

HOUSE JOINT RESOLUTION 38

By Powers

A RESOLUTION to select and instruct commissioners to the planning convention for a prospective Article V convention.

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

WHEREAS, it is likely that in the near future two-thirds of the state legislatures will have applied for a convention limited to proposing an amendment adding to the Constitution 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 this convention, and the convention itself will need to adopt rules for its own governance; and

WHEREAS, since a national convention of the states has not met since 1861, a regional convention of the states has not met since 1922, and many people are unfamiliar with the process, this legislature has called a preliminary convention of the states beginning on July 11, 2017, in Nashville, Tennessee, for the exclusive purposes of:

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

(b) Recommending to Congress the initial date and location of a convention for proposing a balanced budget amendment, which preliminary gathering is hereinafter referred to as the "Tennessee Planning Convention"; and

WHEREAS, it is in the interest of the people of this State that the voice of our state be heard at the Tennessee Planning Convention; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED TENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that Tennessee's delegation to the Tennessee Planning Convention shall be composed of five commissioners as follows: Senator Mike Bell, Senator Brian Kelsey, Senator Bill Ketron, Representative Sheila Butt, and Representative Dennis Powers.

BE IT FURTHER RESOLVED, that the General Assembly shall provide the delegation necessary support staff and pay all of the costs of attending the convention and reasonable associated costs.

BE IT FURTHER RESOLVED, that commissioners shall take the following oath of office prior to accepting their appointment:

I do solemnly swear or affirm that to the best of my abilities, as a commissioner to the Tennessee Planning Convention, I will abide by the Constitution and laws of the United States and the State of Tennessee; that I will not discuss or vote to allow consideration of any subject unrelated to the two predefined subjects of the convention; and that I will in all other respects comply with my instructions, whether issued at this time or hereafter. I acknowledge that any violation of this oath may result in being recalled by the General Assembly.

BE IT FURTHER RESOLVED, that, as soon as convenient, the delegation shall choose its presiding officer and organize in the manner it desires.

BE IT FURTHER RESOLVED, that in recommending and voting for rules to govern the Tennessee Planning Convention and for recommended rules for the convention for a balanced budget amendment, commissioners shall comply with the following principles:

(a) The convention for a balanced budget amendment will be convened under the authority granted to the legislatures of the several states and to Congress by Article V of the Constitution of the United States;

(b) The only participants at the convention are the several states represented by their respective delegations, duly selected in such manner as their respective legislatures have determined;

(c) The scope of the Tennessee Planning Convention's authority is defined in the call of this legislative body, and the convention has no authority to propose or discuss matters outside its scope;

(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 state legislatures' authority to instruct, discipline, recall, and replace their commissioners;

(f) A quorum for all sessions of the convention and for its committees of the whole shall be a majority of the states attending the convention, and a quorum for all other committee sessions shall be a majority of commissioners serving as members of the relevant committee;

(g) All voting on the floor of the convention and in the committee of the whole shall be by state with each state having one vote, without apportionment or division. Each state legislature shall determine the internal voting and quorum rules for casting the vote of its delegation;

(h) A majority vote of the quorum shall prevail on all issues before the convention and in all committees save for procedural votes, which may require a supermajority;

(i) An affirmative vote greater than a majority of the several states shall not be necessary to issue a recommendation or propose an amendment; and

(j) Any member of a delegation knowing of any violation of the oath or other misbehavior by a commissioner shall report it to the legislature or its designated representative.