

HB

310

<TARGET><BILL>HB 310</BILL><SUBJECT>HB
310</SUBJECT><COMM>SSTA28</COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 4/7/14

FURTHER:

DATE TURNED IN TO OFFICE: 4-8-14

State Affairs Committee considered CS FOR HOUSE BILL NO. 310(STA) am

HB 310-U.S. CONSTITUTIONAL CONVENTION DELEGATES

"An Act relating to the selection and duties of delegates to a convention of the states."

and recommends:

- be replaced with SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
LEG			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
	Wielechowski			✓	
	Coghill			✓	
	Giessel			✓	
CHAIR:	Dyer	✓			

Alaska State Legislature
House of Representatives
Representative Tammie Wilson

Interim
1292 Sadler Way Ste. 304
Fairbanks, Alaska 99701
Phone - (907) 451-2723
Fax - (907) 452-3430

Session
State Capitol
Juneau, AK 99801
Phone - (907) 465-4797
Fax - (907) 465-3884



Rep.Tammie.Wilson@akleg.gov

B

MEMORANDUM

To: The Honorable Fred Dyson, Chair
Fr: Representative Tammie Wilson
Re: Hearing Request for CSHB 310 Ver. C.A
Date: April 07, 2014

Dear Chair Dyson,

I respectfully request a hearing for CSHB 310 C.A in Senate State Affairs.

My staff on this piece of legislation is Theresa Woldstad. She can be reached at 465-4797.

Thank you for your consideration.

Sincerely,

Tammie

Representative Tammie Wilson

**Alaska State Legislature
House of Representatives
Representative Tammie Wilson**

Interim
1292 Sadler Way Ste. 304
Fairbanks, Alaska 99701
Phone - (907) 451-2723
Fax - (907) 452-3430



Rep.Tammie.Wilson@akleg.gov

Session
State Capitol
Juneau, AK 99801
Phone - (907) 465-4797
Fax - (907) 465-3884

**House Bill 310
Sponsor Statement**

**"An Act relating to the selection and duties of delegates
to a United States Convention of the States."**

HB 310 defines the process of delegate selection and duties of delegates selected to represent the State of Alaska at a Convention of the States called under Article V of the Constitution of the United States. When a Convention of the States is called, the Alaska State Legislature shall by a joint resolution appoint delegates, alternate delegates and an observer to the convention. All delegates will serve their state without compensation. Before the convening of the Convention of the States, the state legislature will provide instructions to delegates, alternate delegates and observer by joint resolution regarding the topics to be discussed and voted upon. Each delegate and alternate delegate will be sworn in and will faithfully discharge all of the duties provided by the Alaska State Legislature. The legislature can recall any selected delegates or observer at any time and appoint a new delegate, alternate delegate or an observer by joint resolution. Votes cast by delegates that are outside of the scope of the provided instructions by the Alaska State Legislature are considered ultra vires and void. Delegates who casts or attempts to cast non-authorized votes is subject to immediate replacement by an alternate delegate and is guilty of a class C felony and may be punished as provided in AS 12.55.

**Alaska State Legislature
House of Representatives
Representative Tammie Wilson**

Interim
1292 Sadler Way Ste. 304
Fairbanks, Alaska 99701
Phone - (907) 451-2723
Fax - (907) 452-3430



Rep.Tammie.Wilson@akleg.gov

Session
State Capitol
Juneau, AK 99801
Phone - (907) 465-4797
Fax - (907) 465-3884

CS for House Bill No. 310 Ver. C

“An Act Relating to the selection and duties of delegates to a convention of the states”

Amended “United States constitutional convention” to convention of the states throughout the bill to match HJR 22.

Amend Sec. 15.50.120 Selection of delegates by adding “appoint two delegates and two alternate delegates.”

Delete p.2, line 15 (e) Delegates and alternate delegates serve without compensation.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSHB 310(STA)
Fiscal Note Number: 1
(H) Publish Date: 3/18/14

Identifier: HB310-LEG-SESS-03-10-14
Title: U.S. CONSTITUTIONAL CONVENTION
DELEGATES
Sponsor: T.WILSON
Requester: State Affairs

Department: Alaska Legislature
Appropriation: Legislative Operating Budget
Allocation: Session Expenses
OMB Component Number: 782

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
---------------------------	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY2014) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial Version

Prepared By: Jessica Geary, Finance Manager Phone: (907)465-6626
Division: Legislative Affairs Agency Date: 03/10/2014 12:20 PM
Approved By: Pamela Varni, Executive Director Date: 03/10/14
Agency: Legislative Affairs Agency

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSHB 310(STA)

Analysis

The Legislative Affairs Agency anticipates zero fiscal impact from the passage of HB 310. The delegates of the United States Constitutional Convention serve without compensation or reimbursement of expenses.

State examples of delegates qualifications for an Article V Convention of the States

State	Bill number	Delegate Qualifications				
		Residency	Length of residency	Age requirements	Federal positions	Lobbyists
Alabama	SB 200	Registered voter	Reside in Alabama	At least 18 years old	Cannot hold a federal office	Not a registered lobbyist
Alaska	CSHB 310	Qualified voter	At least 3 years a resident	Registered voter	Not members of U.S. Senate or House of Representatives	Not stated
Arizona	SB 1360	Resident	Not stated	Not stated	Not stated	Not stated
Florida	SB 1008	Registered voter	Reside in Florida	Registered voter	Cannot hold any federal office	Not a registered lobbyist
Georgia	HB 929	Resident voter	Reside in Georgia	At least 18 years old	Cannot hold any federal office	Not stated
Indiana	IC 2-8.2-3	Registered voter	Reside in Indiana	At least 18 years old	Cannot hold a federal office	Not a registered lobbyist
Missouri	HB 2036	Resident	Qualified to hold office in general assembly		Not member of U.S. Congress	Not stated
New Mexico	HB 156	Not stated	Not stated	Not stated	Not stated	Not stated
South Dakota	HB 1136	Not stated	Not stated	Not stated	Not stated	Not stated
Virginia	SB 105	Resident	Not stated	Not stated	Not stated	Not stated
West Virginia	HB 3029	Not stated	Not stated	Not stated	Not stated	Not stated

State examples limiting the authority of delegates selected for an Article V Convention of the States

State	Bill number	Delegates Oath	Recall of Delegates	Violated votes	Violation penalties	Compensation
Alabama	SB200	Oath in writing	May recall at any time	Vote void	Can be recalled at any time	Reimbursement for expenses while on official business
Alaska	CSHB 310	Sworn in by oath	May recall at any time	Vote ultra vires "beyond powers."	Class C felony, immediately replaced	Not stated
Arizona	SB 1360	Oath in writing	May recall at any time	Nullification of unauthorized votes	Class 6 Felony; immediately replaced	Not stated
Florida	SB 1008	Oath in writing	May recall at any time	Vote void	Felony of the third degree	May be reimbursed per diem and travel expenses
Georgia	HB 929	Oath in writing	May recall at any time	Vote void	Can be recalled at any time	Mileage & travel expenses, not salary or per diem
Indiana	IC 2-8.2 Chapters 3-4	Oath in writing	Delegate forfeits appointment	Vote ultra vires "beyond powers."	Class D felony	Entitled to mileage and travel allowances.
Missouri	HB 2036	Sworn in by oath	May recall at any time	Beyond authority	Guilty of perjury and forever disqualified from holding any office of trust or profit	Not stated
New Mexico	HB 156	Sworn in by oath	Delegate immediately recalled on void vote	Beyond authority	Subject to fine not exceeding \$10,000	Not stated
South Dakota	HB 1136	Sworn in by oath	Delegate immediately recalled on void vote	Nullification of unauthorized votes	Civil fine not more than \$5,000	Not stated
Virginia	SB 105	Sworn in by oath	May recall at any time	Beyond authority	Class 6 felony	Not stated
West Virginia	HB 3029	Sworn in by oath	May recall at any time	Nullification of unauthorized votes	Felony & fined less than \$1,000; or imprisoned more than 1 year, or both fined & imprisoned.	Not stated

SENATE BILL No. 224

DIGEST OF SB 224 (Updated February 19, 2013 8:01 pm - DI 51)

Citations Affected: IC 2-8; IC 4-6; IC 35-32; IC 35-51.

Synopsis: Duties of Article V convention delegates. Describes the duties of delegates and alternate delegates to a convention called under Article V of the Constitution of the United States. Provides that a vote cast by a delegate or an alternate delegate that is outside the scope of the instructions given by the general assembly is void. Provides that a delegate or alternate delegate who votes or attempts to vote outside the scope of the instructions given by the general assembly forfeits the delegate's appointment by virtue of that vote or attempt to vote. Provides that the call by the general assembly for an Article V convention is withdrawn if all delegates and alternate delegates vote or attempt to vote outside the scope of the instructions given by the general assembly. Provides that a delegate or alternate delegate who knowingly or intentionally votes or attempts to vote outside the scope of the instructions commits a Class D felony. Establishes an advisory group to evaluate whether a delegate or an alternate delegate has acted outside the scope of instructions.

Effective: July 1, 2013.

Long

January 7, 2013, read first time and referred to Committee on Rules and Legislative Procedure.
February 21, 2013, amended, reported favorably _ Do Pass.

February 22, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.
Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

SENATE BILL No. 224

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

Be it enacted by the General Assembly of the State of Indiana:

SOURCE: IC 2-8; (13)SB0224.1.1. --> SECTION 1. IC 2-8 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

ARTICLE 8. DELEGATES TO A CONVENTION CALLED UNDER ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES

Chapter 1. General Provisions

Sec. 1. This article applies whenever an Article V convention is called.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Alternate delegate" refers to an individual appointed as an alternate delegate as provided by law.

Sec. 3. "Article V convention" refers to a convention for proposing amendments to the Constitution of the United States called for by the states under Article V of the Constitution of the

United States.

Sec. 4. "Chamber" refers to either the house of representatives or the senate.

Sec. 5. "Delegate" refers to an individual appointed as provided by law to represent the state at an Article V convention.

Sec. 6. "House of representatives" refers to the house of representatives of the general assembly.

Sec. 7. "Paired delegate" refers to the delegate with whom an alternate delegate is paired as provided by law.

Sec. 8. "Senate" refers to the senate of the general assembly.

Chapter 4. Duties of Delegates and Alternate Delegates

Sec. 1. (a) At the time delegates and alternate delegates are appointed, the general assembly shall adopt a joint resolution to provide instructions to the delegates and alternate delegates regarding the following:

(1) The rules of procedure.

(2) Any other matter relating to the Article V convention that the general assembly considers necessary.

(b) The general assembly may amend the instructions at any time by joint resolution.

Sec. 2. An alternate delegate:

(1) shall act in the place of the alternate delegate's paired delegate when the alternate delegate's paired delegate is absent from the Article V convention; and

(2) replaces the alternate delegate's paired delegate if the alternate delegate's paired delegate vacates the office.

Sec. 3. A vote cast by a delegate or an alternate delegate at an Article V convention that is outside the scope of:

(1) the instructions established by a joint resolution adopted under section 1 of this chapter; or

(2) the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention;

is void.

Sec. 4. (a) A delegate or alternate delegate who votes or attempts to vote outside the scope of:

(1) the instructions established by a joint resolution adopted under section 1 of this chapter; or

(2) the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the

purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention;

forfeits the delegate's appointment by virtue of that vote or attempt to vote.

(b) The paired alternate delegate of a delegate who forfeits appointment under subsection

(a) becomes the delegate at the time the forfeiture of the appointment occurs.

Sec. 5. The application of the general assembly to call an Article V convention for proposing amendments to the Constitution of the United States ceases to be a continuing application and shall be treated as having no effect if all of the delegates and alternate delegates vote or attempt to vote outside the scope of:

(1) the instructions established by a joint resolution adopted under section 1 of this chapter; or

(2) the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention.

Sec. 6. A delegate or alternate delegate who knowingly or intentionally votes or attempts to vote outside the scope of:

(1) the instructions established by a joint resolution adopted under section 1 of this

chapter; or

(2) the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention;

commits a Class D felony.

Chapter 5. Article V Convention Delegate Advisory Group

Sec. 1. As used in this chapter, "advisory group" refers to the Article V convention delegate advisory group established by section 2 of this chapter.

Sec. 2. The Article V convention delegate advisory group is established.

Sec. 3. The advisory group consists of the following members:

- (1) The chief justice of the supreme court.
- (2) The chief judge of the court of appeals.
- (3) The judge of the tax court.

Sec. 4. The chief justice of the supreme court is the chair of the advisory group.

Sec. 5. The advisory group shall meet at the call of the chair.

Sec. 6. The advisory group shall establish the policies and procedures that the advisory group determines necessary to carry out this chapter.

Sec. 7. (a) Upon request of a delegate or alternate delegate, the advisory group shall advise the delegate or alternate delegate whether there is reason to believe that an action or an attempt to take an action by a delegate or alternate delegate would:

- (1) violate the instructions established by a joint resolution adopted under IC 2-8-4-1; or
- (2) exceed the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention.

(b) The advisory group may render an advisory determination under this section in any summary manner considered appropriate by the advisory group.

(c) The advisory group shall render an advisory determination under this section within twenty-four (24) hours after receiving a request for a determination.

(d) The advisory group shall transmit a copy of an advisory determination under this section in the most expeditious manner possible to the delegate or alternative delegate who requested the advisory determination.

(e) If the advisory group renders an advisory determination under this section, the advisory group may also take an action permitted under section 8 of this chapter.

Sec. 8. (a) On its own motion or upon request of the speaker of the house of representatives, the president pro tempore of the senate, or the attorney general, the advisory group shall advise the attorney general whether there is reason to believe that a vote or an attempt to vote by a delegate or alternate delegate has:

- (1) violated the instructions established by a joint resolution adopted under IC 2-8-4-1; or
- (2) exceeded the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention.

(b) The advisory group shall issue the advisory determination under this section by one (1) of the following summary procedures:

(1) Without notice or an evidentiary proceeding.

(2) After a hearing conducted by the advisory group.

(c) The advisory group shall render an advisory determination under this section within twenty-four (24) hours after receiving a request for an advisory determination.

(d) The advisory group shall transmit a copy of an advisory determination under this section in the most expeditious manner possible to the attorney general.

Sec. 9. Immediately, upon receipt of an advisory determination under section 8 of this chapter that finds that a vote or attempt to vote by a delegate or alternate delegate is a violation described in section 8(a)(1) of this chapter or in excess of the authority of the delegate or alternate delegate, as described in section 8(a)(2) of this chapter, the attorney general shall inform the delegates, alternate delegates, the speaker of the house of representatives, the president pro tempore of the senate, and the Article V convention that:

(1) the vote or attempt to vote did not comply with Indiana law, is void, and has no effect; and

(2) the credentials of the delegate or alternate delegate who is the subject of the determination are revoked.

SOURCE: IC 4-6-2-1.1; (13)SB0224.1.2. --> SECTION 2. IC 4-6-2-1.1, AS AMENDED BY P.L.126-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.1. The attorney general has concurrent jurisdiction with the prosecuting attorney in the prosecution of the following:

(1) Actions in which a person is accused of committing, while a member of an unlawful assembly as defined in IC 35-45-1-1, a homicide (IC 35-42-1).

(2) Actions in which a person is accused of assisting a criminal (IC 35-44.1-2-5), if the person alleged to have been assisted is a person described in subdivision (1).

(3) Actions in which a sheriff is accused of any offense that involves a failure to protect the life of a prisoner in the sheriff's custody.

(4) Actions in which a violation of IC 2-8-4-6 (concerning constitutional convention delegates) has occurred.

SOURCE: IC 35-32-2-7; (13)SB0224.1.3. --> SECTION 3. IC 35-32-2-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. A person may be tried for a violation of IC 2-8-4-6 in:

(1) Marion County; or

(2) the county where the person resides.

SOURCE: IC 35-51-2-1; (13)SB0224.1.4. --> SECTION 4. IC 35-51-2-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 2:

IC 2-4-1-4 (Concerning legislative investigations).

IC 2-7-6-2 (Concerning lobbying).

IC 2-7-6-3 (Concerning lobbying).

HOUSE BILL NO. 284
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KELLER, Lynn, Isaacson, Hughes

Introduced: 1/29/14

Referred: State Affairs, Judiciary

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to an interstate compact on a balanced federal budget."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. AS 44.99 is amended by adding new sections to read:**

4 **Article 6. Compact for a Balanced Budget.**

5 **Sec. 44.99.600. Entry into agreement.** The Compact for a Balanced Budget is
6 hereby enacted into law and entered into with all jurisdictions legally joining it in a
7 form substantially as contained in AS 44.99.610.

8 **Sec. 44.99.610. Compact terms.** The terms and provisions of the compact
9 referred to in AS 44.99.600 are as follows:

10 **COMPACT FOR A BALANCED BUDGET**

11 **ARTICLE I**

12 **DECLARATION OF POLICY, PURPOSE AND INTENT**

13 **Whereas, every State enacting, adopting and agreeing to be bound by this**
14 **Compact intends to ensure that their respective Legislature's use of the power to**
15 **originate a Balanced Budget Amendment under Article V of the Constitution of the**

1 United States will be exercised conveniently and with reasonable certainty as to the
2 consequences thereof.

3 Now, therefore, in consideration of their expressed mutual promises and
4 obligations, be it enacted by every State enacting, adopting and agreeing to be bound
5 by this Compact, and resolved by each of their respective Legislatures, as the case
6 may be, to exercise herewith all of their respective powers as set forth herein
7 notwithstanding any law to the contrary.

8 ARTICLE II
9 DEFINITIONS

10 Section 1. "Compact" means this "Compact for a Balanced Budget."

11 Section 2. "Convention" means the convention for proposing amendments
12 organized by this Compact under Article V of the Constitution of the United States
13 and, where contextually appropriate to ensure the terms of this Compact are not
14 evaded, any other similar gathering or body, which might be organized as a
15 consequence of Congress receiving the application set out in this Compact and claim
16 authority to propose or effectuate any amendment, alteration or revision to the
17 Constitution of the United States. This term does not encompass a convention for
18 proposing amendments under Article V of the Constitution of the United States that is
19 organized independently of this Compact based on the separate and distinct
20 application of any State.

21 Section 3. "State" means one of the several States of the United States. Where
22 contextually appropriate, the term "State" shall be construed to include all of its
23 branches, departments, agencies, political subdivisions, and officers and
24 representatives acting in their official capacity.

25 Section 4. "Member State" means a State that has enacted, adopted and agreed
26 to be bound to this Compact. For any State to qualify as a Member State with respect
27 to any other State under this Compact, each such State must have enacted, adopted and
28 agreed to be bound by substantively identical compact legislation.

29 Section 5. "Compact Notice Recipients" means the Archivist of the United
30 States, the President of the United States, the President of the United States Senate, the
31 Office of the Secretary of the United States Senate, the Speaker of the United States

1 House of Representatives, the Office of the Clerk of the United States House of
2 Representatives, the chief executive officer of each State, and the presiding officer(s)
3 of each house of the Legislatures of the several States.

4 Section 6. Notice. All notices required by this Compact shall be by U.S.
5 Certified Mail, return receipt requested, or an equivalent or superior form of notice,
6 such as personal delivery documented by evidence of actual receipt.

7 Section 7. "Balanced Budget Amendment" means the following:

8 "Article __

9 Section 1. Total outlays of the government of the United States shall not
10 exceed total receipts of the government of the United States at any point in time unless
11 the excess of outlays over receipts is financed exclusively by debt issued in strict
12 conformity with this article.

13 Section 2. Outstanding debt shall not exceed authorized debt, which initially
14 shall be an amount equal to 105 percent of the outstanding debt on the effective date
15 of this article. Authorized debt shall not be increased above its aforesaid initial amount
16 unless such increase is first approved by the legislatures of the several states as
17 provided in Section 3.

18 Section 3. From time to time, Congress may increase authorized debt to an
19 amount in excess of its initial amount set by Section 2 only if it first publicly refers to
20 the legislatures of the several states an unconditional, single subject measure
21 proposing the amount of such increase, in such form as provided by law, and the
22 measure is thereafter publicly and unconditionally approved by a simple majority of
23 the legislatures of the several states, in such form as provided respectively by state
24 law; provided that no inducement requiring an expenditure or tax levy shall be
25 demanded, offered or accepted as a quid pro quo for such approval. If such approval is
26 not obtained within sixty (60) calendar days after referral then the measure shall be
27 deemed disapproved and the authorized debt shall thereby remain unchanged.

28 Section 4. Whenever the outstanding debt exceeds 98 percent of the debt limit
29 set by Section 2, the President shall enforce said limit by publicly designating specific
30 expenditures for impoundment in an amount sufficient to ensure outstanding debt shall
31 not exceed the authorized debt. Said impoundment shall become effective thirty (30)

1 days thereafter, unless Congress first designates an alternate impoundment of the same
 2 or greater amount by concurrent resolution, which shall become immediately
 3 effective. The failure of the President to designate or enforce the required
 4 impoundment is an impeachable misdemeanor. Any purported issuance or incurrence
 5 of any debt in excess of the debt limit set by Section 2 is void.

6 Section 5. No bill that provides for a new or increased general revenue tax
 7 shall become law unless approved by a two-thirds roll call vote of the whole number
 8 of each House of Congress. However, this requirement shall not apply to any bill that
 9 provides for a new end user sales tax which would completely replace every existing
 10 income tax levied by the government of the United States; or for the reduction or
 11 elimination of an exemption, deduction, or credit allowed under an existing general
 12 revenue tax.

13 Section 6. For purposes of this article, "debt" means any obligation backed by
 14 the full faith and credit of the government of the United States; "outstanding debt"
 15 means all debt held in any account and by any entity at a given point in time;
 16 "authorized debt" means the maximum total amount of debt that may be lawfully
 17 issued and outstanding at any single point in time under this article; "total outlays of
 18 the government of the United States" means all expenditures of the government of the
 19 United States from any source; "total receipts of the government of the United States"
 20 means all tax receipts and other income of the government of the United States,
 21 excluding proceeds from its issuance or incurrence of debt or any type of liability;
 22 "impoundment" means a proposal not to spend all or part of a sum of money
 23 appropriated by Congress; and "general revenue tax" means any income tax, sales tax,
 24 or value-added tax levied by the government of the United States excluding imposts
 25 and duties.

26 Section 7. This article is immediately operative upon ratification, self-
 27 enforcing, and Congress may enact conforming legislation to facilitate enforcement."

28 ARTICLE III

29 COMPACT MEMBERSHIP AND WITHDRAWAL

30 Section 1. This Compact governs each Member State to the fullest extent
 31 permitted by their respective constitutions, superseding and repealing any conflicting

1 or contrary law.

2 Section 2. By becoming a Member State, each such State offers, promises and
3 agrees to perform and comply strictly in accordance with the terms and conditions of
4 this Compact, and has made such offer, promise and agreement in anticipation and
5 consideration of, and in substantial reliance upon, such mutual and reciprocal
6 performance and compliance by each other current and future Member State, if any.
7 Accordingly, in addition to having the force of law in each Member State upon its
8 respective effective date, this Compact and each of its Articles shall also be construed
9 as contractually binding each Member State when: (a) at least one other State has
10 likewise become a Member State by enacting substantively identical legislation
11 adopting and agreeing to be bound by this Compact; and (b) notice of such State's
12 Member State status is or has been seasonably received by the Compact
13 Administrator, if any, or otherwise by the chief executive officer of each other
14 Member State.

15 Section 3. For purposes of determining Member State status under this
16 Compact, as long as all other provisions of the Compact remain identical and
17 operative on the same terms, legislation enacting, adopting and agreeing to be bound
18 by this Compact shall be deemed and regarded as "substantively identical" with
19 respect to such other legislation enacted by another State notwithstanding: (a) any
20 difference in section 2 of Article IV with specific regard to the respectively enacting
21 State's own method of appointing its member to the Commission; (b) any difference in
22 section 5 of Article IV with specific regard to the respectively enacting State's own
23 obligation to fund the Commission; (c) any difference in section 1 and 2 of Article VI
24 with specific regard to the number and identity of each delegate respectively appointed
25 on behalf of the enacting State, provided that no more than three delegates may attend
26 and participate in the Convention on behalf of any State; or (d) any difference in
27 section 7 of Article X with specific regard to the respectively enacting State as to
28 whether section 1 of Article V of this Compact shall survive termination of this
29 Compact, and thereafter become a continuing resolution of the Legislature of such
30 State applying to Congress for the calling of a convention of the states under Article V
31 of the Constitution of the United States, under such terms and limitations as may be

1 specified by such State.

2 Section 4. When fewer than three-fourths of the States are Member States, any
3 Member State may withdraw from this Compact by enacting appropriate legislation,
4 as determined by state law, and giving notice of such withdrawal to the Compact
5 Administrator, if any, or otherwise to the chief executive officer of each other Member
6 State. A withdrawal shall not affect the validity or applicability of the compact with
7 respect to remaining Member States, provided that there remain at least two such
8 States. However, once at least three-fourths of the States are Member States, then no
9 Member State may withdraw from the Compact prior to its termination absent
10 unanimous consent of all Member States.

11 ARTICLE IV

12 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

13 Section 1. Nature of the Compact Commission. The Compact Commission
14 ("Commission") is hereby established. It has the power and duty: (a) to appoint and
15 oversee a Compact Administrator; (b) to encourage States to join the Compact and
16 Congress to call the Convention in accordance with this Compact; (c) to coordinate the
17 performance of obligations under the Compact; (d) to oversee the Convention's
18 logistical operations as appropriate to ensure this Compact governs its proceedings; (e)
19 to oversee the defense and enforcement of the Compact in appropriate legal venues; (f)
20 to request funds and to disburse those funds to support the operations of the
21 Commission, Compact Administrator, and Convention; and (g) to cooperate with any
22 entity that shares a common interest with the Commission and engages in policy
23 research, public interest litigation or lobbying in support of the purposes of the
24 Compact. The Commission shall only have such implied powers as are essential to
25 carrying out these express powers and duties. It shall take no action that contravenes
26 or is inconsistent with this Compact or any law of any State that is not superseded by
27 this Compact. It may adopt and publish corresponding bylaws and policies.

28 Section 2. Commission Membership. The Commission initially consists of
29 three unpaid members. Each Member State may appoint one member to the
30 Commission through an appointment process to be determined by their respective
31 chief executive officer until all positions on the Commission are filled. Positions shall

1 be assigned to appointees in the order in which their respective appointing States
2 became Member States. The bylaws of the Commission may expand its membership
3 to include representatives of additional Member States and to allow for modest
4 salaries and reimbursement of expenses if adequate funding exists.

5 Section 3. Commission Action. Each Commission member is entitled to one
6 vote. The Commission shall not act unless a majority of its appointed membership is
7 present, and no action shall be binding unless approved by a majority of the
8 Commission's appointed membership. The Commission shall meet at least once a
9 year, and may meet more frequently.

10 Section 4. First Order of Business. The Commission shall at the earliest
11 possible time elect from among its membership a Chairperson, determine a primary
12 place of doing business, and appoint a Compact Administrator.

13 Section 5. Funding. The Commission and the Compact Administrator's
14 activities shall be funded exclusively by each Member State, as determined by their
15 respective state law, or by voluntary donations.

16 Section 6. Compact Administrator. The Compact Administrator has the power
17 and duty: (a) to timely notify the States of the date, time and location of the
18 Convention; (b) to organize and direct the logistical operations of the Convention; (c)
19 to maintain an accurate list of all Member States, their appointed delegates, including
20 contact information; and (d) to formulate, transmit, and maintain all official notices,
21 records, and communications relating to this Compact. The Compact Administrator
22 shall only have such implied powers as are essential to carrying out these express
23 powers and duties; and shall take no action that contravenes or is inconsistent with this
24 Compact or any law of any State that is not superseded by this Compact. The Compact
25 Administrator serves at the pleasure of the Commission and must keep the
26 Commission seasonably apprised of the performance or nonperformance of the terms
27 and conditions of this Compact. Any notice sent by a Member State to the Compact
28 Administrator concerning this Compact shall be adequate notice to each other Member
29 State provided that a copy of said notice is seasonably delivered by the Compact
30 Administrator to each other Member State's respective chief executive officer.

31 Section 7. Notice of Key Events. Upon the occurrence of each of the following

1 described events, or otherwise as soon as possible, the Compact Administrator shall
2 immediately send the following notices to all Compact Notice Recipients, together
3 with certified conforming copies of the chaptered version of this Compact as
4 maintained in the statutes of each Member State: (a) whenever any State becomes a
5 Member State, notice of that fact shall be given; (b) once at least three-fourths of the
6 States are Member States, notice of that fact shall be given together with a statement
7 declaring that the Legislatures of at least two-thirds of the several States have applied
8 for a convention for proposing amendments under Article V of the Constitution of the
9 United States, petitioning Congress to call the Convention contemplated by this
10 Compact, and further requesting cooperation in organizing the same in accordance
11 with this Compact; (c) once Congress has called the Convention contemplated by this
12 Compact, and whenever the date, time and location of the Convention has been
13 determined, notice of that fact shall be given together with the date, time and location
14 of the Convention and other essential logistical matters; (d) upon approval of the
15 Balanced Budget Amendment by the Convention, notice of that fact shall be given
16 together with the transmission of certified copies of such approved proposed
17 amendment and a statement requesting Congress to refer the same for ratification by
18 three-fourths of the Legislatures of the several States under Article V of the
19 Constitution of the United States (however, in no event shall any proposed amendment
20 other than the Balanced Budget Amendment be transmitted); and (e) when any Article
21 of this Compact prospectively ratifying the Balanced Budget Amendment is effective
22 in any Member State, notice of the same shall be given together with a statement
23 declaring such ratification and further requesting cooperation in ensuring that the
24 official record confirms and reflects the effective corresponding amendment to the
25 Constitution of the United States. However, whenever any Member State enacts
26 appropriate legislation, as determined by the laws of the respective state, withdrawing
27 from this Compact, the Compact Administrator shall immediately send certified
28 conforming copies of the chaptered version of such withdrawal legislation as
29 maintained in the statutes of each such withdrawing Member State, solely to each
30 chief executive officer of each remaining Member State, giving notice of such
31 withdrawal.

1 immediately vacate the Convention and return to delegate's respective State's capitol.

2 Section 4. Oath. The power and authority of a delegate under this Article may
3 only be exercised after the Convention is first called by Congress in accordance with
4 this Compact and such appointment is duly accepted by such appointee publicly taking
5 the following oath or affirmation: "I do solemnly swear (or affirm) that I accept this
6 appointment and will act strictly in accordance with the terms and conditions of the
7 Compact for a Balanced Budget, the Constitution of the State I represent, and the
8 Constitution of the United States. I understand that violating this oath (or affirmation)
9 forfeits my appointment and may subject me to other penalties as provided by law."

10 Section 5. Term. The term of a delegate hereunder commences upon
11 acceptance of appointment and terminates upon the permanent adjournment of the
12 Convention, unless shortened by recall, replacement or forfeiture under this Article.
13 Upon expiration of such term, any person formerly serving as a delegate must
14 immediately withdraw from and cease participation at the Convention, if any is
15 proceeding.

16 Section 6. Delegate Authority. The power and authority of any delegate
17 appointed hereunder is strictly limited: (a) to introducing, debating, voting upon,
18 proposing and enforcing the Convention Rules specified in this Compact, as needed to
19 ensure those rules govern the Convention; and (b) to introducing, debating, voting
20 upon, and rejecting or proposing for ratification the Balanced Budget Amendment. All
21 actions taken by any delegate in violation of this section are void ab initio.

22 Section 7. Delegate Authority. No delegate of any Member State may
23 introduce, debate, vote upon, reject or propose for ratification any constitutional
24 amendment at the Convention unless: (a) the Convention Rules specified in this
25 Compact govern the Convention and their actions; and (b) the constitutional
26 amendment is the Balanced Budget Amendment.

27 Section 8. Delegate Authority. The power and authority of any delegate at the
28 Convention does not include any power or authority associated with any other public
29 office held by the delegate. Any person appointed to serve as a delegate shall take a
30 temporary leave of absence, or otherwise shall be deemed temporarily disabled, from
31 any other public office held by the delegate while attending the Convention, and may

1 not exercise any power or authority associated with any other public office held by the
2 delegate while attending the Convention. All actions taken by any delegate in violation
3 of this section are void ab initio.

4 Section 9. Order of Business. Before introducing, debating, voting upon,
5 rejecting or proposing for ratification any constitutional amendment at the Convention,
6 each delegate of every Member State must first ensure the Convention Rules in this
7 Compact govern the Convention and their actions. Every delegate and each Member
8 State must immediately vacate the Convention and notify the Compact Administrator
9 by the most effective and expeditious means if the Convention Rules in this Compact
10 are not adopted to govern the Convention and their actions.

11 Section 10. Forfeiture of Appointment. If any Member State or delegate
12 violates any provision of this Compact, then every delegate of that Member State
13 immediately forfeits his or her appointment, and shall immediately cease participation
14 at the Convention, vacate the Convention, and return to his or her respective State's
15 capitol.

16 Section 11. Expenses. A delegate appointed hereunder is entitled to
17 reimbursement of reasonable expenses for attending the Convention from his or her
18 respective Member State. No delegate may accept any other form of remuneration or
19 compensation for service under this Compact.

20 ARTICLE VII

21 CONVENTION RULES

22 Section 1. Nature of the Convention. The Convention shall be organized,
23 construed and conducted as a body exclusively representing and constituted by the
24 several States.

25 Section 2. Agenda of the Convention. The agenda of the Convention shall be
26 entirely focused upon and exclusively limited to introducing, debating, voting upon,
27 and rejecting or proposing for ratification the Balanced Budget Amendment under the
28 Convention Rules specified in this Article and in accordance with the Compact. It
29 shall not be in order for the Convention to consider any matter that is outside the scope
30 of this agenda.

31 Section 3. Delegate Identity and Procedure. States shall be represented at the

1 Convention through duly appointed delegates. The number, identity and authority of
2 delegates assigned to each State shall be determined by this Compact in the case of
3 Member States or, in the case of States that are not Member States, by their respective
4 state laws. However, to prevent disruption of proceedings, no more than three
5 delegates may attend and participate in the Convention on behalf of any State. A
6 certified chaptered conforming copy of this Compact, together with government-
7 issued photographic proof of identification, shall suffice as credentials for delegates of
8 Member States. Any commission for delegates of States that are not Member States
9 shall be based on their respective state laws, but it shall furnish credentials that are at
10 least as reliable as those required of Member States.

11 Section 4. Voting. Each State represented at the Convention shall have one
12 vote, exercised by the vote of that State's delegate in the case of States represented by
13 one delegate, or, in the case of any State that is represented by more than one delegate,
14 by the majority vote of that State's respective delegates.

15 Section 5. Quorum. A majority of the several States of the United States, each
16 present through its respective delegate in the case of any State that is represented by
17 one delegate, or through a majority of its respective delegates, in the case of any State
18 that is represented by more than one delegate, shall constitute a quorum for the
19 transaction of any business on behalf of the Convention.

20 Section 6. Action by the Convention. The Convention shall only act as a
21 committee of the whole chaired by the delegate representing the first State to have
22 become a Member State, if that State is represented by one delegate, or otherwise by
23 the delegate chosen by the majority vote of that State's respective delegates. The
24 transaction of any business on behalf of the Convention, including the designation of a
25 Secretary, the adoption of parliamentary procedures and the rejection or proposal of
26 any constitutional amendment, requires a quorum to be present and a majority
27 affirmative vote of those States constituting the quorum.

28 Section 7. Emergency Suspension and Relocation of the Convention. In the
29 event that the Chair of the Convention declares an emergency due to disorder or an
30 imminent threat to public health and safety prior to the completion of the business on
31 the Agenda, and a majority of the States present at the Convention do not object to

1 such declaration, further Convention proceedings shall be temporarily suspended, and
 2 the Commission shall subsequently relocate or reschedule the Convention to resume
 3 proceedings in an orderly fashion in accordance with the terms and conditions of this
 4 Compact with prior notice given to the Compact Notice Recipients.

5 Section 8. Parliamentary Procedure. In adopting, applying and formulating
 6 parliamentary procedure, the Convention shall exclusively adopt, apply or
 7 appropriately adapt provisions of the most recent editions of Robert's Rules of Order
 8 and the American Institute of Parliamentarians Standard Code of Parliamentary
 9 Procedure. In adopting, applying or adapting parliamentary procedure, the Convention
 10 shall exclusively consider analogous precedent arising within the jurisdiction of the
 11 United States. Parliamentary procedures adopted, applied or adapted pursuant to this
 12 section shall not obstruct, override, or otherwise conflict with this Compact.

13 Section 9. Transmittal. Upon approval of the Balanced Budget Amendment by
 14 the Convention to propose for ratification, the Chair of the Convention shall
 15 immediately transmit certified copies of such approved proposed amendment to the
 16 Compact Administrator and all Compact Notice Recipients, notifying them
 17 respectively of such approval and requesting Congress to refer the same for
 18 ratification by the States under Article V of the Constitution of the United States.
 19 However, in no event shall any proposed amendment other than the Balanced Budget
 20 Amendment be transmitted as aforesaid.

21 Section 10. Transparency. Records of the Convention, including the identities
 22 of all attendees and detailed minutes of all proceedings, shall be kept by the Chair of
 23 the Convention or Secretary designated by the Convention. All proceedings and
 24 records of the Convention shall be open to the public upon request subject to
 25 reasonable regulations adopted by the Convention that are closely tailored to
 26 preventing disruption of proceedings under this Article.

27 Section 11. Adjournment of the Convention. The Convention shall
 28 permanently adjourn upon the earlier of twenty-four (24) hours after commencing
 29 proceedings under this Article or the completion of the business on its Agenda.

30 ARTICLE VIII

31 PROHIBITION ON ULTRA VIRES CONVENTION

1 otherwise amend and conform all such rules, policies or procedures to allow for the
2 effectiveness of this Compact to the fullest extent permitted by the constitution of any
3 affected Member State.

4 Section 2. Date and Location of the Convention. Unless otherwise specified by
5 Congress in its call, the Convention shall be held in Dallas, Texas and commence
6 proceedings at 9:00 a.m. Central Standard Time on the sixth Wednesday after the
7 latter of the effective date of Article V of this Compact or the enactment date of the
8 Congressional resolution calling the Convention.

9 Section 3. In addition to all other powers and duties conferred by state law
10 which are consistent with the terms and conditions of this Compact, the chief law
11 enforcement officer of each Member State is empowered to defend the Compact from
12 any legal challenge, as well as to seek civil mandatory and prohibitory injunctive relief
13 to enforce this Compact; and shall take such action whenever the Compact is
14 challenged or violated.

15 Section 4. The exclusive venue for all actions in any way arising under this
16 Compact shall be in the United States District Court for the Northern District of Texas
17 or the courts of the State of Texas within the jurisdictional boundaries of the foregoing
18 district court. Each Member State shall submit to the jurisdiction of said courts with
19 respect to such actions. However, upon written request by the chief law enforcement
20 officer of any Member State, the Commission may elect to waive this provision for the
21 purpose of ensuring an action proceeds in the venue that allows for the most
22 convenient and effective enforcement or defense of this Compact. Any such waiver
23 shall be limited to the particular action to which it is applied and not construed or
24 relied upon as a general waiver of this provision. The waiver decisions of the
25 Commission under this provision shall be final and binding on each Member State.

26 Section 5. The effective date of this Compact and any of its Articles is the
27 latter of: (a) the date of any event rendering the same effective according to its
28 respective terms and conditions; or (b) the earliest date otherwise permitted by law.

29 Section 6. Article VIII of this Compact is hereby deemed non-severable prior
30 to termination of the Compact. However, if any other phrase, clause, sentence or
31 provision of this Compact, or the applicability of any other phrase, clause, sentence or

1 provision of this Compact to any government, agency, person or circumstance, is
 2 declared in a final judgment to be contrary to the Constitution of the United States,
 3 contrary to the state constitution of any Member State, or is otherwise held invalid by
 4 a court of competent jurisdiction, such phrase, clause, sentence or provision shall be
 5 severed and held for naught, and the validity of the remainder of this Compact and the
 6 applicability of the remainder of this Compact to any government, agency, person or
 7 circumstance shall not be affected. Furthermore, if this Compact is declared in a final
 8 judgment by a court of competent jurisdiction to be entirely contrary to the state
 9 constitution of any Member State or otherwise entirely invalid as to any Member
 10 State, such Member State shall be deemed to have withdrawn from the Compact, and
 11 the Compact shall remain in full force and effect as to any remaining Member State.
 12 Finally, if this Compact is declared in a final judgment by a court of competent
 13 jurisdiction to be wholly or substantially in violation of Article I, Section 10, of the
 14 Constitution of the United States, then it shall be construed and enforced solely as
 15 reciprocal legislation enacted by the affected Member State(s).

16 Section 7. Termination. This Compact shall terminate and be held for naught
 17 when the Compact is fully performed and the Constitution of the United States is
 18 amended by the Balanced Budget Amendment. However, notwithstanding anything to
 19 the contrary set forth in this Compact, in the event such amendment does not occur
 20 within seven (7) years after the first State passes legislation enacting, adopting and
 21 agreeing to be bound to this Compact, the Compact shall terminate as follows: (a) the
 22 Commission shall dissolve and wind up its operations within ninety (90) days
 23 thereafter, with the Compact Administrator giving notice of such dissolution and the
 24 operative effect of this section to the Compact Notice Recipients; and (b) upon the
 25 completed dissolution of the Commission, this Compact shall be deemed terminated,
 26 repealed, void ab initio, and held for naught.

27 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to
 28 read:

29 REVISOR'S INSTRUCTION. Notwithstanding AS 01.05.031(c), the revisor of
 30 statutes is instructed not to edit or revise the text of the compact in AS 44.99.610, enacted by
 31 sec. 1 of this Act, so as to avoid the use of pronouns denoting masculine or feminine gender.

HJR 17 RELATING TO AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES WHICH WOULD REQUIRE THAT TOTAL FEDERAL APPROPRIATIONS NOT EXCEED TOTAL ESTIMATED FEDERAL REVENUES IN A F/YEAR IN THE ABSENCE OF A NATIONAL EMERGENCY

AMENDED TITLE: #AM 5

PRIME SPONSORS: BEIRNE

CO-SPONSORS: SMITH
FREEMAN
ROGERS

ABOOD
FULLER

BETTISWORTH
MARTIN

CHUCKWUK
METCALFE

CUDDY
MONTGOMERY

FANNING
RANDOLPH

DATE	SEQ. NO.	JOURNAL PAGE	HOUSE ACTION	DATE	SEQ. NO.	JOURNAL PAGE	SENATE ACTION
02/24/81	01	0348	FIRST READING -- COMMITTEE REPORTS	06/22/81	21	1626	FIRST READING -- COMMITTEE REPORTS
05/08/81	02	1274	FIN -- DP08, NR01	06/23/81	22	1666	S.A. -- DP05
			REFERRAL RECOMMENDED TO JUDICIARY	06/24/81	23	1705	RLS -- OTHER03
05/08/81	03	1274	FIN CMTE LETTER OF INTENT				TAKEN UP IMMEDIATELY
05/08/81	04	1314	NOT MOVED FROM JUD COMM BY DIV 16-22-02				
05/18/81	05	1480	NOT MOVED FROM JUD COMM BY DIV 18-22-00	06/24/81	24	1718	SECOND READING
05/19/81	06	1516	NOT MOVED FROM JUD COMM BY DIV 17-21-02	06/24/81	25	1718	AM01 ADOPTED BY DIV 12-06-02
05/26/81	07	1746	NOT MOVED FROM JUD COMM BY DIV 18-22-00	06/24/81	26	1719	ADVANCED TO 3RD READING BY UNAN CONSENT
06/03/81	08	1921	NOT MOVED FROM JUD COMM BY DIV 16-23-01				
06/16/81	09	2164	NOT MOVED FROM JUD COMM BY DIV 11-26-03	06/24/81	27	1719	THIRD READING
06/19/81	10	2260	JUD -- DP05, DMP01, NR01	06/24/81	28	1719	PASSED BY DIV 15-03-02
				06/24/81	29	1723	NOTICE OF RECONSIDERATION GIVEN
06/21/81	11	2354	SECOND READING	06/24/81	30	1749	RECONSIDERATION NOTICE WITHDRAWN
06/21/81	12	2354	AM01 ADOPTED BY DIV 23-16-01	06/24/81	31	1750	NOTICE OF RECONSIDERATION GIVEN
06/21/81	13	2356	ACTION 012 NOT RESCINDED BY DIV 18-22-00	06/26/81	32	1750	RECONSIDERATION EXPIRED UPON ADJOURNMENT
06/21/81	14	2356	ADVANCED TO 3RD READING BY UNAN CONSENT				
06/21/81	15	2356	THIRD READING				
06/21/81	16	2357	PASSED BY DIV 37-03-00				
06/21/81	17	2357	NOTICE OF RECONSIDERATION GIVEN				
06/21/81	18	2374	RECONSIDERATION NOTICE WITHDRAWN				
06/21/81	19	2374	NOTICE OF RECONSIDERATION GIVEN				
06/21/81	20	2374	RECONSIDERATION NOTICE WITHDRAWN				
01/15/82	34	0064	NOTICE OF RECONSIDERATION GIVEN				
01/15/82	33	0064	CONCURRED IN SENATE AMS BY DIV 28-12-00				
01/18/82	35	0088	RECON-1/20/82-FAILED BY DIV 13-26-01				
01/18/82	36	0088	CONCURRED IN SENATE AMS BY DIV 27-12-01				
01/20/82	37	0104	TRANSMITTED TO GOVERNOR				
02/03/82	38	0244	SIGNED BY GOVERNOR				
02/03/82	39	0244	LEGISLATIVE RESOLVE NO. 1				

Chapter 144

1 THE SIGNER OF THE BID. THE DEPARTMENT MAY REJECT THE BID OF A BIDDER
2 WHO IS IN ARREARS ON TAXES DUE THE STATE OR WHO FAILED TO PERFORM ON A
3 PREVIOUS CONTRACT WITH THE STATE. WHERE COMPETITIVE BIDS ARE REQUIRED
4 AND WHERE ALL BIDS ARE REJECTED, NEW BIDS SHALL BE CALLED FOR AS IN THE
5 FIRST INSTANCE]. Before the awarding of a contract for a building or
6 the making of repairs upon a building, the department shall see that the
7 bids conform with plans and specifications approved by the Department of
8 Transportation and Public Facilities. All bids with the names of the
9 bidders and the amounts of the bids, together with all documents pertain-
10 ing to the award of a contract, shall be made a part of a file or record
11 and retained by the department for three years, unless reproduced by
12 microfilming and these files or records are open to public inspection at
13 all reasonable times. An aggrieved bidder may within five days after an
14 award of contract appeal to the department for hearing, with notice to
15 interested parties, for redetermination and final award in accordance
16 with law.

17 (b) A contract for professional services shall be awarded in
18 accordance with AS 24.23 or AS 36.98.

19 * Sec. 10. AS 44.77.010 is amended by adding a new subsection to read:

20 (c) For purposes of this chapter, "claim" includes a claim for a
21 wrongful rejection of a bid proposal or for an arbitrary and unreasonable
22 cancellation of a bid solicitation.

23 * Sec. 11. This Act applies to requests for bids or proposals for profes-
24 sional services issued after the effective date of this Act.

25 * Sec. 12. This Act takes effect immediately in accordance with AS 01.10.
26 070(c).

STATE OF ALASKA

THE LEGISLATURE

1982

Source

HJR 17 am S

Legislative
Resolve No.

1



Relating to an amendment to the Constitution of the United States which would require that total federal appropriations not exceed total estimated federal revenues in a fiscal year in the absence of a national emergency.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS annually the United States moves more deeply into debt as its expenditures exceed its available revenues and the public debt now exceeds hundreds of billions of dollars; and

WHEREAS annually the federal budget demonstrates the unwillingness or inability of the federal government to spend in conformity with available revenues; and

WHEREAS proper planning, fiscal prudence, and plain good sense require that the federal budget be in balance absent national emergency; and

WHEREAS a continuously unbalanced federal budget except in a national emergency causes continuous and damaging inflation and consequently a severe threat to the political and economic stability of the United States; and

WHEREAS, under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by Congress or, on the application of the legislatures of two-thirds of the states, Congress shall call a constitutional convention for the purpose of proposing amendments;

BE IT RESOLVED by the Alaska State Legislature that the Congress of the United States is requested to propose and submit to the states an amendment to the Constitution of the United States which would require that within four years after its ratification by the various states, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

FURTHER RESOLVED that, alternatively, this body makes application and requests that the Congress of the United States call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

FURTHER RESOLVED that if Congress proposes such an amendment to the Constitution this application shall no longer be of any force or effect; and be it

FURTHER RESOLVED that this application and request shall no longer be of any force or effect if the convention is not limited to the exclusive purpose specified by this resolution.

COPIES of this resolution shall be sent to the Secretary of the United States Senate; the Clerk of the United States House of Representatives; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U. S. Senators, and the Honorable Don Young, U. S. Representative, members of the Alaska delegation in Congress.

STATE OF ALASKA

THE LEGISLATURE

1982

Source

SJR 33

Legislative
Resolve No.

2



Relating to Women's History Month.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS Alaskan women have always contributed greatly to the welfare and economy of the Territory and State of Alaska; and

WHEREAS the roles women have played in the development of the state have not been widely recognized and appreciated; and

WHEREAS it is appropriate to set aside a time to recall and reclaim the historical heritage that belongs to all Alaskans, including Alaska's women, so that all citizens will be encouraged to exercise the freedom to develop individual abilities and potentials to the fullest;

BE IT RESOLVED that the Alaska State Legislature designates the month of March during the year 1982 through the year 1992 as Women's History Month and encourages communities and educational institutions to promote the study and appreciation of women's contributions to the history of our state and of our nation; and be it

FURTHER RESOLVED that the Governor is respectfully requested to issue a proclamation calling upon the people of Alaska to observe Women's History Month with appropriate activities; and be it

FURTHER RESOLVED that the United States Congress is respectfully requested to designate March of the year 1982 through the year 1992 as Women's History Month for the nation.

COPIES of this resolution shall be sent to the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; to

consider a voice vote on final passage of legislation which adjusts the pay or affects the limitations on outside earned income of Members; to the Committee on Rules.

By Mr. ST GERMAIN:

H. Res. 347 Resolution to provide amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Banking, Finance and Urban Affairs in the second session of the Ninety-seventh Congress to the Committee on House Administration

By Mr. WYDEN:

H. Res. 348 Resolution expressing the sense of the House of Representatives with respect to the rights of residents in certain health care facilities; jointly, to the Committees on Ways and Means and Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

247. By Mr. WILLIAM J. COYNE: Memorial of the Senate of the Commonwealth of Pennsylvania, relative to Poland; to the Committee on Foreign Affairs.

248. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to defense cuts, to the Committee on Armed Services.

249. Also, memorial of the Legislature of the Territory of Guam, relative to the annual payment bill; to the Committee on Interior and Insular Affairs.

250. Also, memorial of the Legislature of the Territory of Guam, relative to Federal-territorial relations; to the Committee on Interior and Insular Affairs.

251. Also, memorial of the Legislature of the State of Alaska, requesting that Congress propose an amendment to the Constitution of the United States, or in the alternative, call a convention for the purpose of proposing an amendment, to require a balanced Federal budget; to the Committee on the Judiciary.

252. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to reduction of services by the Corps of U.S. Army Engineers; to the Committee on Public Works and Transportation.

253. Also, memorial of the Legislature of the Territory of Guam, relative to national tuition tax credit legislation; to the Committee on Ways and Means.

254. Also, memorial of the Legislature of the State of California, relative to the Mediterranean fruit fly; jointly to the Committees on Ways and Means and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H. R. 18: Mr. KILDEE, Mr. WHITEHURST, Mr. HERTZEL, Mr. NEAL, Mr. HUBBARD, Mr. FOLEY, and Mr. EMERSON

H. R. 768: Mr. MINISH and Mr. GLEDENSON

H. R. 769: Mr. JOHN L. BURTON and Mr. ALBOSTA

H. R. 789: Mr. McCOLLUM

H. R. 852: Mr. MITCHELL of Maryland and Mr. STARK, and Mr. FOGLETTA

H. R. 1513: Ms. MIKULSKI

H. R. 1514: Ms. MIKULSKI

H. R. 1515: Ms. MIKULSKI

H. R. 1516: Ms. MIKULSKI

H. R. 1517: Ms. MIKULSKI
H. R. 2280: Mr. FAZIO, Mr. GEPHARDT, Mr. AUCCOIN, Mr. PICKLE, Mr. STARK, Mr. VENTO, Mr. DAN DANIEL, Mr. GUARINI, Mr. EDGAR, Mr. BEDELL and Mr. GRADISON

H. R. 3269: Mr. WHITEHURST, Mr. DECKARD, Mr. ROBERTS of Kansas, Mr. O'BRIEN, Mr. FLIPPO, Mr. CLAUSEN, Mr. JOHNSTON, and Mr. BROOMFIELD

H. R. 3575: Mr. DAVIS, Mr. EVANS of Georgia, Mr. FOLEY, Mr. HAGEDORN, Mr. LOEYFLER, Mr. MCHUGH, Mr. MARLENEK, Mr. NOWAK, Mrs. ROUKINA, and Mr. SCHUMER

H. R. 3680: Mr. NOWAK

H. R. 4014: Mr. WHITEHURST

H. R. 4078: Mr. JACOBS, Mr. SABO, Mr. VENTO, Mr. EDWARDS of California, Mr. MOAKLEY, Mr. D'AMOURS, Mr. LEHMAN, Mr. YATES, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. STARK, Mr. MOTT, Mr. FOGLETTA, Mr. MCKINNEY, Mr. MAVROULES, Mr. APPLICATE, Mr. PATTERSON, Mr. OBERSTAR, and Mr. PARNETTA

H. R. 4147: Mrs. SCHROEDER

H. R. 4187: Mr. HARKIN

H. R. 4227: Mr. RINALDO, Mr. CHAFFELL, Mr. HORTON, Mr. SIMON, Mr. LAFALCE, Mr. AKAKA, Mr. HERTZEL, Mr. ROSENTHAL, Mr. GINGRICH, Mr. FORSYTHE, Mr. SMITH of Iowa, Mr. FRANK, Mr. STOKES, Mr. GRAY, Mr. DOUGHERTY, and Ms. OAKAR

H. R. 4328: Mr. McGRATH

H. R. 4330: Mr. BAPALIS, Mr. COLEMAN, Mr. DUNCAN, Mr. ERBAHL, Mr. JOHNSTON, and Mr. PETRI

H. R. 4334: Mr. BAPALIS, Mr. COLEMAN, Mr. DUNCAN, Mr. JOHNSTON, and Mr. PETRI

H. R. 4399: Mr. BRINKLEY, Mr. BOWEN, Mr. CHENEY, Mr. McEWEN, and Mr. PRICE

H. R. 4535: Mr. MAVROULES, Mr. WHITEHURST, and Mr. MATSUI

H. R. 4709: Mr. WOLF and Mr. QUILLAN

H. R. 4835: Mr. MORRISON, Mr. MCKINNEY, Mr. DYSON, and Mr. MARRIOTT

H. R. 4843: Mr. LEHT

H. R. 4882: Mr. BEILENSEN, Mr. FROST, Mr. HERTZEL, Mr. FOGLETTA, Mr. BRODHEAD, Mr. FAZIO, Mr. OTTINGER, Mr. LOWRY of Washington, Mr. WEAVER, Mr. HUGHES, Mr. ECKART, Mr. SEIBERLING, Mr. BRUDDE, Mr. KUGOVSEK, Mr. BARNES, Mr. DASCHLE, Mr. WOLFE, and Mr. GEPHARDT

H. R. 5093: Mr. FORSYTHE

H. R. 8147: Mr. BILEY

H. R. 8168: Mr. STRATTON and Mr. JAMES K. COYNE

H. R. 8238: Mr. FISH, Mr. ROE, Mr. WOLF, Mr. RINALDO, Mr. HUGHES, Mr. SMITH of Pennsylvania, Mr. YATSON, Mr. MATSUI, Mrs. CHISHOLM, Mr. DAUS, Mr. FOGLETTA, Mr. SCHUMER, Mr. MOLINARI, Mr. SOLARE, Mr. EDWARDS of California, Mr. LEHMAN, Mr. FAUNTROY, Mr. DONNELLY, Mr. TRAXLER, Mr. CORRADA, Mr. MITCHELL of Maryland, Ms. MIKULSKI, Mr. YATES, Mr. COBE, Mr. OBERSTAR, Mr. EDGAR, Mr. SIMON, Mr. MAZZOLI, Mr. MURPHY, Mr. SANTINI, Mr. O'BRIEN, Mr. MITCHELL of New York, Mr. MINETA, Mr. KASTENMEIER, Mr. WON PAT, Mr. HOWARD

Mrs. COLLINS of Illinois, Mr. MCKINNEY, Mr. D'AMOURS, Mr. FRANK, Mr. GLEDENSON, Mr. PEPPER, Mr. ROSENTHAL, Mr. BINGHAM, Mr. FORD of Tennessee, Mr. GUARINI, Mr. BENTON of Michigan, Mr. KILDEE, Mr. DELLYNS, Mr. PATTERSON, Mr. WHITEHURST, Mr. SMITH of Alabama, Mr. ROTH, Mr. ROBERTS of Kansas, Mr. SUNIA, Mr. ERTZEL, Mr. CROCKETT, Mr. VENTO, Mr. FRITCHARD, Mr. MARKEY, Mr. STOKES, Mr. FAZIO, Mr. LANTOS, Mr. KUGOVSEK, and Mr. RATCHFORD

H. R. 5264: Mr. ROSENTHAL and Mr. ROYBAL

H. R. 5323: Mr. BREKETER, Mr. PEASE, and Mr. PETRI

H. R. 5332: Mr. SHANNON
H. R. 5334: Mr. BROWN of Ohio, Mr. SCHART, Mr. LAITA, Mr. McEWEN, Mr. MILLER of Ohio, Mr. MOTT, Mr. PEASE, and Mr. WILLIAMS of Ohio

H. R. 5338: Mr. KILDEE, Mr. FRANK, Mr. BROWN of Colorado, Mr. MOTT, Mr. EMERY, Mr. SMITH of Alabama, Mr. DREIER, Mr. DOWDY, Mr. MORRISON, Mr. BINGHAM, Mr. KUGOVSEK, Mr. LOWERY of California, Mr. SAM B. HALL, Jr., Mr. STRATTON, Mr. BEARD, Mr. ROTNER, Mr. LOEYFLER, Mrs. FENWICK, Mr. FROST, and Mr. DENARDIS

H. R. 5361: Mr. SOLOMON, Mr. DENARDIS, Mr. BROWN of Colorado, Mr. WALGREN, Mr. STANGLAND, Mr. ROBERTS of Kansas, Mr. HAMILTON, Mr. O'BRIEN, Mrs. FENWICK, Mr. FRANK, Mr. FITZIAN, Mr. ATKINSON, Mr. LEE, Mr. SMITH of New Jersey, Mr. SANTINI, Mr. HOLLENBECK, Mr. LOEYFLER, Mr. ROTNER, Mr. LUJAN, Mr. BEDELL, Mr. LAGOMARSINO, Mr. FLORIO, and Mr. HOPKINS

H. R. 5356: Mr. SYMAR and Mr. BLANCHARD
H. J. Res. 228: Mr. MINETA, Mr. BOWEN of Tennessee, Mr. HAWKINS, Mr. BENEDICT, Mr. MARRIOTT, Mr. AUCCOIN, Mr. BEARD, Mr. PEYSER, Mr. FORD of Tennessee, Mr. VANDER JAST, Mr. WILSON, Mr. SNYDER, Mr. McCLOSKEY, Ms. PIEDLER, Mr. DICKS, and Mr. WORTLEY

H. J. Res. 316: Mrs. CHISHOLM, Mr. FRANK, Mr. PERKINS, Mr. ARCHER, Mr. ROBERTS of South Dakota, Mr. STANTON of Ohio, Mr. ST GERMAIN, Mr. OTTINGER, Mr. RITTER, Mr. OBERSTAR, Mr. MITCHELL of New York, Mr. DONNELLY, Mr. LOWERY of California, Mr. ROSE, Mr. MOAKLEY, Mr. DICKS, Mr. DYSON, Mr. OINN, Mr. RICHMOND, Mr. FISH, Mr. HAWKINS, Ms. FERRARO, Mr. DAVIS, Mr. KEMP, Mr. MCHUGH, Mr. LEHT, Mr. STUMF, Mr. JONES of North Carolina, Mr. SILJANDER, Mr. FOGLETTA, Mr. MORRISON, Mr. UBALL, Mr. SWIFT, Mr. PETRI, Mr. CHAFFEL, Mr. CAMPBELL, Mr. FITZIAN, Mr. PAUL, Mrs. HOLT, Mr. HUGHES, Mr. HAMILTON, Mr. KRAMER, Mr. FOUNTAIN, Mr. BONKER, Mr. JOHNSTON, and Mr. DELLUNE

H. J. Res. 386: Mr. MCKINNEY, Mr. BEVILL, Mr. CANNY, Mr. PANETTA, and Mr. COLLINS of Texas

H. J. Res. 387: Mr. WILSON, Mr. WEAVER, Mr. EDWARDS of California, Mr. FASCELL, Mr. SCHUMER, Mr. PRICE, Mr. FORD of Michigan, Mr. BEILENSEN, Mr. LAFALCE, Mr. ZEPHERETTI, Mr. MINISH, Mr. DUNE, Mr. ROE, Mr. CLAY, Mr. NELSON, Mr. CLINGER, Mr. EDGAR, Mr. LEACH of Iowa, Mr. D'AMOURS, Mr. WORTLEY, Mrs. SCHNEIDER, Mr. SEIBERLING, Mr. RANALL, Mr. DYSON, and Mr. WHITLEY

H. J. Res. 394: Mr. FORD of Michigan, Mr. LEVITAS, Mr. WILSON, Mr. WIRTH, Mr. PICKLE, Ms. FERRARO, Mrs. FENWICK, Mr. RANALL, Mr. BURGERER, Mr. SOLOMON, and Mr. DREIER

H. Con. Res. 219: Mr. WOLF, Mr. ADDASSO, Mr. COLLINS of Texas, and Mr. McCOLLUM

H. Con. Res. 222: Mr. ANTHONY

H. Con. Res. 238: Mr. MOAKLEY, Mr. OTTINGER, Mr. GILMAN, Mr. RICHMOND, Mr. PEPPER, Mr. WEISS, Mr. FOGLETTA, Mr. FORD of Michigan, Mr. SCHEUER, Mr. OBERSTAR, Mr. GRAY, Mr. FIAN, Mr. DELLYNS, Mr. YATZ, Mr. BENTON of Michigan, Mr. DENARDIS, Mr. CORCORAN, Mr. EMERY, Mr. SANTINI, Mr. D'AMOURS, Mr. ROE, Mr. FAZIO, Mr. ARCHER, Mr. MARRIOTT, Mr. GUARINI, Mr. PATTERSON, Mr. VENTO, Mr. MATSUI, Mr. OXLEY, Mr. KEMP, Mr. WHITEHURST, Mr. MURTHA, Mr. BARNES, Mr. FOLEY, Mr. EVANS of Delaware, Mr. KASTENMEIER, Mr. LEE, Mr. HUNBARS, Mr. LOWRY of Washington, and Mr. GINGRICH

H. Con. Res. 255: Mr. BEDELL, Mr. HORTON, Mr. WILSON, Mr. ROE, Mr. JEFFRIES, Mr.

HOUSE JOINT RESOLUTION NO. 22
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES TAMMIE WILSON, Keller, Higgins

Introduced: 1/21/14

Referred: State Affairs, Finance

A RESOLUTION

1 **Requesting the United States Congress to call a convention of the states to propose**
2 **amendments to the Constitution of the United States that impose fiscal restraints on the**
3 **federal government, limit the power and jurisdiction of the federal government, and**
4 **limit the terms of office of federal government officials; and urging the legislatures of**
5 **the other 49 states to request the United States Congress to call a convention of the**
6 **states.**

7 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 **WHEREAS** the founders of the Constitution of the United States empowered state
9 legislators to be guardians of liberty against future abuses of power by the federal
10 government; and

11 **WHEREAS** the federal government has created a crushing national debt through
12 improper and imprudent spending; and

13 **WHEREAS** the federal government has invaded the legitimate roles of the states
14 through the manipulative process of federal mandates, most of which are unfunded; and

1 **WHEREAS** it is the solemn duty of the states to protect the liberty of its people,
2 particularly for the generations to come, to propose amendments to the Constitution of the
3 United States through a convention of the states under art. V to place clear restraints on these
4 and related abuses of power;

5 **BE IT RESOLVED** that, under art. V, Constitution of the United States, the Alaska
6 State Legislature respectfully applies to the United States Congress to call a convention of the
7 states for the sole purpose of proposing amendments to the Constitution of the United States
8 that impose fiscal restraints on the federal government, limit the power and jurisdiction of the
9 federal government, and limit the terms of office of federal government officials; and be it

10 **FURTHER RESOLVED** that this application constitutes a continuing application in
11 accordance with art. V, Constitution of the United States, until at least two-thirds of the
12 legislatures of the several states have applied for a similar convention of the states; and be it

13 **FURTHER RESOLVED** that the Alaska State Legislature urges the legislatures of
14 the other 49 states to apply to the United States Congress to call a convention of the states.

15 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
16 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
17 President of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of
18 Representatives; the Honorable Patrick J. Leahy, President pro tempore of the U.S. Senate;
19 the Honorable Nancy Erickson, Secretary of the U.S. Senate; the Honorable Karen L. Haas,
20 Clerk of the U.S. House of Representatives; the Honorable Lisa Murkowski and the
21 Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative,
22 members of the Alaska delegation in Congress; and the presiding officers of the legislatures
23 of each of the other 49 states.

IC 2-8.2

**ARTICLE 8.2. DELEGATES TO A CONVENTION
CALLED UNDER ARTICLE V OF THE
CONSTITUTION OF THE UNITED STATES**

IC 2-8.2-1

Chapter 1. General Provisions

IC 2-8.2-1-1

Application

Sec. 1. This article applies whenever an Article V convention is called.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-2
Chapter 2. Definitions

IC 2-8.2-2-1
Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-2-2
"Alternate delegate"

Sec. 2. "Alternate delegate" refers to an individual appointed as an alternate delegate as provided by law.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-2-3
"Article V convention"

Sec. 3. "Article V convention" refers to a convention for proposing amendments to the Constitution of the United States called for by the states under Article V of the Constitution of the United States.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-2-4
"Chamber"

Sec. 4. "Chamber" refers to either the house of representatives or the senate.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-2-5
"Delegate"

Sec. 5. "Delegate" refers to an individual appointed as provided by law to represent Indiana at an Article V convention.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-2-6
"House of representatives"

Sec. 6. "House of representatives" refers to the house of representatives of the general assembly.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-2-7
"Paired delegate"

Sec. 7. "Paired delegate" refers to the delegate with whom an alternate delegate is paired as provided by law.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-2-8
"Senate"

Sec. 8. "Senate" refers to the senate of the general assembly.

IC 2-8.2-3

Chapter 3. Qualifications and Appointment of Delegates and Alternate Delegates

IC 2-8.2-3-1

Qualifications; delegates

Sec. 1. (a) An individual must satisfy the following to be appointed as a delegate to an Article V convention:

- (1) The individual must reside in Indiana.
- (2) The individual must be a registered voter in Indiana.
- (3) The individual must be at least eighteen (18) years of age.
- (4) The individual is not registered or required to be registered as a lobbyist under IC 2-2.1, IC 4-2-7, IC 4-2-8, 2 U.S.C. 1603, or rules or regulations adopted under any of these laws.

(b) An individual may not be appointed as a delegate if the individual holds a federal office.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-3-2

Qualifications; alternate delegates

Sec. 2. An individual appointed as an alternate delegate must have the same qualifications as an individual appointed as a delegate under section 1 of this chapter.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-3-3

Appointment by general assembly

Sec. 3. (a) Whenever an Article V convention is called, the general assembly shall appoint:

- (1) the number of delegates allocated to represent Indiana; and
- (2) an equal number of alternate delegates;

under rules adopted jointly by the house of representatives and the senate. Unless established otherwise by the rules and procedures of an Article V convention, it shall be assumed that Indiana has two (2) delegates and two (2) alternate delegates designated to represent Indiana.

(b) If the general assembly is not in session during the time during which delegates to an Article V convention must be appointed, the governor shall call the general assembly into special session under Article 4, Section 9 of the Constitution of the State of Indiana for the purpose of appointing delegates and alternate delegates.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-3-4

Appointment by majority vote of each chamber; pairing of delegates and alternative delegates

Sec. 4. (a) To be appointed a delegate or an alternate delegate, an individual must receive, in each chamber, the vote of a majority of all the members elected to that chamber.

(b) At the time of appointment, each alternate delegate must be

paired with a delegate as provided in a joint resolution adopted by the general assembly.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-3-5

Recall; filling a vacancy

Sec. 5. (a) The general assembly may recall any delegate or alternate delegate and replace that delegate or alternate delegate with an individual appointed under this article at any time.

(b) The general assembly may fill a vacancy in the office of delegate or alternate delegate with an individual appointed under this article at any time. If the general assembly is not in session during a time in which a vacancy has occurred with respect to both a delegate and the paired alternate delegate of a delegate, the governor shall call the general assembly into special session under Article 4, Section 9 of the Constitution of the State of Indiana for the purpose of appointing a delegate and an alternate delegate to fill the vacancies.
As added by P.L.183-2013, SEC.1. Amended by P.L.205-2013, SEC.50.

IC 2-8.2-3-6

Joint resolution; method of appointment and recall

Sec. 6. The general assembly shall appoint or recall delegates or alternate delegates by joint resolution.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-3-7

Reimbursement of expenses

Sec. 7. (a) A delegate or an alternate delegate is:

- (1) entitled to receive the same mileage and travel allowances paid to individuals who serve as legislative members of interim study committees established by the legislative council; and
- (2) not entitled to receive a salary or a per diem instead of salary for serving as a delegate or alternate delegate.

(b) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, the position of delegate or alternate delegate is not a lucrative office.

(c) All funds necessary to pay expenses under subsection (a) shall be paid from appropriations to the legislative council and the legislative services agency.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-3-8

Oath

Sec. 8. Each delegate and alternate delegate shall, after appointment and before the delegate or alternate delegate may exercise any function as delegate or alternate delegate, execute an oath in writing that the delegate or alternate delegate will:

- (1) support the Constitution of the United States and the Constitution of the State of Indiana;

- (2) faithfully abide by and execute any instructions to delegates and alternate delegates adopted by the general assembly and as may be amended by the general assembly at any time; and
- (3) otherwise faithfully discharge the duties of delegate or alternate delegate.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-3-9

Filing of oath

Sec. 9. (a) A delegate's or alternate delegate's executed oath shall be filed with the secretary of state.

(b) After a delegate's or alternate delegate's oath is filed with the secretary of state, the governor shall issue a commission to the delegate or alternate delegate as provided in IC 4-3-1-5(2).

As added by P.L.183-2013, SEC.1.

IC 2-8.2-4

Chapter 4. Duties of Delegates and Alternate Delegates

IC 2-8.2-4-1

Instructions to delegates

Sec. 1. (a) At the time delegates and alternate delegates are appointed, the general assembly shall adopt a joint resolution to provide instructions to the delegates and alternate delegates regarding the following:

(1) The rules of procedure.

(2) Any other matter relating to the Article V convention that the general assembly considers necessary.

(b) The general assembly may amend the instructions at any time by joint resolution.

As added by P.L.205-2013, SEC.51.

IC 2-8.2-4-2

Duties of alternate delegates

Sec. 2. An alternate delegate:

(1) shall act in the place of the alternate delegate's paired delegate when the alternate delegate's paired delegate is absent from the Article V convention; and

(2) replaces the alternate delegate's paired delegate if the alternate delegate's paired delegate vacates the office.

As added by P.L.205-2013, SEC.51.

IC 2-8.2-4-3

Vote cast outside the scope of instructions; status of vote

Sec. 3. A vote cast by a delegate or an alternate delegate at an Article V convention that is outside the scope of:

(1) the instructions established by a joint resolution adopted under section 1 of this chapter; or

(2) the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention;

is void.

As added by P.L.205-2013, SEC.51.

IC 2-8.2-4-4

Vote cast outside the scope of instructions; appointment forfeited

Sec. 4. (a) A delegate or alternate delegate who votes or attempts to vote outside the scope of:

(1) the instructions established by a joint resolution adopted under section 1 of this chapter; or

(2) the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered

by the Article V convention;
forfeits the delegate's or alternate delegate's appointment by virtue of that vote or attempt to vote.

(b) If a delegate forfeits appointment under subsection (a), the paired alternate delegate of the delegate becomes the delegate at the time the forfeiture of the appointment occurs.

As added by P.L.205-2013, SEC.51.

IC 2-8.2-4-5

Vote cast outside the scope of instructions; status of application

Sec. 5. The application of the general assembly to call an Article V convention for proposing amendments to the Constitution of the United States ceases to be a continuing application and shall be treated as having no effect if all of the delegates and alternate delegates vote or attempt to vote outside the scope of:

- (1) the instructions established by a joint resolution adopted under section 1 of this chapter; or
- (2) the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention.

As added by P.L.205-2013, SEC.51.

IC 2-8.2-4-6

Vote cast outside the scope of instructions; criminal liability

Sec. 6. A delegate or alternate delegate who knowingly or intentionally votes or attempts to vote outside the scope of:

- (1) the instructions established by a joint resolution adopted under section 1 of this chapter; or
- (2) the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention;

commits a Class D felony.

As added by P.L.205-2013, SEC.51.

IC 2-8.2-5

Chapter 5. Article V Convention Delegate Advisory Group

IC 2-8.2-5-1

"Advisory group"

Sec. 1. As used in this chapter, "advisory group" refers to the Article V convention delegate advisory group established by section 2 of this chapter.

As added by P.L.205-2013, SEC.52.

IC 2-8.2-5-2

Article V convention delegate advisory group established

Sec. 2. The Article V convention delegate advisory group is established.

As added by P.L.205-2013, SEC.52.

IC 2-8.2-5-3

Advisory group membership

Sec. 3. The advisory group consists of the following members:

- (1) The chief justice of the supreme court.
- (2) The chief judge of the court of appeals.
- (3) The judge of the tax court.

As added by P.L.205-2013, SEC.52.

IC 2-8.2-5-4

Chair

Sec. 4. The chief justice of the supreme court is the chair of the advisory group.

As added by P.L.205-2013, SEC.52.

IC 2-8.2-5-5

Time of meeting

Sec. 5. The advisory group shall meet at the call of the chair.

As added by P.L.205-2013, SEC.52.

IC 2-8.2-5-6

Policies and procedures

Sec. 6. The advisory group shall establish the policies and procedures that the advisory group determines necessary to carry out this chapter.

As added by P.L.205-2013, SEC.52.

IC 2-8.2-5-7

Duty to advise upon request of delegate or alternate delegate

Sec. 7. (a) Upon request of a delegate or alternate delegate, the advisory group shall advise the delegate or alternate delegate whether there is reason to believe that an action or an attempt to take an action by a delegate or alternate delegate would:

- (i) violate the instructions established by a joint resolution adopted under IC 2-8.2-4-1; or

(2) exceed the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention.

(b) The advisory group may render an advisory determination under this section in any summary manner considered appropriate by the advisory group.

(c) The advisory group shall render an advisory determination under this section within twenty-four (24) hours after receiving a request for a determination.

(d) The advisory group shall transmit a copy of an advisory determination under this section in the most expeditious manner possible to the delegate or alternative delegate who requested the advisory determination.

(e) If the advisory group renders an advisory determination under this section, the advisory group may also take an action permitted under section 8 of this chapter.

As added by P.L. 205-2013, SEC.52.

IC 2-8.2-5-8

Oversight of delegates with respect to instructions

Sec. 8. (a) On its own motion or upon request of the speaker of the house of representatives, the president pro tempore of the senate, or the attorney general, the advisory group shall advise the attorney general whether there is reason to believe that a vote or an attempt to vote by a delegate or alternate delegate has:

(1) violated the instructions established by a joint resolution adopted under IC 2-8.2-4-1; or

(2) exceeded the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention.

(b) The advisory group shall issue the advisory determination under this section by one (1) of the following summary procedures:

(1) Without notice or an evidentiary proceeding.

(2) After a hearing conducted by the advisory group.

(c) The advisory group shall render an advisory determination under this section within twenty-four (24) hours after receiving a request for an advisory determination.

(d) The advisory group shall transmit a copy of an advisory determination under this section in the most expeditious manner possible to the attorney general.

As added by P.L. 205-2013, SEC.52.

IC 2-8.2-5-9

Advisory determination concerning a vote outside the scope of instructions

Sec. 9. Immediately, upon receipt of an advisory determination

under section 8 of this chapter that finds that a vote or attempt to vote by a delegate or alternate delegate is a violation described in section 8(a)(1) of this chapter or in excess of the authority of the delegate or alternate delegate, as described in section 8(a)(2) of this chapter, the attorney general shall inform the delegates, alternate delegates, the speaker of the house of representatives, the president pro tempore of the senate, and the Article V convention that:

(1) the vote or attempt to vote did not comply with Indiana law, is void, and has no effect; and

(2) the credentials of the delegate or alternate delegate who is the subject of the determination are revoked.

As added by P.L.205-2013, SEC.52.