

## **REPORT of CONVENTION**

### **The Arizona BBA Planning Convention of State Legislatures**

**Held in Phoenix, Arizona, September 12-15, 2017**

Michigan Legislative and Senate Judiciary Committee Hearings – November 28, 2017  
**Michigan Report of Convention** by Commissioner Thomas Llewellyn  
Phoenix BBA Planning Convention, September 12 - 15, 2017

Dear Mr. Chairman, Committee Members, other Representatives and Guests:

Thank you the opportunity to present my REPORT of CONVENTION. My name is Tom Llewellyn, appointed by Speaker Tom Leonard and Senate President Arlan Meekhof as a Michigan delegate to the BBA Planning Convention of State Legislatures, held last September in Phoenix, Arizona.

The primary objective of the gathering was to approve rules for a future BBA Amendatory Convention. The resulting proposed Rules of Convention (see attachment), should satisfy many, if not all, of the skeptics and naysayers who hold to theories about how an amendment convention will “run-away” acting outside the subject or otherwise be usurped by politically extreme interests.

One of the most useful results of the planning convention was to learn what issues could arise prior to and during a future amendment convention. We learned a lot! The following are some of the issues which should be addressed:

1. More education of state lawmakers, regarding the nature of an Article V amendment convention and the state’s obligation to utilize this Constitutional resource.
2. States need to take action authorizing delegates/commissioners to an amendatory convention, defining the assignment and provide for potential recall and other punitive actions. (Model legislation is available.) A separate bill could be passed at a later date to provide for funding and selection of these commissioners.
3. The states should have a formal mechanism to coordinate with other states on common Article V interests and communicate collectively with Congress. To address this need, the formation of a Phoenix Correspondence Commission (PCC) was approved, to be composed of appointed delegates/commissioners from each state. The PCC is being organized as the formal “voice of the states” and is being chartered to continue the work of the BBA Planning Convention.

The Phoenix BBA Planning Convention was called by the Arizona State Legislature to have state delegates convene for the sole purpose of developing rules and plans for an upcoming Article V Amendatory Convention.

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## OVERVIEW OF PROCEEDINGS

73 delegates representing 19 states, participated in addition to unofficial guests observing from five other states. The four days of proceedings included simultaneous committee hearings on Rules, Planning, Practice, Correspondence and Credentials. I was elected as Chairman of Credentials Committee and Vice-Chair of the Planning Committee.

All discussions and motions in committees and as a body of the whole, focused exclusively on the subject at hand . . . planning for a future BBA Article V Convention.

## RECOMMENDATIONS FOR STATES

Several recommendations were approved by the Phoenix BBA Planning Convention delegates:

1. **Enact Delegate Authorization Legislation** at the earliest possibility, supporting the rules adopted by the BBA Planning Convention. Extend State Legislative Code of Conduct rules.
2. **Appoint a commissioner to the Phoenix Correspondence Commission (PCC)** to act as liaison on all matters relating to Article V.
3. **Establish an Article V Convention Proposal Committee** to develop and submit the state's BBA Amendatory convention plan to the PCC.

## PROPOSED ARTICLE V CONVENTION RULES

As mandated by my oath of office, I supported all of the key rules proposed for the future Article V Convention. Each were passed overwhelmingly.

- **One-state one-vote.** Each State's vote is equal, no matter what the population.
- **Simple majority** for all but rules and other procedural votes. This means there will not be an opening for tyranny by minority factions.
- **Equal opportunity** for states to propose and amend. No state will be limited in their chance to contribute to the end result.
- **Only the single subject of proposing a BBA** will be advanced. All motions and discussion will be on the subject of a BBA and no other topics will be allowed by the convention. Punitive actions, up to and including censure and expulsion are authorized for continued disruption or defiance of maintaining focus on the subject of the BBA. States are also encouraged to provide for immediate recall and replacement of an offending delegate.

In addition, Rules were passed to provide for **maximum transparency**, with all meetings to be televised, live and all meetings closed to non-officials. To **limit outside influences**, States are encouraged to extend their Code of Conduct statutes to all state delegates and alternates appointed to any future Article V Convention.

19 states have already approved rules to prevent the remotest possibility of a "run-away" convention. Soon, a super-majority of states will be declaring their support of the rules and authorizing subject limitations upon their commissioners.

It is clear, any amendment convention will be contained to discussions exclusively within the authorized subject by (1) the call, (2) the states restricting their commissioners and (3) the convention proceedings themselves.



## **PHOENIX CORRESPONDENCE COMMISSION (PCC)**

To better coordinate efforts among the various states, organize and manage the plans *in advance* of a BBA Convention, the delegates voted to create a new multi-state entity, the Phoenix Correspondence Commission (PCC). The PCC will consist of commissioners appointed by the states to carry out the following duties leading up to a convention for proposing amendments:

- Create a single point of contact among the various states and to act as a liaison with Congress on all Article V matters.
- Track and confirm acceptance of all Article V applications for such a convention.
- Recommend to Congress, that the Article V convention be convened on a specific date, preferably 180-240 days upon the submission of the 34<sup>th</sup> application.
- Gather suggested locations from states as to where the BBA Amendatory Convention should be held. The best two or three alternative state proposals submitted to the PCC, would be offered for Congress to choose from.
- Provide a process and channel for legal representation, if necessary.
- Perform other tasks as needed to organize and prepare for a convention.
- Accommodate discussions on future Article V interests.

## **DELEGATE AUTHORIZATION LEGISLATION**

By states taking action now to regulate their commissioners, that will be eventually appointed to an Article V amendment convention, other states considering support of the Article V BBA state-driven process, will be encouraged to pass the remaining BBA Resolutions.

Such authorization would:

- Acknowledge the state's support of the approved BBA Planning Rules of Convention.
- Management and oversight of commissioners with direction as to the limited subject and a clear explanation of cause for recall, replacement and punitive action.
- Extending the State Legislative Code of Conduct to the delegation, is recommended.
- Provide funding for appointed commissioners and alternates, as well as a state's potential portion of the cost of a convention. States will be allowed to appoint up to seven delegates.\* **An estimated budget for a potential Michigan delegation of three delegates and two alternates for a three week event, is estimated to be less than \$75,000.**

\*Most states will be sending three or five delegates plus two or three alternates. Budgeted funds for the 3-4 week event, covering transportation, room and board, would need to be approximately \$10,000/commissioner or alternate plus \$5,000 to \$25,000 for the state's portion of Convention costs. (Note: Convention costs are very likely to be zero, as states vie for the privilege of hosting the BBA Amendatory Convention and wave shared costs as a provision of a Convention site proposal.)



## **CONCLUSION – CALL TO ACTION**

The Phoenix BBA Planning Convention demonstrated that a multi-state gathering can be properly organized, restricted to the subject and effectively accomplish the specified objectives, without fear of “running away” or acting impetuously off-topic.

The delegates in Phoenix, the week of September 12<sup>th</sup>, succeeded in their goal of moving towards a permanent solution to the national debt crisis. By creating workable rules and planning well in advance, a future Article V Convention will be able to concentrate on the business of developing a strong proposed amendment. As a constructive liaison between states and Congress, the ongoing work of the Phoenix Correspondence Commission (PCC) will allow states to act with a collective voice for the first time to further their Article V common interests.

Article V has been portrayed as “the states rebalancing their relationship with Congress,” or as a “Conquest of Federal Power” or as some sort of “Exploratory Adventure into the Constitutional Unknown”. The state use of Article V to PROPOSE AMENDMENTS is none of these. This is not an attempt to acquire power or riches or a blindfolded attempt to experiment with our founding documents. It is simply an alternate path to a destination that our nation has travelled to 27 other times. Think of it as a frustrating 34 state DETOUR to propose a balanced budget amendment, around the obstruction of Congress that has been sitting-in-the-middle-of-the-expressway blocking progress on the issue of fiscal constraints for over 30 years.

Just like many highway detours, this one has taken us more time to get there. But, by paying attention to the constitutional “map” of this authorized alternate route and staying within the “guard-rails” of a single subject, we will get there just the same.

The Phoenix BBA Planning Convention rules and the ongoing efforts of the Phoenix Correspondence Commission, will ultimately secure the 28<sup>th</sup> Amendment. The question is whether it can be accomplished sooner with minor corrections, or will we wait till it is painful and chaotic.

To 80% of Americans, forcing Congress to live-within-our-means, is just a no-brainer. Our nation is crying out for this be done, before it is too late. Let us move forward without hesitation to set the country back on the road to fiscal stability and a more prosperous future for us all.

Suggested model legislation for delegate authorization will be forthcoming, as will an updated charter statement of the Phoenix Correspondence Commission.

I look forward addressing any questions and working with you on any further matters involving this or other subjects.

Thank you for your time and attention,

Thomas Llewellyn  
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## **SUMMARY OF NEED**

### **The DEBT Problem is now a DEBT WALL**

Common sense tells us that our massive national debt is unsustainable. Economists describe it as the most avoidable threat to our nation. Since Congress has chosen to not get their fiscal house in order, the states will now do it for them. Currently, 27 states, including Michigan have passed BBA Resolutions, with seven states expected to join the call for a BBA within the next 18 months.

In light of recent facts, securing a balanced budget amendment, may come just in time to save the day. It is becoming all too clear that America's DEBT WALL is real and rapidly approaching. Several factors are combining to accelerate the debt crisis:

- Over the next **FOUR YEARS, \$5.3 Trillion dollars of U.S. Treasury Notes will come due.** That does not include bonds and other funding instruments needing to be refinanced.
- The CBO projects over **\$One Trillion dollars ANNUALLY in added debt** for the foreseeable future. That irresponsible spending, does not account for the inevitable national emergency or other "rainy-day" expenditures.
- As of this year, there are no more "surplus funds" available to borrow from the Social Security trust, and the "lock-box" that was promised, is empty. Instead, this year we need to add \$10Billion into the Social Security account, an amount that is projected to grow each year exponentially to \$25B, \$50B and more.
- Interest Rates are projected to climb substantially. Combined with the added debt load, we will soon **more than double the current \$600Billion in ANNUAL INTEREST PAYMENTS.**

**When added together, we are approaching \$10Trillion dollars, and there is not enough money on the planet to fund this accelerating mountain of debt. If we turn to THE FED to self-fund, it will only make interest rates increase faster and eventually accelerate out of control.**

The Good news is that, if we act fast enough, only a 1% change in annual spending over a decade can get the country back on solid financial ground. A BBA calling for a slow glide-path back to fiscal stability is a solution we can all live with. Such an approach should be able to engender enough bipartisan support to secure quick BBA ratification.

Many economists are talking about the idea of a "Debt Brake", as another technique, like that in use by Switzerland. A decade ago that country had a terrible spending problem, with their debt spiraling out of control. Because the citizens demanded it, a constitutional amendment was passed, to limit government spending to 2% above GDP. And as a result, Switzerland has been transformed into one of the most financially sound economies in Europe. (Refer to an article published in FORBES on April 26, 2012 for further insight into the Swiss "Debt Brake" mechanism.)



# **Phoenix Balanced Budget Amendment September Planning Convention 2017**

## **CONVENTION RESOLUTION 1**

**Resolution creating rules of procedure for a future convention to propose a balanced budget amendment to the Constitution of the United States convened pursuant to Article V of the Constitution.**

### **PREAMBLE 4**

Pursuant to Article V of the United States Constitution, we the delegates of the several sovereign States, grateful to Almighty God, do assemble in this Convention of the States, called by Congress, for the sole purpose of proposing an amendment to the Constitution.

### **ARTICLE 1 – Subject of the Convention**

#### **1.1 Convention Limited Authority**

This Convention is convened under the authority reserved to the state legislatures of the several States by Article V of the Constitution of the United States.

The only participants at this Convention are the several States represented by delegations duly selected in such manner as their respective legislatures have determined.

The Convention derives its authority from the applications adopted by at least two-thirds of the legislatures of the several States, and its authority is thereby limited to the subject of proposing an amendment to the Constitution of the United States regarding balancing the federal budget as specified in applications from at least two-thirds of the States. This Convention and these delegates have no authority to propose an amendment or amendments on any other subject.

#### **1.2 Temporary Rules**

For the purposes of organizing the Convention, all Articles herein shall be adopted by a majority of the States voting, one vote per State, to serve as temporary rules for the Convention save for any Article which requires more than a simple majority shall require, by division, an equal majority of votes by the Convention. The Temporary Rules shall remain in

effect until the Rules Committee submits amendments to these rules which are subsequently approved by the Convention in the same manner as the Temporary Rules were approved.

### **1.3 Initial Quorum**

The initial quorum for the Convention shall be a majority of the several States whose delegate or delegates are physically present at the time of the initial roll call of the Convention.

### **1.4 Prohibition on Amending or Suspending**

Article 1 shall not be amended or suspended by the Convention.

## **ARTICLE 2 - Officers of the Convention**

### **2.1 List and Duties of Officers**

#### **2.1.1 Temporary President**

A temporary President shall be an individual selected by the State delegation from the host State to preside and not necessarily a member of the delegation.

Upon the initial assemblage of the Convention, the temporary President shall call the roll of the States, at which time the States shall present their credentials to the temporary President and name all delegates present.

#### **2.1.2 Permanent Officers**

The officers of the Convention shall be a President, a Vice President, a Secretary, a Sergeant-at-Arms, and a Parliamentarian. The President and Vice President shall be a member of a State delegation and elected by a simple majority vote of the States voting subject to Article 2.2. The Sergeant-at-Arms, the Parliamentarian and the Secretary shall be appointed by the President with the consent of the Convention, and shall not be a member of a delegation of a State. No more than one elected officer shall be from the same State.

##### **2.1.2.1 Duties of the President**

###### **2.1.2.1.1 Calling the Convention to Order**

The President or presiding officer shall take the chair each day at the hour to which the Convention shall convene and shall call the Convention to order and, except in the absence of a quorum as prescribed by these rules, shall proceed to business in the manner prescribed by these rules.

#### **2.1.2.1.2 Duty to Preserve Order and Decorum**

The President or presiding officer shall preserve order and decorum, and during debate, shall confine delegations and individual delegates to the question under discussion and shall have general control of the Convention chamber, unless otherwise ordered by the Convention, and in cases of disturbance or disorderly conduct on the floor or in the public areas outside the bar of the Convention, shall have the power to order the same cleared of any parties involved in such a disturbance or disorderly conduct.

#### **2.1.2.1.3 Authority to Enforce Rules**

The President or presiding officer may rule out of order, or discipline, any state or delegate for violating provisions of the rules of the Convention. Disciplinary action shall not inhibit the right of a state to cast a vote in the Convention or any committee of the Convention.

#### **2.1.2.1.4 Points of Order**

All questions of order shall be decided by the President or presiding officer, subject to appeal to the Convention. On every appeal, the President or presiding officer shall have the right to assign the reason for the decision. In case of such appeal, no State shall speak more than once. All questions and points of order shall be noted by the Secretary with the decision thereof.

#### **2.1.2.1.5 Committee Membership**

The President shall be an ex-officio member of all committees of the Convention but shall not be a voting member of any save for the Credentials Committee.

#### **2.1.2.2 Duties of the Vice President**

##### **2.1.2.2.1 Absence of the President**

In the event of the temporary absence or inability to preside by the President, the Vice-President shall preside over the Convention in the same manner as the President.

##### **2.1.2.2.2 Convention Manager**

The Vice President shall serve as the manager of the Convention with the duties to provide necessary facilities, staff, audio visual equipment, and document reproduction at the direction of the Convention and the committees. The Vice President may create a committee to advise the Vice President on these matters.

### **2.1.2.3 Duties of the Secretary**

#### **2.1.2.3.1 General Duties of the Secretary**

The Secretary shall be custodian of the records of the Convention and shall perform the customary duties of clerks or secretaries of deliberative assemblies and such other duties as shall be ordered by the Convention.

#### **2.1.2.3.2 Journal Record of Proceedings**

The Secretary shall keep a journal of the proceedings of the Convention and shall publish an electronic copy from the proceedings of the previous day. The attested "Journal of Proceedings" provided for in 2.1.2.3.6 below shall be the official legal record of the Convention.

#### **2.1.2.3.3 Verbatim Record of Proceedings**

The Secretary shall cause to be produced a verbatim record of the daily floor sessions of the Convention and shall likewise cause verbatim records to be produced of each committee meeting convened in the course of the Convention. The verbatim records required herein shall be published in electronic form and be made available to the public via the Convention's website and any other means as soon as they are reasonably available.

#### **2.1.2.3.4 Numbering of Proposals**

The Secretary shall give to every proposal when introduced a number, and the numbers shall be in sequential order.

#### **2.1.2.3.5 Preparation of Calendar, Reports, and Amendments**

The Secretary shall prepare and provide to each delegate each day a calendar of the business of the Convention, as provided by these rules, and shall arrange and publish all committee reports and all amendments offered to pending amendments.

#### **2.1.2.3.6 Preservation of Records**

As soon as possible after the final adjournment of the Convention, the Secretary shall prepare a "Journal of Proceedings" of the Convention, which shall be attested to by the President and the Vice President. The Secretary shall cause the journal to be both physically and electronically published in full. The Secretary shall cause the audio and video records of the Convention to be compiled and preserved and shall file the journal and all audio and video records with the Archivist of the United States for keeping in the manner provided by law for the records, books, video and audio records, documents, and other papers of the Convention. Likewise, the same records shall be filed with the Library of Congress, and with the several States in a manner directed by the Convention. The Secretary shall additionally send copies of all such records to the Speaker of the United States House of Representatives, the President of the United States Senate, the Clerk of the United States House of Representatives and the Secretary of the United States Senate.

#### **2.1.2.3.7 Necessary Deputies and Staff**

The Secretary may secure necessary staff and assign deputies to fulfill such duties as may arise in the course of the Convention.

#### **2.1.2.3.8 Vote Tally**

Whenever an issue is considered for a vote of the States, the Secretary (or Clerk) shall call the roll, note how each State voted (Aye, Nay, Divided, or Pass), tally the votes, and present the results to the President.

#### **2.1.2.4 Duties of the Parliamentarian**

##### **2.1.2.4.1 Qualifications**

The Chief Parliamentarian and any Assistant Parliamentarians shall be a current or former member of the Mason's Manual Commission. The Chief Parliamentarian shall have previously served as the Chief or Head Parliamentarian of a state legislative body. A Parliamentarian shall not be a delegate. Each committee shall be assigned an Assistant Parliamentarian upon request to the Chief Parliamentarian, who will make such assignment.

##### **2.1.2.4.2 Duties**

Upon request, the Parliamentarian shall advise the presiding officer of the Convention or a committee regarding questions of parliamentary procedure or the rules of the Convention.

#### **2.1.2.5 Duties of the Sergeant-at-Arms**

##### **2.1.2.5.1 Convention**

Subject to the direction of the President or presiding officer, the Sergeant-at-Arms shall enforce the rules of the Convention. The Sergeant-at-Arms shall be charged with enforcing the rules as to admission on the Convention floor, only delegates and designated staff are permitted to be on the Convention floor without leave of the body.

##### **2.1.2.5.2 Committees**

Subject to the direction of the committee Chair, the Sergeant-at-Arms shall enforce the rules to admission of the committee.

##### **2.1.2.5.3 Deputies**

The Sergeant-at-Arms, under the direction of the Secretary may arrange for deputies to fulfill the duties of the Sergeant-at-Arms.

#### **2.1.3 Vacancy of an Officer**

In the event of a vacancy of the President, the Vice President shall temporarily rise to President and conduct an election for a new permanent President. After the election of the President, the temporary President shall return to the position of Vice President unless elected President, and

the President shall preside. In the event of a vacancy of any other Office, the Office shall be filled in the same manner as prescribed in Article 2.2 with the highest-ranking officer presiding over the election.

## **2.2 Election of the Officers**

The election of the President and Vice President shall be conducted by the temporary President. Nominations shall be made from the floor. Voting shall be by roll call vote by the States with one vote per State. Voting shall continue with successive rounds, with the individual receiving the fewest votes removed from consideration, until an individual receives a simple majority of the States attending and voting. After the election of the officers, the temporary President shall retire and the President shall preside.

## **ARTICLE 3 – Quorums and Voting**

### **3.1 Quorum**

Subject to Article 1.3, a quorum for all committee or voting sessions of the Convention shall be a majority of the States present and for all committee meetings shall be a majority of the members present. At least one delegate from a State who is physically present at a quorum call during a committee or voting session of the Convention shall result in the presence of that State for the purposes of establishing or determining the presence of a quorum.

### **3.2 Voting**

#### **3.2.1 Voting by States**

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

#### **3.2.2 Majority Vote**

A majority vote of the quorum shall prevail on all issues before the Convention and in all committees, save for any vote to create a rule which requires a majority greater than a simple majority, which shall then require an equal majority to prevail.

#### **3.2.3 Proposing an Amendment for Ratification**

An affirmative vote of a majority of States attending and voting shall be necessary to propose an amendment for ratification by the several States.



## **ARTICLE 4 – Committees**

### **4.1 Rules Committee**

After the initial session of the Convention, the Rules Committee shall organize.

#### **4.1.1 Purpose of the Committee**

The committee shall review the rules of the Convention and make recommendations to the Convention regarding the addition of committees, the duties of the Officers, and procedures.

#### **4.1.2 Seating and Participation**

One delegate has the right to occupy the seat of the State and speak and vote on behalf of the State and the balance of the delegation may be seated in the same location, space provided, and the State may substitute the delegate in the seat of the State at its discretion.

#### **4.1.3 Chair**

The committee shall elect a Chair in the same voting manner the Officers are elected. The Chair shall preside over the committee but not vote save for the case of a tie.

#### **4.1.4 Vice Chair**

The committee shall elect a Vice Chair in the same voting manner the Officers are elected. The Vice Chair shall preside over the committee in the absence of the Chair and in that role not vote save for the case of a tie. The State from which the Vice Chair is a delegate may appoint another representative to the committee when the Vice Chair is serving as Chair.

#### **4.1.5 Sub-Committees**

The committee may divide into sub-committees with fewer members than the committee and shall elect a Chair and Vice Chair in the same manner as the committee. The Chair of the committee shall choose to either be a voting member of a sub-committee or be a non-voting ex-officio member of all sub-committees with the Chair's State selecting another delegate to be a voting member of a sub-committee.

### **4.2 Amendment Committee**

After the initial session of the Convention, the Amendment Committee shall organize.

#### **4.2.1 Purpose of the Committee**

The committee shall prepare proposed amendment language which shall be transmitted to the Convention for its consideration and debate. Any amendment language to be presented to the Convention by a State for its consideration by the Convention must originate in the committee. After this committee transmits its report (recommended amendment language) to the Convention, the committee shall not meet unless directed by the Convention. The Convention may amend the report of the committee.

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#### **4.2.6 Specific Issues Before the Committee**

##### **4.2.6.1 State Participation**

After organizing, the first order of business shall be providing each State attending the Convention equal opportunity and time to present to the committee its opinion, findings, and recommendations regarding the language and content of the amendment subject, including specific amendment language. All presentations are subject to Article 1.

##### **4.2.6.2 Expert Testimony**

Expert testimony before the committee by those not a participant of the Convention shall be limited to the subject of the Convention and shall be by invitation. The Chair shall determine the experts and may create a sub-committee to recommend such. The committee, by a majority vote, may include additional experts.

#### **4.3 Credentials Committee**

##### **4.3.1 Purpose of the Committee**

The committee shall verify the credentials of the delegations after the Opening Session and settle disputes regarding credentials. The decision of the committee may be appealed to the Convention.

##### **4.3.2 Composition**

The committee shall be comprised of the elected officers of the Convention and the Chairs of the Rules and Amendment Committees. Each may appoint a substitute to attend a committee meeting. The committee shall select a member to serve as Chair.

##### **4.3.3 State Resolutions**

The primary source of verification of the credentials of a delegation shall be the resolution passed by the legislature of the State determining how the delegation should be chosen.

#### **4.3.4 Recall Authority of the States**

The committee shall recognize and respect the authority of a State to recall and reappoint members of its delegation pursuant to the resolution approved by their legislature when it appointed its delegation.

#### **4.4 Additional Committees**

Additional committees may be created by a majority vote of the Convention provided the committee's function does not create a new rule for the Convention and if so, approval shall be first received from the committee on Rules. If the committee is comprised of delegates, no committee shall have more than one delegate from the same State.

#### **4.5 Committee Debate**

The method of participation in committee debate shall be the same method as used in general session.

### **ARTICLE 5 – Sessions of the Convention**

#### **5.1. Composition**

The Convention shall be composed of the States from which the legislature has sent a delegation. Recognition by the presiding officer shall be the name of the State and may additionally recognize the individual by name.

#### **5.2 Rules and Procedures**

Sessions of the Convention shall be governed by the rules of the Convention and when silent, the rules of parliamentary practice as stated in Mason's Manual of Legislative Procedure, current edition at the time of the Convention.

#### **5.3 Seating and Participation**

One delegate has the right to occupy the seat of the State and speak and vote on behalf of the State and the balance of the delegation may be seated in the same location, space provided, and the State may substitute the delegate in the seat of the State at its discretion.

#### **5.4 Sessions**

##### **5.4.1 Time of Meeting and Procedure**

The Convention shall meet at 9:00 a.m. unless otherwise ordered by the Convention.

##### **5.4.2 Reading of the Journal**

Immediately after the President or presiding officer shall have taken the chair and the States in their seats, the journal of the preceding day shall be read by the Secretary unless dispensed with by the consent of the Convention.

##### **5.4.3 Order of Business**

At meetings of the Convention, the order of business shall be as follows:

1. Call Convention to Order

2. Prayer by an individual approved by the President.
3. Pledge
4. Roll Call.
5. Reading of the Journal.
6. Presentation of petitions, memorials, and remonstrances.
7. Reports of committees.
8. Introduction and first reading of proposals.
9. Reference of proposals.
10. Motions and resolutions.
11. Orders of the day.
12. Committee notices.

#### **5.4.4 Prohibitions on the actions of the Convention**

##### **5.4.4.1 Amending Convention Rules**

The Convention shall not amend the rules of the Convention until after the Rules Committee has submitted its initial recommendation to the Convention.

##### **5.4.4.2 Proposing and Amending Amendment Language**

The Convention will not directly propose for debate specific amendment language until after the Amendment Committee has submitted its initial recommendation to the Convention.

#### **5.4.5 Voting Process**

##### **5.4.5.1 Name of the State**

Voting shall be in the name of the State without disclosure of the delegation's internal results. After the official tally of the vote, any State may rise and present for the record the internal vote tally of its delegation.

##### **5.4.5.2 Votes Cast**

Votes shall be cast as Aye, Nay, Divided, or Pass. If a State passes and does not eventually vote, the State shall not be considered as voting. If a State votes "Divided," the State indicates that the State's delegation is divided and is unable to cast an Aye or Nay vote.

##### **5.4.5.3 Request for Leave**

Prior to any vote, a State may ask for time to consult with its delegation on the issue. The request is not debatable and shall be granted by the presiding officer with the period of the leave determined by the presiding officer.

#### **5.4.6 Additional Rules of Procedure**

##### **5.4.6.1 Equal Access of States**

Every State, rising to speak, shall address the President or presiding officer; and while the State shall be speaking no one shall pass between them.

##### **5.4.6.2 President to Decide Order**

Of two States rising to speak at the same time, the President or presiding officer shall name the one who shall first be heard.

#### **5.4.6.3 Reading and Germane Subject ONLY**

A motion made and seconded, shall be repeated; and if written, as it shall be when any member shall so require, shall be read aloud by the Secretary or transmitted to each delegate's pre-designated electronic device before it shall be debated. ***No motion, other than a procedural motion, shall be in order unless germane to both the subject matter specified in the State applications on which Congress called the Convention and to the subject matter specified in the Convention call.***

#### **5.4.6.4 Withdrawing Motion**

A motion may be withdrawn at any time before the vote upon it shall have commenced.

#### **5.4.6.5 Staying on Motion**

When a debate shall arise upon a question, no motion, other than to amend the question, to commit it, or to postpone the debate, shall be received.

#### **5.4.6.6 Dividing Question**

A question that consists of one or more propositions shall, at the request of any State, be divided and put separately as to each proposition.

#### **5.4.6.7 Notice of Reconsideration**

A motion to reconsider a matter that has been determined by a majority may be made, with leave unanimously given, on the same day on which the vote passed; but otherwise not without one day's previous notice; in which last case, if the Convention agree to the reconsideration, the Convention or, by the Convention's leave, the President or presiding officer shall assign a future day for the purpose.

#### **5.4.6.8 Recall of delegate**

A delegate may be called to order by another delegate, as well as by the President or presiding officer, and may be allowed to explain his or her conduct or any expressions supposed to be reprehensible.

#### **5.4.6.9 Question of Order**

All questions of order shall be decided by the President or presiding officer, subject to appeal to the Convention, but without debate.

#### **5.4.6.10 Recess Question Vote**

Upon a question to recess for the day, which may be made at any time, if it be seconded, the question shall be put to a vote without debate.

#### **5.4.6.11**

No delegate shall be absent from the Convention, so as to interrupt the representation of his or her State, without leave.

## **ARTICLE 6 – General and Ethics Provisions**

### **6.1 Costs of the Convention**

The costs related to the Convention shall be divided equally among the States attending the Convention and the costs related to the travel, maintenance and provisioning of each State's delegation and staff shall be borne entirely by the State, unless costs are waived to all states or reduced uniformly by hosting state official action.

### **6.2 Open Meetings**

To maximize transparency, every official session of the Convention including committee and sub-committee meetings shall be held **in full view of the public**. Every official session of the Convention, including committee and subcommittee meetings, shall be **streamed live** via a website provided by the Convention and shall be recorded and archived under the direction of the Secretary.

### **6.3 Adjournment**

The Convention shall adjourn promptly after completion of the business contained within the call of the Convention.

# **FEDERAL DEBT - We Can't Kick It Down the Road Any More A Perfect Fiscal Storm is on the Horizon**

**By Tom Llewellyn**

We all knew it couldn't go on forever. Decades of reckless spending in the Trillions, hoping all the while the "piper" would never come calling. But, economic reality has finally caught up with us, and it all will soon come to a crashing end . . . unless we act quickly to change our government's financial path. At this stage, a federal Balanced Budget Amendment initiated by the states, is the only permanent solution.

**A Perfect Fiscal Storm is on the Horizon** - A confluence of financial truths are about to converge, with terrible effect. The nation's "debt problem" has become a DEBT WALL. No longer can we ignore this mountain of debt and push it off for someone else to eventually deal with it.

The combination of negative factors and the massive scale of the problem, are truly terrifying:

1. **Trillions in Treasury Notes Coming Due** - \$ 5.3 Trillion dollars in US Treasury Notes are coming due within four years and need refinancing. According to the CBO, most of the Obama deficits were funded with short term notes, and the "piper" is calling.
2. **A Trillion More Debt Annually** – Trillion dollar deficits in the federal budget will continue. In fact, at current spending levels, the budget is projected TO NEVER be balanced.
3. **The "Lockbox" is Empty** – When we agreed to double the Social Security payroll deduction back in the 90's, Americans were promised that all the "extra funds" would be locked-up so that they would be guaranteed to be available when the Baby Boomers started to retire. Well, here we are, and all the funds have been emptied (\$2.7 Trillion) by Congress, leaving only a giant IOU. There are no more "surplus" funds, and starting this year, instead of "borrowing" SS funds to help cover some of the yearly deficits, Congress will need to allocate \$Billions of additional funds to make sure our monthly Social Security checks don't bounce. In addition, more than \$1.6 Trillion has been robbed from military and other federal pension by Congress.
4. **Other Countries Don't Want to Lend** – China and Japan, our largest creditors, have been reducing their stack in U.S. debt for the last four years. That leaves us with only one option left. To deal with the debt, the Treasury will be forced to "print money" bigtime, the final step in advance of inflation spiraling out of control.
5. **Interest Rates (and Payments) Increasing** – Our growing debt and the steady increase of interest rates, will soon cause the \$400 Billion of annual interest payments to more than double, quickly growing to \$ONE Trillion dollars a years. That will make *interest payment on the debt*, America's largest single line item in the budget. What a colossal waste of our tax dollars, money that should be going to address so many other critical needs.
6. **Core Functions have been Neglected** – We cannot continue to ignore the core functions of government much longer. Federal government spending on military readiness and our nation's aging infrastructure, have suffered tremendously due to decades of harsh

cutbacks in favor of exploding social programs. Massive funds are needed to restore these and other critical areas. Another important budgetary item that could be in jeopardy, are funds that would ensure adequate federal response to the next major storm or other unforeseen national emergency. Because of a lack of planning by Congress, a budgetary crisis occurs with every "surprise" event. Building up a substantial "rainy day" fund for FEMA, the Corp of Engineers and other first response agencies, would help Congress to better manage the budget by pre-allocating sufficient reserve funds.

7. **Congress Refuses to Stop Over Spending** – Easy solutions are available to Congress, that could fix the debt problem, save Social Security and revitalize other important government programs, but Congress has no will or moral courage to act. Over 70% of Americans want the debt problem solved, but Congress turns a deaf ear. Don't expect anything, other than more speeches, to come from our representatives in Washington.

**States Have the Power to Fix This** - The only permanent solution to stop our debt crisis from crashing our economy, is now being pursued by the states. A new amendment to the US Constitution can be proposed by 2/3 of the states to force Congress to live within its means. As with any proposed amendment, ¾ of the states would still be required to ratify it before a Balanced Budget Amendment (BBA) would become law. So only a reasonable, long term solution **THAT THE STATES CAN LIVE WITH.**

**Six States Can Save The Day** - As of this month, 28 states have passed a BBA Resolution calling for this new amendment. Only 6 more state legislatures are needed in the next few months to reach the required 34. The remaining six key states needed to advance the BBA, must act to save the country from the rapidly approaching threat of economic collapse.

**Simple and Painless Solutions** - There is still time to turn the country away from disaster and implement any of several simple and minor changes. i.e. Only a 1% reduction in federal spending per year for a decade could get America back on solid financial ground. Or reducing the growth of government to within 2% of GDP is another option that can solve the problem. The bottom line, relatively painless solutions (that we can all live with) are readily available, **IF WE ACT SOON.**

**The Good News and the Bad** - A state-driven Article V BBA convention could be underway as early as next year, if the final six key states realize how critical this is to maintaining our national government and critical services within every state. If we wait much longer, dire conditions would likely cause immediate disruptions in both public services and business channels; major civil unrest and the potential of sudden economic turmoil could follow within days or weeks.

America still has time to avoid slamming into the Debt Wall, but only if a federal Balanced Budget Amendment is advanced quickly by the states.

Tom Llewellyn  
BBA Task Force