

# House Bill 2863

Sponsored by Representative WHISNANT

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Oregon Constitutional Convention Delegation to represent Legislative Assembly at any constitutional convention convened pursuant to Article V of United States Constitution to consider balanced budget amendment to United States Constitution. Limits scope of authority of delegation. Permits delegation to participate in convention only if convention is called by Congress of the United States on or before December 31, 2018.

Establishes Article V Convention Oversight Committee to monitor and advise delegation and to discipline or replace delegates or alternates to delegation that do not comply with authority and limits placed on delegation.

Directs Legislative Policy and Research Director to supply administrative support to delegation and oversight committee. Establishes Constitutional Convention Fund to provide funding to carry out duties of delegation and oversight committee.

Sunset June 30, 2019.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to constitutional conventions; and declaring an emergency.

3 Whereas the Legislative Assembly finds that the national debt and mounting deficits of the  
4 federal government are an existential threat to the solvency, security and prosperity of United  
5 States; and

6 Whereas the Congress of the United States has increased the total national debt every year  
7 since 1957; and

8 Whereas the states have equal authority and responsibility with the Congress of the United  
9 States under Article V of the United States Constitution to propose an amendment to the United  
10 States Constitution; and

11 Whereas the Legislative Assembly finds that a significant number of states have passed resol-  
12 utions applying for a constitutional convention to propose a balanced budget amendment pursuant  
13 to Article V of the United States Constitution; and declaring an emergency; and

14 Whereas the Legislative Assembly further finds that the likelihood of a constitutional conven-  
15 tion being convened is sufficient to make it appropriate to select and instruct delegates to any such  
16 convention called on or before December 31, 2018; now, therefore,

17 **Be It Enacted by the People of the State of Oregon:**

18 **SECTION 1. (1) If a constitutional convention for proposing a balanced budget amend-**  
19 **ment to the United States Constitution is called by the Congress of the United States under**  
20 **Article V of the United States Constitution on or before December 31, 2018, the State of**  
21 **Oregon shall send a delegation to the convention as provided in this section.**

22 **(2) The Oregon Constitutional Convention Delegation is established.**

23 **(3) The delegation shall be composed of \_\_\_\_\_ delegates and an equal number of alter-**  
24 **mates. The President of the Senate, the Speaker of the House of Representatives, the Senate**  
25 **Minority Leader and the House Minority Leader shall each appoint \_\_\_\_\_ delegates and an**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 equal number of alternates.

2 (4) A majority of delegates of the delegation constitutes a quorum for the transaction  
3 of business.

4 (5) Official action by the delegation requires the approval of a majority of delegates.

5 (6) The delegation shall elect one of its delegates to serve as chairperson.

6 (7) The delegation may adopt rules consistent with sections 1 to 7 of this 2017 Act.

7 (8) The Legislative Policy and Research Director shall provide administrative support to  
8 the delegation.

9 **SECTION 2.** (1) If an Oregon Constitutional Convention Delegation delegate is unable or  
10 unwilling to participate in a constitutional convention convened on or before December 31,  
11 2018, either permanently or temporarily, the delegate's respective alternate shall replace the  
12 delegate for the time the delegate is unable to serve. Should the alternate so designated not  
13 be able to participate in the convention, then the delegation shall choose a replacement del-  
14 egate from the remaining alternates.

15 (2) Notwithstanding subsection (1) of this section, a delegate or alternate may at any  
16 time be replaced by resolution of the Legislative Assembly or may be replaced by the Article  
17 V Convention Oversight Committee pursuant to section 6 of this 2017 Act.

18 **SECTION 3.** (1) If a constitutional convention is convened on or before December 31,  
19 2018, the Oregon Constitutional Convention Delegation has authority to:

20 (a) Represent the Legislative Assembly at formal and informal planning sessions related  
21 to the convention;

22 (b) Conduct community meetings and hearings throughout this state prior to the con-  
23 vention; and

24 (c) Correspond with other state delegations.

25 (2) The authority described in subsection (1) of this section only exists to the extent the  
26 delegation, delegates and alternates adhere to the oath that is described in section 4 of this  
27 2017 Act and that has been administered to and subscribed by delegates and alternates.

28 **SECTION 4.** Delegates and alternates of the Oregon Constitutional Convention Delegation  
29 shall take the following oath or affirmation prior to accepting appointment:

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32 I do solemnly swear or affirm that to the best of my abilities, I will, as a delegate (or  
33 an alternate) to a constitutional convention for proposing a balanced budget amendment,  
34 uphold the Constitutions and laws of the United States and the State of Oregon.

35 I will abide by my specific instructions from the Legislative Assembly. I will not discuss  
36 or vote to allow consideration of or to approve any amendment proposed for ratification to  
37 the United States Constitution that is unrelated to the subject of a balanced budget amend-  
38 ment.

39 I will vote only for convention rules that provide that each state have one equal vote,  
40 that no state or delegate shall be allowed to propose an amendment that is unrelated to  
41 balancing the federal budget, and that all but procedural issues be resolved by a simple ma-  
42 jority vote of the states voting on the issue. I acknowledge that any violation of this oath  
43 or affirmation may result in being recalled by the Legislative Assembly or its authorized  
44 committee.  
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**SECTION 5. Delegates of the Oregon Constitutional Convention Delegation shall vote only for constitutional convention rules that are consistent with the following principles:**

**(1) The convention is convened under the authority granted to the state legislatures of the several states by Article V of the United States Constitution.**

**(2) The only participants at the convention are the several states represented by their respective delegations duly selected in the manner their respective legislatures have determined.**

**(3) The scope of the authority of the convention is defined by applications adopted by at least two-thirds of the legislatures of the several states, which authority is accurately characterized as being limited to the subject of a balanced budget amendment to the United States Constitution.**

**(4) The convention has no authority to propose or discuss an amendment to the United States Constitution on any other subject.**

**(5) The convention shall provide for disciplining a delegate or delegation for exceeding the scope of the authority of the convention by raising subjects for discussion or debate that are outside the authority of the convention as expressed in subsection (3) of this section.**

**(6) The convention may not infringe on the respective authority of state legislatures to instruct, discipline, recall or replace their respective state delegates or delegations.**

**(7) A quorum for all sessions of the convention and for all committee meetings shall be a majority of the states attending the convention or serving as members of the relevant committee.**

**(8) All voting at the convention or in a committee 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.**

**(9) 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 vote in favor to carry out the procedural issue under consideration.**

**(10) A vote to propose an amendment to the United States Constitution may not be considered a procedural vote.**

**SECTION 6. (1) The Article V Convention Oversight Committee is established.**

**(2) The committee shall be composed of three members, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives and one appointed jointly by the President and the Speaker. A member of the committee may not be an Oregon Constitutional Convention Delegation delegate or alternate.**

**(3) The duties of the committee include:**

**(a) Monitoring the delegation to determine if the delegation is following legislative instructions and obeying constitutional convention rules;**

**(b) Advising the delegation on the position of the Legislative Assembly on issues before the convention;**

**(c) Disciplining any delegate or alternate who violates the oath of office or instructions as set forth in sections 4 and 5 of this 2017 Act or who engages in malfeasance or is otherwise guilty of malfeasance or nonfeasance, such discipline of whom may include but is not limited to recall from the convention or dismissal from the delegation;**

**(d) Notifying the convention that a delegate has been recalled or dismissed; and**

1 (e) Any other duty assigned to the committee by resolution of the Legislative Assembly.

2 (4) The Legislative Policy and Research Director shall provide administrative support to  
3 the committee.

4 **SECTION 7.** The Constitutional Convention Fund is established in the State Treasury,  
5 separate and distinct from the General Fund. Interest earned by the Constitutional Conven-  
6 tion Fund shall be credited to the fund. All moneys in the fund are continuously appropriated  
7 to the Legislative Policy and Research Director for the purposes of carrying out the duties  
8 of the Oregon Constitutional Convention Delegation and the Constitutional Convention  
9 Oversight Committee under sections 1 to 7 of this 2017 Act.

10 **SECTION 8.** (1) Sections 1 to 7 of this 2017 Act are repealed on June 30, 2019.

11 (2) Any moneys remaining in the Constitutional Convention Fund on June 30, 2019, that  
12 are unexpended, unobligated and not subject to any conditions shall revert to the General  
13 Fund.

14 **SECTION 9.** This 2017 Act being necessary for the immediate preservation of the public  
15 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect  
16 on its passage.  
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