

Conference Engrossed

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)

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

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

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

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

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

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

24 Therefore

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

27           1. That, if a convention for proposing an amendment to the  
28 Constitution of the United States is called by Congress pursuant to  
29 Article V of the Constitution of the United States, the State of Arizona  
30 shall send a delegation to the Article V convention.

31           2. That the delegation shall be composed of at least one, but not  
32 more than seven, commissioners and an equal number of paired alternates.  
33 Each member of the delegation shall be an elected member of the  
34 Legislature of the State of Arizona at the time of selection and during  
35 the term of office.

36           3. That the delegation shall be selected in the following manner:

37           (a) At a time jointly determined by the Speaker of the House of  
38 Representatives and the President of the Senate, the House of  
39 Representatives shall meet to select not more than three commissioners and  
40 three paired alternates and the Senate shall meet to select not more than  
41 three commissioners and three paired alternates.

42           (b) The Speaker of the House of Representatives and the President  
43 of the Senate shall jointly choose one commissioner and one paired  
44 alternate.

1           4. That, after the Article V convention is convened, if a  
2 commissioner is not able to participate in the Article V convention either  
3 permanently or temporarily, the commissioner's respective alternate shall  
4 replace the commissioner for the time the commissioner is unable to serve.  
5 If an alternate who replaces the commissioner is not able to participate  
6 in the Article V convention, then the delegation shall choose a  
7 replacement from the remaining alternates.

8           5. That the delegation shall choose its presiding officer and  
9 organize in the manner it desires.

10           6. That the delegation has authority to represent the Legislature  
11 of the State of Arizona at formal and informal planning sessions related  
12 to the Article V convention, including any planning convention, to conduct  
13 community meetings and hearings throughout this state before the Article V  
14 convention, and to correspond with other state commissioners and  
15 delegations, provided, however, that the delegation and its members shall  
16 at all times adhere to the oath and instructions prescribed by this  
17 resolution.

18           7. That the Legislature of the State of Arizona shall provide the  
19 delegation with necessary support staff and pay all of the costs of  
20 attending any planning convention and the Article V convention and all  
21 planning meetings, community meetings and hearings, subject to available  
22 appropriations made for that purpose.

23           8. That the term of office for each member of the delegation shall  
24 end on the adjournment of the Article V convention.

25           9. That a member of a delegation who knows of any violation of the  
26 oath or other misbehavior by a commissioner shall report it to the Article  
27 V Convention Committee established by this resolution.

28           10. That commissioners and alternates shall take the following oath  
29 of office before accepting their appointment:

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

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

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

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

4           11. That an Article V Convention Committee shall be composed of  
5 three members, one appointed by the Speaker of the House of  
6 Representatives of the State of Arizona, one appointed by the President of  
7 the Senate of the State of Arizona and one appointed jointly by the  
8 Speaker and President. A member of the Article V Convention Committee may  
9 not be a member of the delegation. The duties of the Article V Convention  
10 Committee include:

11           (a) Monitoring the delegation to determine if it is following  
12 legislative instructions and obeying convention rules.

13           (b) Advising the delegation on the legislature's position on issues  
14 before the convention.

15           (c) Disciplining any commissioner who violates the oath of office  
16 or instructions or is otherwise guilty of malfeasance or nonfeasance;  
17 discipline may include recall from the convention or demotion to the  
18 office of alternate commissioner.

19           (d) Notifying the convention that a commissioner has been recalled  
20 or demoted to an alternate commissioner.

21           (e) Replacing any recalled commissioner.

22           12. That commissioners shall vote only for Article V convention  
23 rules consistent with the following principles:

24           (a) The convention is convened under the authority granted to the  
25 state legislatures of the several states by Article V of the Constitution  
26 of the United States.

27           (b) The only participants at this convention are the several states  
28 represented by their respective delegations duly selected in the manner  
29 that their respective legislatures have determined.

30           (c) The scope of the convention's authority is defined by  
31 applications adopted by at least two-thirds of the legislatures of the  
32 several states, which authority is limited to the subject of the approved  
33 call of the convention. The convention has no authority to propose or  
34 discuss an amendment on any other subject outside the approved call of the  
35 convention.

36           (d) The convention shall provide for disciplining a commissioner or  
37 delegation for exceeding the scope of the convention's authority by  
38 raising subjects for discussion or debate that lie outside the  
39 convention's authority.

40           (e) The convention shall not infringe on the respective state  
41 legislatures' authority to instruct, discipline, recall and replace  
42 commissioners.

43           (f) All voting at the convention or in a committee shall be by  
44 state with each state having one vote without apportionment or division.

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

3 13. That commissioners and alternates may not solicit or accept a  
4 contribution or a promise to make a contribution for a campaign for the  
5 state legislature beginning on the commencement of the convention and  
6 ending on adjournment of the convention.

7 14. That the State of Arizona respectfully calls a planning  
8 convention of the states, consisting of commissioners chosen and  
9 authorized in the manner that each respective state legislature determines  
10 or, if no manner is determined by a state legislature, selected jointly by  
11 the majority leadership of each legislative chamber of that state, to  
12 convene initially at twelve o'clock noon on September 12, 2017 in Phoenix,  
13 Arizona for the limited purposes of:

14 (a) Planning for, and recommending rules for and procedures to, the  
15 prospective convention for proposing a balanced budget amendment to the  
16 United States Constitution.

17 (b) Recommending to Congress:

18 (i) The criteria for determining the initial date and location of a  
19 convention for proposing a balanced budget amendment.

20 (ii) A specific initial date and location of a convention for  
21 proposing a balanced budget amendment.

22 15. That the planning convention shall be called to order jointly  
23 by the Speaker of the House of Representatives and the President of the  
24 Senate of the State of Arizona, followed immediately by a roll call of the  
25 states. The planning convention shall immediately elect a permanent  
26 presiding officer by a majority vote of the states attending and voting  
27 under the parliamentary common law as modified by procedures traditionally  
28 followed by conventions of states, including the rule of one vote per  
29 state. The planning convention shall continue to operate under the  
30 traditional procedures until such time as the planning convention adopts  
31 its own rules.

32 16. That the Legislature of the State of Arizona recognizes that a  
33 convention of states determines its own rules and procedures and elects  
34 its own officers. In the interests of efficiency and consistency, however,  
35 the Legislature of the State of Arizona recommends to the planning  
36 convention that the permanent rules contain certain principles  
37 traditionally followed by conventions of states, including the following  
38 principles:

39 (a) A quorum for all sessions of the full convention shall be a  
40 majority of the states attending and for all committee meetings shall be a  
41 majority of the members of the relevant committee.

42 (b) All voting shall be by state with each state having one vote,  
43 without apportionment or division, and each state legislature or

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

3 (c) A majority vote of the states attending and voting shall  
4 prevail on all issues before the planning convention and in all  
5 committees, including any convention recommendations.

6 (d) Convention officers shall include at least a president, vice  
7 president and secretary.

8 17. That the Legislature of the State of Arizona further recommends  
9 to the planning convention that:

10 (a) The planning convention adopt Mason's Manual of Legislative  
11 Procedure, 2010 edition, as the source for the rules of decision in all  
12 cases not otherwise provided for by convention rules and orders.

13 (b) The planning convention include at least the following three  
14 standing committees that are composed of a commissioner from each state  
15 attending, with each committee to be chaired by a temporary presiding  
16 officer designated by the balanced budget amendment convention committee  
17 until the committee selects its own officers:

18 (i) A committee on rules and procedures, which shall prepare for  
19 consideration by the planning convention recommended rules and procedures  
20 for a convention for proposing a balanced budget amendment.

21 (ii) A committee on time and location, which, after hearing  
22 testimony, shall prepare for consideration by the planning convention a  
23 recommended time and location for a convention for proposing a balanced  
24 budget amendment.

25 (iii) A committee on convention management, which shall prepare for  
26 consideration by the planning convention recommended facilities, meeting  
27 rooms, security and staffing and other management issues pertaining to a  
28 convention for proposing a balanced budget amendment.

29 18. That in order to secure the advantage of continuity, the  
30 Legislature of the State of Arizona respectfully recommends to each state  
31 legislature that the same commissioners be sent both to the planning  
32 convention and to the convention for proposing a balanced budget  
33 amendment, if practicable and advisable to do so.

34 19. That an Arizona balanced budget amendment planning convention  
35 committee is established consisting of three members of the House of  
36 Representatives of the State of Arizona who are appointed by the Speaker  
37 of the House of Representatives of the State of Arizona and three members  
38 of the Senate of the State of Arizona who are appointed by the President  
39 of the Senate of the State of Arizona. The Arizona balanced budget  
40 amendment planning convention committee, if necessary, may change the  
41 time, date and location of the planning convention and, if necessary, may  
42 appoint a temporary president and temporary presiding officers of the  
43 standing committees. The Arizona balanced budget amendment planning  
44 convention committee shall coordinate the logistics of the planning

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

11 20. That the legislative body of each of the several states is  
12 urged to provide for the appointment of commissioners to attend the  
13 planning convention and to otherwise provide further cooperation and  
14 assistance.

15 21. That the Secretary of State of the State of Arizona shall  
16 transmit a copy of this resolution to the presiding officer of each  
17 legislative body in the several states.