State of Arizona House of Representatives Fifty-third Legislature First Regular Session 2017

HOUSE CONCURRENT RESOLUTION 2022

A CONCURRENT RESOLUTION

PROVIDING FOR THE SELECTION AND INSTRUCTION OF COMMISSIONERS AND FOR A PLANNING CONVENTION REGARDING AN ARTICLE V CONVENTION FOR PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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 Whereas, Article V of the Constitution of the United States provides that on receipt of applications from two-thirds of the legislatures of the several states, Congress shall call a convention of the states for proposing amendments; and

Whereas, the Legislature of the State of Arizona determines that a significant number of states have passed resolutions applying for a convention of states to propose amendments pursuant to Article V of the Constitution of the United States, thereby rendering it appropriate to select and instruct commissioners to any such convention; and

Whereas, it appears that two-thirds of the states soon will have applied for a convention limited to proposing an amendment to the Constitution of the United States to add a requirement that the federal government balance its budget; and

Whereas, in its call, Congress will be required to specify an initial time and place for the meeting of such a convention for proposing amendments; and

Whereas, it is appropriate for the state legislatures to prepare for the convention and to recommend to Congress an initial time and place for the convention; and

Whereas, a convention of the states called by a state legislature and consisting of commissioners authorized by other state legislatures can be an effective way of considering and recommending solutions to common problems.

Therefore

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

- 1. That, if a convention for proposing an amendment to the Constitution of the United States is called by Congress pursuant to Article V of the Constitution of the United States, the State of Arizona shall send a delegation to the Article V convention.
- 2. That the delegation shall be composed of at least one, but not more than seven, commissioners and an equal number of paired alternates. Each member of the delegation shall be an elected member of the Legislature of the State of Arizona at the time of selection and during the term of office.
 - 3. That the delegation shall be selected in the following manner:
- (a) At a time jointly determined by the Speaker of the House of Representatives and the President of the Senate, the House of Representatives shall meet to select not more than three commissioners and three paired alternates and the Senate shall meet to select not more than three commissioners and three paired alternates.
- (b) The Speaker of the House of Representatives and the President of the Senate shall jointly choose one commissioner and one paired alternate.

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- 4. That, after the Article V convention is convened, if a commissioner is not able to participate in the Article V convention either permanently or temporarily, the commissioner's respective alternate shall replace the commissioner for the time the commissioner is unable to serve. If an alternate who replaces the commissioner is not able to participate in the Article V convention, then the delegation shall choose a replacement from the remaining alternates.
- 5. That the delegation shall choose its presiding officer and organize in the manner it desires.
- 6. That the delegation has authority to represent the Legislature of the State of Arizona at formal and informal planning sessions related to the Article V convention, including any planning convention, to conduct community meetings and hearings throughout this state before the Article V convention, and to correspond with other state commissioners and delegations, provided, however, that the delegation and its members shall at all times adhere to the oath and instructions prescribed by this resolution.
- 7. That the Legislature of the State of Arizona shall provide the delegation with necessary support staff and pay all of the costs of attending any planning convention and the Article V convention and all planning meetings, community meetings and hearings, subject to available appropriations made for that purpose.
- 8. That the term of office for each member of the delegation shall end on the adjournment of the Article V convention.
- 9. That a member of a delegation who knows of any violation of the oath or other misbehavior by a commissioner shall report it to the Article V Convention Committee established by this resolution.
- 10. That commissioners and alternates shall take the following oath of office before accepting their appointment:

I do solemnly swear or affirm that to the best of my abilities, I will, as a commissioner (alternate commissioner) to a convention for proposing an amendment, uphold the Constitution and laws of the United States and the State of Arizona.

I will abide by my specific instructions from the Legislature of the State of Arizona. I will not discuss or vote to allow consideration of or to approve any amendment proposed for ratification to the United States Constitution that is unrelated to the subject of the approved call of the convention.

I will vote only for convention rules that provide that each state have one equal vote and that a state or commissioner shall not be allowed to propose an amendment that is unrelated to the approved call of the convention. I

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acknowledge that any violation of this oath may result in being recalled by the Legislature of the State of Arizona or its authorized committee.

- 11. That an Article V Convention Committee shall be composed of three members, one appointed by the Speaker of the House of Representatives of the State of Arizona, one appointed by the President of the Senate of the State of Arizona and one appointed jointly by the Speaker and President. A member of the Article V Convention Committee may not be a member of the delegation. The duties of the Article V Convention Committee include:
- (a) Monitoring the delegation to determine if it is following legislative instructions and obeying convention rules.
- (b) Advising the delegation on the legislature's position on issues before the convention.
- (c) Disciplining any commissioner who violates the oath of office or instructions or is otherwise guilty of malfeasance or nonfeasance; discipline may include recall from the convention or demotion to the office of alternate commissioner.
- (d) Notifying the convention that a commissioner has been recalled or demoted to an alternate commissioner.
 - (e) Replacing any recalled commissioner.
- 12. That commissioners shall vote only for Article V convention rules consistent with the following principles:
- (a) The convention is convened under the authority granted to the state legislatures of the several states by Article V of the Constitution of the United States.
- (b) The only participants at this convention are the several states represented by their respective delegations duly selected in the manner that their respective legislatures have determined.
- (c) The scope of the convention's authority is defined by applications adopted by at least two-thirds of the legislatures of the several states, which authority is limited to the subject of the approved call of the convention. The convention has no authority to propose or discuss an amendment on any other subject outside the approved call of the convention.
- (d) The convention shall provide for disciplining a commissioner or delegation for exceeding the scope of the convention's authority by raising subjects for discussion or debate that lie outside the convention's authority.
- (e) The convention shall not infringe on the respective state legislatures' authority to instruct, discipline, recall and replace commissioners.
- (f) All voting at the convention or in a committee shall be by state with each state having one vote without apportionment or division.

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Each state legislature shall determine the internal voting and quorum rules for casting the vote of its delegation.

- 13. That commissioners and alternates may not solicit or accept a contribution or a promise to make a contribution for a campaign for the state legislature beginning on the commencement of the convention and ending on adjournment of the convention.
- 14. That the State of Arizona respectfully calls a planning convention of the states, consisting of commissioners chosen and authorized in the manner that each respective state legislature determines or, if no manner is determined by a state legislature, selected jointly by the majority leadership of each legislative chamber of that state, to convene initially at twelve o'clock noon on September 12, 2017 in Phoenix, Arizona for the limited purposes of:
- (a) Planning for, and recommending rules for and procedures to, the prospective convention for proposing a balanced budget amendment to the United States Constitution.
 - (b) Recommending to Congress:
- (i) The criteria for determining the initial date and location of a convention for proposing a balanced budget amendment.
- (ii) A specific initial date and location of a convention for proposing a balanced budget amendment.
- 15. That the planning convention shall be called to order jointly by the Speaker of the House of Representatives and the President of the Senate of the State of Arizona, followed immediately by a roll call of the states. The planning convention shall immediately elect a permanent presiding officer by a majority vote of the states attending and voting under the parliamentary common law as modified by procedures traditionally followed by conventions of states, including the rule of one vote per state. The planning convention shall continue to operate under the traditional procedures until such time as the planning convention adopts its own rules.
- 16. That the Legislature of the State of Arizona recognizes that a convention of states determines its own rules and procedures and elects its own officers. In the interests of efficiency and consistency, however, the Legislature of the State of Arizona recommends to the planning convention that the permanent rules contain certain principles traditionally followed by conventions of states, including the following principles:
- (a) A quorum for all sessions of the full convention shall be a majority of the states attending and for all committee meetings shall be a majority of the members of the relevant committee.
- (b) All voting shall be by state with each state having one vote, without apportionment or division, and each state legislature or

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delegation shall determine the internal voting and quorum rules for casting the vote of its delegation.

- (c) A majority vote of the states attending and voting shall prevail on all issues before the planning convention and in all committees, including any convention recommendations.
- (d) Convention officers shall include at least a president, vice president and secretary.
- 17. That the Legislature of the State of Arizona further recommends to the planning convention that:
- (a) The planning convention adopt Mason's Manual of Legislative Procedure, 2010 edition, as the source for the rules of decision in all cases not otherwise provided for by convention rules and orders.
- (b) The planning convention include at least the following three standing committees that are composed of a commissioner from each state attending, with each committee to be chaired by a temporary presiding officer designated by the balanced budget amendment convention committee until the committee selects its own officers:
- (i) A committee on rules and procedures, which shall prepare for consideration by the planning convention recommended rules and procedures for a convention for proposing a balanced budget amendment.
- (ii) A committee on time and location, which, after hearing testimony, shall prepare for consideration by the planning convention a recommended time and location for a convention for proposing a balanced budget amendment.
- (iii) A committee on convention management, which shall prepare for consideration by the planning convention recommended facilities, meeting rooms, security and staffing and other management issues pertaining to a convention for proposing a balanced budget amendment.
- 18. That in order to secure the advantage of continuity, the Legislature of the State of Arizona respectfully recommends to each state legislature that the same commissioners be sent both to the planning convention and to the convention for proposing a balanced budget amendment, if practicable and advisable to do so.
- 19. That an Arizona balanced budget amendment planning convention committee is established consisting of three members of the House of Representatives of the State of Arizona who are appointed by the Speaker of the House of Representatives of the State of Arizona and three members of the Senate of the State of Arizona who are appointed by the President of the Senate of the State of Arizona. The Arizona balanced budget amendment planning convention committee, if necessary, may change the time, date and location of the planning convention and, if necessary, may appoint a temporary president and temporary presiding officers of the standing committees. The Arizona balanced budget amendment planning convention committee shall coordinate the logistics of the planning

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 convention, including the facilities, meeting rooms, security, staffing and other management issues pertaining to the planning convention. The longest-serving legislative member of the Arizona balanced budget amendment planning convention committee shall call the first meeting of the committee, at which time the committee shall elect a chair. The members of the Arizona balanced budget amendment planning convention committee shall not be paid per diem for days on which the committee meets, unless the members would otherwise earn per diem for legislative duties other than those of the Arizona balanced budget amendment planning convention committee.

- 20. That the legislative body of each of the several states is urged to provide for the appointment of commissioners to attend the planning convention and to otherwise provide further cooperation and assistance.
- 21. That the Secretary of State of the State of Arizona shall transmit a copy of this resolution to the presiding officer of each legislative body in the several states.

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