



CONVENTION *of* STATES FOUNDATION
ARTICLE V
SIMULATED CONVENTION

COLONIAL WILLIAMSBURG ★ AUGUST 2-4, 2023

MINUTES



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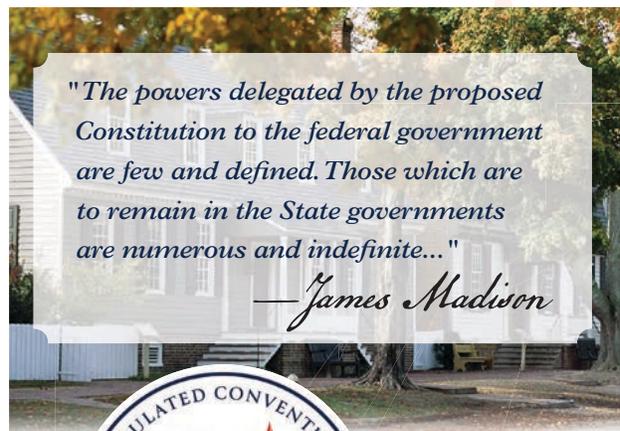
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ARTICLE V OF THE U.S. CONSTITUTION was drafted by the Framers to grant the states, and in turn, the people, the ability to amend the Constitution and limit a potentially oppressive federal government. The Framers designed Article V to provide a method to completely bypass Congress and the Executive branch to allow the states the ultimate power to return our nation to federalism.

Just as the Framers predicted, an unbridled federal government has expanded its power beyond what the states granted it when the Constitution was drafted. Today, we understand that the Washington establishment will never voluntarily relinquish its control, regardless of which party is in power.

Thankfully, the Framers granted us this constitutional provision as the ultimate check and balance for the states to rein in the federal government by calling for a formal meeting (convention) to discuss and propose amendments to limit the federal government's power. Calling for an Article V Convention is a response to the structural problem of an expansion of the limited and enumerated powers given initially to the federal government by the states.



Simulated Article V Convention.

TO WATCH A RECORDING →

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INTRODUCTION

ON AUGUST 3RD, 2023, 103 commissioners from 49 states gathered in Colonial Williamsburg, Virginia, to participate in a massive educational exercise—a simulated Article V Convention to propose constitutional amendments. Their goal: to test the interstate convention process that was well-known to the Founding Fathers who inserted it into Article V of the U.S. Constitution as a way for the states to bypass Congress in amending the Constitution to correct any imbalance of power between the federal government and the states.

In the Founders’ era, the interstate convention process was frequently used. A state that believed joint action was needed would call a meeting, or “convention” of the states to address an identified topic. This required naming the time and place for the meeting, and then the other states would appoint and commission delegates, or “commissioners” to attend on behalf of their state. It was quite natural, then, for the Framers to choose this process to include in Article V as the way for states to propose amendments instead of Congress when Congress, itself, might be part of the problem.

Over time, however, the interstate convention process has fallen into disuse. Some people, who aren’t familiar with its history, claim that because Article V doesn’t spell out all the procedural details, we don’t know how—or if—the process works.



Convention of States Foundation sought to fill this void of public awareness by putting the process to the test. We brought people from across the nation—including 78 sitting state legislators, 8 former state legislators, and 17 policy experts and opinion leaders—who were eager to find out if the process could still work. Would commissioners respect the limits of the call? Would they follow the rules of the convention, rules based on what we know of the proceedings of past conventions? Perhaps most importantly to many, could the convention remain on topic by proposing amendments within the prescribed domains that might effectively rein in our runaway federal government?

When the convention adjourned on Friday, August 4th, 2023, it had answered all these questions with a resounding “Yes.”



CONVENTION BUSINESS

On Thursday morning, August 3rd, 2023, all 49 state delegations gathered in the Convention Hall to begin their business. According to the Rules of the Simulation, Immediate Past President, Rep. Ken Ivory of Utah, served as temporary President to preside over the body’s election of a permanent President. Upon the election of the new Convention President, former Rep. Woody Jenkins of Louisiana, the meeting was adjourned for the day and the commissioners proceeded to their respective committees.

The three committees corresponded to the subject matter passed by 19 state legislatures:

1. **Fiscal Restraints Committee**
2. **Federal Legislative and Executive Jurisdiction Committee**
3. **Term Limits and Federal Judicial Jurisdiction Committee**

Pursuant to the Rules, each of these committees was limited to proposing three amendments to the body. As in the plenary sessions, voting in committees was by state, with each state having a single vote.

The Convention convened its second plenary session on Friday morning to receive reports from the three committees, engage in debates, and cast votes on the proposals presented by each committee.



MINUTES FROM FIRST PLENARY SESSION

Meeting held in Williamsburg, VA on August 3, 2023

CALL TO ORDER

The Simulated Convention of States met at 9:00 AM and was called to order by the Temporary President (Representative Ken Ivory, Utah).

ROLL

The Temporary President ordered the roll. Forty-nine states present, Rhode Island absent.

INVOCATION

The Temporary President invited Rep. Dennis Riddell (North Carolina) to offer the invocation.

PLEDGE OF ALLEGIANCE

The Temporary President invited Rep. John Wills (Iowa) to lead the Pledge of Allegiance.

ELECTION OF CONVENTION PRESIDENT

The Temporary President introduced the applicants for convention President and Vice President, and asked that they stand as named:

Representative Louis (“Woody”) Jenkins (Louisiana)

Senator Jason Rapert (Arkansas)

Senator Michele Reynolds (Ohio)

Senator Rob Standridge (Oklahoma)

The Temporary President invited the Candidates to give a brief speech and announced that Senator Michele Reynolds had withdrawn her application for President. Representative Jenkins, Senator Rapert, and Senator Standridge addressed the convention in turn outlining their applications for President.

The Temporary President allowed the states a brief moment to consider the candidates, and called the roll. On the first roll-call vote, the states were divided:

Jenkins – 23 (AL, CO, DE, HI, ID, IN, KY, LA, ME, MD, MA, MI, MN, MO, NV, NJ, NY, NC, SD, TN, TX, VA, WY)

Rapert – 17 (AZ, AR, CA, FL, GA, IL, IA, KS, MS, NM, ND, OR, PA, UT, VT, WA, WV)

Standridge – 8 (AK, MT, NE, NH, OH, OK, SC, WI)

Absent – 1 (CT)

The Temporary President announced that Senator Standridge would drop out as the lowest vote recipient.

The Temporary President announced the second vote and called the roll.

On the second roll-call vote, the convention voted Representative Jenkins as President and Senator Rapert as Vice President.

Jenkins—25 (AL, CO, DE, HI, ID, IN, KY, LA, ME, MD, MA, MI, MN, MO, NV, NJ, NY, NC, OH, SC, SD, TN, TX, VA, WY)

Rapert—23 (AK, AZ, AR, CA, FL, GA, IL, IA, KS, MS, MT, NE, NH, NM, ND, OK, OR, PA, UT, VT, WA, WV, WI)

Absent—1 (CT)

The Temporary President yielded the chair to the President-elect of the Convention. The President briefly addressed the body and without objection created an ad-hoc Committee on Style and Drafting. The President also appointed Senator Kevin Lundberg (Colorado), Representative Ken Ivory (Utah), and Senator Cris Dush (Pennsylvania) to the Style and Drafting Committee, and appointed Mr. James McMahon (Massachusetts) as the chair of the Committee..



MINUTES OF THE FISCAL RESTRAINTS COMMITTEE

1. Roll

2. Discussion on proposals by all members of committee

3. Division into a subcommittee to discuss Balanced Budget proposals A1-A3

4. Discussion on proposals.

- Proposal D4 New Mexico moves to retain D4 to be proposed by committee
- Discussion on D4
- Show of hands, supported to move
- Proposal A1 - Subcommittee report on A1 - Montana moved to retain
- Discussion on A1
- Montana withdrew motion to move
- Committee supported to move forward
- Proposal E1 failed to gain a sponsor
- Proposal E2 - Hawaii sponsors E2 - Moved to retain
- Discussion on E2
- Motion failed committee support
- Proposal E3 - Ohio sponsors and moves to retain
- Discussion on E3
- Motion supported to retain
- Proposal E4 - Maine sponsors and moves to retain
- Discussion on E4
- Motion supported to retain
- Proposal E5 - New Jersey sponsors and moves to retain
- Discussion on E5
- Motion failed to retain

- Proposal E6 - Failed to gain a sponsor
- Proposal D3 - Ruled out of order
- Proposal A1 - Moved by Montana for adoption by committee
- New Jersey moves an amendment 1 to A1 - passes
- California moves an amendment 2 to A1 - passes
- Maine moves an amendment 3 to A1 - passes
- West Virginia moves an amendment 4 to A1 - passes

5. Roll-call vote on adoption passed committee 33-4 with 1 absent

6. Motion to adjourn from Hawaii - adopted by the committee

EXPLANATION FROM COMMITTEE SECRETARY

The committee spent the bulk of the morning reviewing the various proposals, getting familiar with the subject matter, and informally discussing them. The themes of the proposals were fleshed out through the discussions into 3-4 categories. Five distinct Balanced Budget proposals were presented, leading to the formation of a subcommittee composed of their sponsors. This subcommittee convened separately, while the remaining committee deliberated on proposals from sponsors outside of the committee. The subcommittee was able to draft a unique proposal that they unanimously supported and brought to the remaining committee for adoption. At this point, the committee had narrowed the number of proposals down to four individual proposals. There was discussion about combining two of the proposals into a single proposal, but in the interest of time remaining, the focus of the committee was directed to the Balanced Budget proposal.. The time remaining was spent debating amendments to the proposal, and ultimately, a roll-call vote at the conclusion of the committee meeting adopted a proposed Balanced Budget amendment.



MINUTES OF THE FEDERAL LEGISLATIVE AND EXECUTIVE JURISDICTION COMMITTEE

1. CALL TO ORDER

- The Federal Legislative and Executive Committee met at 10:15 am and was called to order by the committee chair, Ken Ivory.
- The Chairman gave some quick remarks to the committee and asked the members to introduce themselves and the state they represent.

2. ROLL

- The committee chair ordered the roll. Thirty-four states present, and Oregon absent.

3. PROPOSED DISCUSSION IN SUBCOMMITTEES

- The Chairman of the committee called for committee members to break into subcommittees for drafting amendment language for 60 minutes:
- Group A, Group B, Group C, Group D, Group E

4. DISCUSSION IN FULL COMMITTEE

- The Chairman brought the committee back to order at 11:43 through voice vote cease to saunter with no objections. The Chairman then asked for one representative from each group to act as a spokesperson to review the amendment proposals by subcommittees A-E. Chairman Ivory also asked for each group's top proposal.
- The amendment proposals by each committee are as follows:
- **Group A** — proposed two amendments to be considered by the committee. Group A's priority amendment related to reigning in and defining the commerce clause properly.
- **Group B** — proposed three amendments to be considered by the committee. Group B's priority amendment is an abrogation amendment related to executive orders.
- **Group C** — proposed one amendment to be considered by the committee. Group C's amendment is related to administrative rule-making.
- **Group D** — proposed one amendment to be considered by the committee. Group D's priority amendment is an abrogation amendment that is more broad than Group B's amendment.
- **Group E** — proposed one amendment to be considered by the committee. Group E's amendment relates to federal land and returning it to the states.
- Discussion among the committee members regarding the proposed amendments by the subcommittees.

- Proposed amendments were debated and the committee decided to prioritize amendments A1, B1, C1, D1, & E1

5. READING & DISCUSSION ON AMENDMENT A1

- The Chairman read the amendment and asked the committee spokesperson if they would like to speak in general terms to the amendment. The subcommittee spokesperson explained the amendment in general terms to the committee. The Chairman then asked if there are any questions on the meaning, intent, or import of the amendment.
- The Chairman made a motion to submit the amendment as is when a point of order was made to correct the language to reflect what was submitted. The point of order was accepted and the amendment language was changed by the secretary. The Chairman made a motion to consider the amendment. The motion was seconded.
- Amendment A1 was discussed by the body. The Chairman accepted questions to the motion. Senator Karnes inquired if amendments were being accepted at this time, the Chairman then motioned to review the amendments and vote on three to be prioritized for discussion.
- Representative Ginter of Ohio motioned to break into drafting subcommittees, and then reconvene for further discussion after the language was agreed upon by subcommittees. The motion was accepted without objection.

6. READING & DISCUSSION ON AMENDMENT B1

- The Chairman read the amendment and asked the committee spokesperson if they would like to speak in general terms to the amendment. The subcommittee spokesperson explained the amendment in general terms to the committee. The Chairman then asked if there are any questions on the meaning, intent, or import of the amendment.
- Questions about the amendment's intent from Mr. Malcolm of North Carolina, Representative Johnson of Michigan, and Representative Woody Jenkins.

7. READING & DISCUSSION ON AMENDMENT C1

- The Chairman read the amendment and asked the committee spokesperson if they would like to speak in general terms to the amendment. The subcommittee spokesperson explained the amendment in general terms to the committee. The Chairman then asked if there are any questions on the meaning, intent, or import of the amendment. Mr. Malcolm asked for a point of clarification on the language pertaining to regulations in effect after ratification of the amendment. Comment on the intent of the amendment by Representative Hughes, and Representative Woody Jenkins.

8. READING & DISCUSSION ON AMENDMENT D1

- The Chairman read the amendment and asked the committee spokesperson if they would like to speak in general terms to the amendment. The subcommittee

spokesperson explained the amendment in general terms to the committee. The Chairman then asked if there are any questions on the meaning, intent, or import of the amendment.

9. READING & DISCUSSION ON AMENDMENT E1

- The Chairman read the amendment and asked the committee spokesperson if they would like to speak in general terms to the amendment. The subcommittee spokesperson explained the amendment in general terms to the committee. The Chairman then asked if there are any questions on the meaning, intent, or import of the amendment.
- Senator Hughes commented on the amendment and a question about its intent. Question from Sen. Fortunato about navigable waters. Comment from Chairman Ivory of Utah, Senator Dusch of Pennsylvania, and Representative Jenkins of Louisiana regarding the amendment's intent. Question from Mr. Hockberg about the effect on military installations across the country.

10. MOTION TO PRIORITIZE AMENDMENTS

- The Chairman moved to break into subcommittees to discuss language for amendment proposals. The Chairman asked to prioritize three of the five proposals from Subcommittee A-E. Senator Karnes of West Virginia suggested division votes for the top three vote-getters to be prioritized. Representative Wangness of South Dakota proposed combining B1, C1, and D1 into one amendment because of their similarities. Representative Wangness made a motion to combine B1, C1, & D1. The motion was seconded and accepted by voice vote. Amendments A1, D1, & E1 were to be wordsmithed in their respective subcommittees and returned to the full body as three amendment proposals.

11. MOTION TO SAUNTER

- The Chairman made a motion at 11:38 am to saunter and break for lunch, it was seconded, and approved by voice vote.

12. CALL BACK TO ORDER

- The Chairman called the committee to order at 1:09 PM.

13. DISCUSSION ON ADDITIONAL AMENDMENTS

- Representative Carlson of Montana motioned to add amendment D7 which relates to police power to the three amendments being considered. Discussion on the proposal. After discussion, the Chairman put the motion to add amendment D7 to a vote, a substitute motion was made by John Weimann to only work with three amendments. The Chairman called a voice vote and then called for a division vote.

Roll-call vote to only consider amendment A1, D1, & E1 in subcommittees:

Aye—22; Nay—11; Absent—1

The motion passed.

- Senator Karnes of West Virginia motioned to submit any further amendments for consideration to the secretary, which would be considered after amendment proposals 1,2, & 3 were discussed. The motion passed by voice vote and the committee broke into subcommittees at 1:47 PM to wordsmith amendment proposals 1, 2, & 3.

BACK TO ORDER

- The Chairman brought the committee back to order at 2:32 PM; committee members began discussing the language of amendment proposals 1, 2, & 3.

14. DISCUSSION OF AMENDMENT

Proposal 1: COMMERCE CLAUSE AMENDMENT

- The Chairman read the amendment to the committee. Mr. Lathrum presented the amendment to the entire body. Lathrum motioned to offer the amendment to the committee. The committee discussed and offered questions to the Commerce Clause amendment and proposed amendments to its language.

15. AMENDMENT 1 FOR PROPOSAL 1

- Sen. Fortunato motioned to amend the amendment. Discussion on the motion to amend. A friendly amendment was accepted to change the language of Section 4. The Chairman called for a voice vote to accept the language of the amendment to the amendment. The committee voted to adopt the amendment.

16. VOTE ON THE SUBSTANCE OF THE AMENDMENT

- The Chairman called for a voice vote to accept the substance of the amendment as is. The committee voted in favor of the amendment.

17. DISCUSSION OF AMENDMENT PROPOSAL 2: ABROGATION AMENDMENT

- The Chairman read the amendment to the committee. Senator Hughes of Alaska offered the amendment. Senator Hughes motioned to offer the amendment to the committee. The committee discussed the Abrogation amendment and proposed amendments to its language.

18. AMENDMENT 1 FOR PROPOSAL 2

- Mr. Lathrum motioned to strike language in the amendment. After discussion, Mr. Lathrum withdrew his amendment for a substitution motion that would insert language allowing the states to define action through a legislative rule. Mr. Lathrum, after discussion offered another substitute motion to insert the language to approve a measure. The Chairman called for a voice vote in favor of the amendment to the amendment. The committee voted to adopt the amendment.

19. AMENDMENT 2 FOR PROPOSAL 2

- Representative Gowan of Arizona proposed an amendment to remove three-fifths of the states and substitute a simple majority of the states and an amendment changing six years to 10 years. Motion to divide the question. The motion passed with a voice vote.

20. AMENDMENT 2A FOR PROPOSAL 2

- No discussion on the amendment to change six years to 10 years. The Chairman called for a voice vote in favor of the amendment to the amendment. The committee voted to adopt the amendment.

21. AMENDMENT 2B FOR PROPOSAL 2

- Discussion about the difficulty of a three-fifths threshold. The Chairman called for a voice vote in favor of the amendment to the amendment. The committee voted to adopt the amendment.

22. AMENDMENT 3 FOR PROPOSAL 2

- Representative Jenkins proposed an amendment to strike the reference to federal courts from Section 1 of the amendment. The committee discussed this amendment's ramifications, going back and forth between federal power and state power and their proper uses. The committee entertained many opinions relating to the effect the amendment would have on federal jurisdiction.
- The Chairman called for a roll-call vote to strike language allowing the states to overturn Supreme Court rulings in the Abrogation Amendment.

Aye—17; Nay—16; Absent—1

Proposed language to be stricken passes.

Further discussion by the committee on time limits for abrogating federal laws.

AMENDMENT 4 FOR PROPOSAL 2

- Representative Smith of Kansas motioned to strike “or other form” from the amendment. The Chairman called for a voice vote in favor of the amendment. The motion failed.

23. AMENDMENT 5 FOR PROPOSAL 2

- Mr. Malcolm offered an amendment to clarify the language as it relates to presidential actions by removing power and adding action taken. No discussion to the amendment. The Chairman called for a voice vote in favor of the amendment. The committee voted to adopt the amendment.

24. VOTE ON THE SUBSTANCE OF THE AMENDMENT

- The Chairman called for a voice vote to accept the substance of the amendment as is. The committee voted in favor of the amendments to the Abrogation Amendment.

25. DISCUSSION OF AMENDMENT PROPOSAL 3

- The Chairman read the amendment to the committee. Senator Karns of West

Virginia offered the amendment to the committee. The committee discussed the Federal Lands Amendment and proposed amendments to its language.

26. AMENDMENT 1 FOR PROPOSAL 3

- Representative Porter of Virginia made a motion to amend Section 3 by adding Congress shall return or cede land to the state in which the land is located. Senator Karnes asked Representative Porter if he would entertain adding a ten-year time restriction in Section 3. Representative Porter accepted this and modified his amendment. The Chairman called for a voice vote in favor of the amendment. The committee voted to adopt the amendment.

27. AMENDMENT 2 FOR PROPOSAL 3

- Senator Huges of Alaska proposed the word county be replaced with the word state. Discussion of the amendment by Senator Biteman and Senator Karnes. The Chairman called for a voice vote in favor of the amendment. The committee voted against the adoption of the amendment to the amendment.

28. AMENDMENT 3 FOR PROPOSAL 3

- Representative Jenkins proposed a section between Sections 3 and 4. “No lands or mineral rights formerly owned by the United States shall be transferred directly or indirectly to any foreign government foreign corporation or foreign citizen in perpetuity.” Discussion on the amendment by Senator Bullard and Mr. Malcolm, Representative Hudson and Senator Biteman. Representative Jenkins moved to strike perpetuity from his original amendment. The Chairman motioned for a voice vote. The voice vote was not conclusive so a roll-call vote was motioned by the Chairman.
- The Chairman called for a division vote to add language to the Federal Lands amendment.

Aye—14; Nay—17; Absent—3

The proposed language failed.

29. AMENDMENT 4 FOR PROPOSAL 3

- Senator Karnes proposed an amendment to address national parks and national monuments in Sections 1 and 2. Senator Karnes motioned to modify his amendment to read “this article shall not apply to any land that is part of any national park in place ten years prior to the adoption of this article.” The committee was torn on the language and could not come to any agreement during the discussion of the amendment. Representative Ginter motioned to remove the amendment to the amendment and present it on the floor the following day. Senator Karnes modified his amendment to read “Except with the permission of the legislature” in Section 1. The Chairman called for a voice vote to accept the amendment to the amendment. The committee voted in favor of amendment to proposal 3.

30. VOTE ON THE SUBSTANCE OF THE AMENDMENT

- The Chairman called for a voice vote to accept the substance of the amendment as is. The committee voted in favor of the amendments to the Federal Lands Amendment.

31. MOTION FOR NEW PROPOSED AMENDMENT

- Representative Jenkins proposed a single-subject amendment to be considered by the committee.
- Representative Kasper of North Dakota proposed a substitute motion to pass the three proposals out of committee. The Chairman called for a voice vote to accept the three proposals. The committee voted in favor of the three proposals.

32. VOICE VOTE TO PASS AMENDMENTS OUT OF COMMITTEE

- The Chairman called for a voice vote to pass the three amendments out of committee. The committee voted in favor of the Commerce Clause amendment, the Abrogation amendment, and the Federal Lands amendment.

ADJOURN

The Chairman called to adjourn the committee meeting at 5:00 PM.

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MINUTES OF THE TERM LIMITS AND FEDERAL JUDICIAL JURISDICTION COMMITTEE

1. Call to order

- The Term Limits & Executive Jurisdiction Committee met at 10:15 AM and was called to order by the Chairman Dan Eubanks of Mississippi.

2. Roll

- The Chairman ordered the roll. Thirty-three states were present.

3. Chairman Address

- The Chairman laid out the process for the committee, breaking the discussion up into three subcommittees:
- Congressional Term Limits Subcommittee (WY, WI, WV, VA, VT, UT, TX, SD, SC, OR)
- Executive/Bureaucratic Term Limits Subcommittee (OK, OH, ND, NC, NH, NE, MT, MO, MN, MA, ME)
- Judicial Jurisdiction/Term Limits Subcommittee (KY, KS, IA, IN, IL, ID, GA, FL, CT, CO, AZ)
- Each subcommittee was asked to review proposals submitted by commissioners, as well as those submitted by the grassroots. Subcommittees were also asked to select a subcommittee chair in order to present proposed amendments before the committee as a whole. Subcommittees were also directed to select a secretary that would send proposed amendments to the Committee Secretary.
- After further discussion and clarification, commissioners that submitted proposals prior to the committee meeting were asked to present their proposals. Those commissioners were:

Mr. Steve Bradbury of Virginia

Rep. Quinn Kotter of Utah

Sen. Andrew Matthews of Minnesota

Rep. Christy Stutzman of Indiana

- At approximately 11:00 AM, the committee then went into recess so the subcommittees could deliberate, and were asked to return at 1:00 PM, at which time they would provide an update on their deliberations.

Call to order

- At 1:15 PM, the chairman subcommittees returned and announced their chairmen:

Representative Quinn Kotter of Utah

Senator Andrew Matthews of Minnesota

Representative Dan Caulkins of Illinois

- The subcommittees reported to the chairman that good progress had been made, but further time to deliberate was needed. The chairman agreed to provide an additional forty-five minutes for discussion, and presentation before the committee as a whole would begin at 2:00 PM.

Subcommittee Second Report



MINUTES FROM SECOND PLENARY SESSION

Meeting held in Williamsburg, VA on August 4, 2023

CALL TO ORDER

The Simulated Article V Convention met at 9:00 AM and was called to order by the President, Representative Woody Jenkins (Louisiana).

ROLL

The President ordered the roll. All forty-nine states appointing commissioners present.

INVOCATION

The President, without objection, appointed three commissioners to serve as chaplains: Representative Tim Ginter (Ohio), Representative Patrick Penn (Kansas), and Senator Mike McKay (Maryland). Each offered an invocation.

PLEDGE OF ALLEGIANCE

The President invited Senator Tom McGillvray (Montana) to lead the Pledge of Allegiance.

AMENDMENT OF RULES

The President noted that the Rules omitted the option to move the previous question and moved to add Previous Question to the list of allowed motions under Rule 15. The President's motion was adopted without dissent.

REPORT OF THE COMMITTEE ON STYLE & DRAFTING

The President recognized the Chair of the Committee on Style & Drafting, Mr. James McMahan (Massachusetts), to present the report of the Committee. Mr. McMahan read the changes proposed by the Committee:

TERM LIMITS & FEDERAL JUDICIAL JURISDICTION PROPOSAL 2:

The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

FISCAL RESTRAINTS PROPOSAL 1:

Section 1. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years, not to exceed eighteen percent of the gross domestic product of the preceding calendar year. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt and one-percent of the annual budget shall be directed to reduce the remaining debt principal.



Section 2. Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

Section 3. Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

Section 4. Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

Section 5. This amendment will become effective three years after ratification.

FEDERAL LEGISLATIVE & EXECUTIVE JURISDICTION PROPOSAL 1:

Section 1. Commerce among the states shall mean buying, selling, or transportation of goods and services across state lines.

Section 2. Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

Section 3. Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.

Section 4. For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in commerce among the states.

FEDERAL LEGISLATIVE & EXECUTIVE JURISDICTION PROPOSAL 2:

Section 1. The Legislatures of the States shall have authority to abrogate any action of Congress, President, or administrative agencies of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form. This provision shall not apply to presidential action taken pursuant to Article II Section 2 Clause 1.

Section 2. Such abrogation shall be effective when a simple majority of the Legislatures of the States declaring the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified. The state executive and judicial branches shall have no authority or involvement in this process.

Section 3. No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law shall be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against the entity or official attempting to enforce the abrogated provision. Qualified and sovereign immunity shall not be available as a defense in such an action.

Section 4. No provision abrogated pursuant to this amendment may be reenacted or reissued in its original or substantially similar form for 10 years from the date of the abrogation.

FEDERAL LEGISLATIVE & EXECUTIVE JURISDICTION PROPOSAL 3:

Section 1. Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section. 8, Clause. 17.

Section 2. The national government shall not own, regulate, or control more than 10 percent of the land in any given county or parish, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

Section 3. Congress shall return or cede all remaining lands to the state in which it is located within 10 ten years from the effective date hereof.

Section 4. For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a state, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

Section 5. For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in interstate commerce.

The President moved to adopt the changes proposed by the Committee on Style & Drafting.

Representative Ken Ivory (Utah) moved to amend the motion to also amend the language in Federal Executive & Legislative Jurisdiction Proposal 3, Section 2 to replace “parish” with “county equivalent”. Rep. Ivory’s motion to amend was adopted without dissent.

The President’s amended motion to adopt the changes proposed by the Committee of Style & Drafting and to amend the language Federal Executive & Legislative Jurisdiction Proposal 3, Section 2 to replace “perish” with “county equivalent” was adopted without dissent.

APPROVAL OF MINUTES

The President moved to adopt the minutes for the First Plenary Session as proposed by the Secretary with the correction that the President created an ad-hoc Rules Committee and appointed Representative Ray Garofalo (Louisiana) to chair it. The President’s motion to correct the minutes and adopt the corrected minutes was adopted without dissent.

REPORT OF THE COMMITTEE ON TERM LIMITS & FEDERAL JUDICIAL JURISDICTION

The President recognized the Chair of the Committee on Term Limits & Federal Judicial Jurisdiction, Representative Dan Eubanks (Mississippi), to introduce Term Limits & Federal Judicial Jurisdiction Proposal 1. Rep. Eubanks read the text of the Proposal:

Section 1. No person shall be elected to serve in the House of Representatives more than nine full terms, nor elected or appointed to serve in the Senate more than three full terms. This article shall not disqualify any person from completing a term in the Congress to which that person was elected or appointed prior to ratification of this article.

Section 2. No person shall serve in Congress for more than 24 years in total.

Rep. Eubanks introduced Mr. Steve Bradbury (Virginia) to further discuss the Proposal and answer any questions related to it.

Rep. Ivory moved to amend the Term Limits & Federal Judicial Jurisdiction Proposal 1 to apply only to future terms served.

After debate, the President ordered a voice vote on Rep. Ivory’s proposed amendment to Term Limits & Judicial Jurisdiction Proposal 1.

A point of order was raised pertaining to how a voice vote would be conducted with states having different numbers of commissioners attending the Convention. The President explained that only the chair of each state delegation should voice the vote of the state.

The voice vote was taken. The President declared that the amendment failed. A roll-call vote was called for. Rep. Ivory’s amendment to Term Limits & Federal Judicial Jurisdiction Proposal 1 failed on a roll-call vote:

Yea: 15 (AZ, CO, IN, KY, MI, NJ, NY, OH, SC, TN, TX, UT, WA, WI, WY)

Nay: 34 (AL, AK, AR, CA, CT, DE, FL, GA, HI, ID, IL, IA, KS, LA, ME, MD, MA, MN, MS, MO, MT, NE, NV, NH, NM, NC, ND, OK, OR, PA, SD, VT, VA, WV)

Senator Andrew Matthews (Minnesota) moved to amend Term Limits & Federal Judicial Jurisdiction Proposal 1:

Section 1. No person shall be elected to serve in the House of Representatives more than nine full terms, nor elected or appointed to serve in the Senate more than three full terms. This article shall not disqualify any person from completing a term in the Congress to which that person was elected or appointed prior to ratification of this article.

Section 2. No person shall serve in Congress for more than 24 years in total.

Section 3. At the beginning of each presidential term, the President shall be required to fill or refill all offices of the Executive Branch the appointment to which is required to be made by the President in accordance with Article II, Section 2.

Section 4. No person shall serve more than 12 years combined as an appointed officer of the Executive Branch.

Section 5. All officers and employees of the Executive Branch shall serve at will.

A point of order was raised objecting that the proposed amendment was not germane. The President ruled that the amendment dealt with the broad topic of term limits and was therefore germane.

A point of order was raised noting that the proposed amendment had failed in committee and questioning whether a Proposal that failed in committee could be reintroduced on the floor. The President briefly conferred with the Parliamentarian and confirmed that no rule prohibited the introduction of an amendment that failed in committee.

Senator David Bullard (Oklahoma) raised a point of order objecting to the President asking questions from the chair. The President ruled that the presiding officer can ask questions from the chair. Senator Justin Wayne (Nebraska) appealed the President's ruling to the Convention. The President's ruling was overturned on a voice vote.

Sen. Matthews moved to amend his amendment to Term Limits & Federal Judicial Jurisdiction
Proposal 1:

Section 1. No person shall be elected to serve in the House of Representatives more than nine full terms, nor elected or appointed to serve in the Senate more than three full terms. This article shall not disqualify any person from completing a term in the Congress to which that person was elected or appointed prior to ratification of this article.

Section 2. No person shall serve in Congress for more than 24 years in total.

Section 3. At the beginning of each presidential term, the President shall be required to fill or refill all offices of the Executive Branch the appointment to which is required to be made by the President in accordance with Article II, Section 2.

Section 4. No person shall serve more than 12 years combined as an appointed officer of the Executive Branch.

Section 5. All officers and employees of the Executive Branch shall serve at will. This article shall not apply to military officers or military personnel.

Sen. Matthews' amendment to his amendment to Term Limits & Federal Judicial Jurisdiction Proposal 1 was adopted by a roll-call vote:

Yea: 42 (AK, AZ, AR, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, PA, SC, TN, TX, UT, VT, VA, WA, WV, WI, WY)

Nay: 7 (AL, CA, CT, HI, MI, OR, SD)

Representative Mark LePak (Oklahoma) moved to table Sen. Matthew's amendment to Term Limits & Federal Judicial Jurisdiction Proposal 1. After consulting with the Parliamentarian, the President ruled that the motion to table was not in order under Rule 15.

Representative Garofalo moved Previous Question on Sen. Matthew's amendment to Term Limits & Federal Judicial Jurisdiction Proposal 1. Rep. Garofalo's Previous Question motion was adopted without dissent.

Sen. Matthew's amendment to Term Limits & Federal Judicial Jurisdiction Proposal 1 failed on a voice vote.

Rep. Taylor moved to amend Term Limits & Federal Judicial Jurisdiction Proposal 1 to reduce the proposed terms:

Section 1: No person shall be elected to serve in the House of Representatives more than six full terms, nor elected or appointed to serve in the Senate more than two full terms. This article shall not disqualify any person from completing a term in the Congress to which that person was elected or appointed prior to ratification of this article.

Section 2: No person shall serve in Congress for more than 24 years in total.

Rep. Taylor's amendment to Term Limits & Federal Judicial Jurisdiction Proposal 1 failed on a roll-call vote:

Yea: 19 (AL, AZ, DE, ID, KS, MA, MI, NV, NH, NJ, NM, NY, PA, SC, TN, UT, VT, WV, WI)

Nay: 30 (AK, AR, CA, CO, CT, FL, GA, HI, IL, IN, IA, KY, LA, ME, MD, MN, MS, MO, MT, NE, NC, ND, OH, OK, OR, SD, TX, VA, WA, WY)

The President ordered a roll-call vote on Term Limits & Federal Judicial Jurisdiction Proposal 1:

Section 1. No person shall be elected to serve in the House of Representatives more than nine full terms, nor elected or appointed to serve in the Senate more than three full terms. This article shall not disqualify any person from completing a term in the Congress to which that person was elected or appointed prior to ratification of this article.

Section 2. No person shall serve in Congress for more than 24 years in total.

Term Limits & Federal Judicial Jurisdiction Proposal 1 was adopted:

Yea: 43 (AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, LA, ME, MD, MA, MI, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI)

Nay: 5 (IA, KS, KY, MN, WY)

Absent: 1 (NY)

The President recognized the Chair of the Committee on Term Limits & Federal Judicial Jurisdiction to introduce Term Limits & Federal Judicial Jurisdiction Proposal 2. Rep. Eubanks read the text of the Proposal:

The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

Rep. Eubanks yielded to Representative Dan Caulkins (Illinois) to speak to the Proposal and answer any questions related to it.

The President turned the chair over to the Vice President, Representative Jason Rapert (Arkansas), to preside for the remainder of the debate on the Proposal.

Representative Ben Koppelman (North Dakota) moved to amend Term Limits & Federal Judicial Jurisdiction Proposal 2:

Section 1. The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

Section 2. Upon three-fifths vote of the House of Representatives and the Senate, Congress may override a majority opinion rendered by the Supreme Court.

Section 3. The Congressional override under Section 2 is not subject to a Presidential vote and shall not be the subject of litigation or review in any federal or State court.

Section 4. Upon three-fifths vote of the several State Legislatures, the States may override a majority opinion rendered by the Supreme Court.

Section 5. The States' override under Section 4 shall not be the subject of litigation or review in any Federal or State court or oversight or interference by Congress or the President.

Senator Shelley Hughes (Alaska) moved to amend Rep. Koppelman's amendment to Term Limits & Federal Judicial Jurisdiction Proposal 2:

Section 1. The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

Section 2. Upon two-thirds vote of the several State Legislatures, the states may override a majority opinion rendered by the federal courts.

Section 3. The states' override under Section 4 shall not be the subject of litigation or review in any Federal or State court or oversight or interference by Congress or the President.

Rep. Ivory raised a point of order questioning the germaneness of Rep. Koppelman's amendment. After consulting with the Parliamentarian, the Vice President ruled that the underlying amendment was germane as within the topic of federal judicial jurisdiction.

Sen. Shelley Hughes' amendment to Rep. Koppelman's amendment to Term Limits & Federal Judicial Jurisdiction Proposal 2 was adopted by a roll-call vote:

Yea: 31 (AL, AK, AZ, AR, CT, DE, GA, HI, ID, IN, IA, LA, MI, MN, MS, MO, MT, NE, NV, NY, NC, ND, OH, OK, PA, TN, TX, VA, WA, WV, WY)

Nay: 17 (CA, CO, FL, IL, KS, KY, ME, MD, MA, NH, NJ, NM, OR, SC, SD, VT, WI)

Abstain: 1 (UT)

Rep. Koppelman moved to amend his amendment, as amended, to Term Limits & Federal Judicial Jurisdiction Proposal 2:

Section 1. The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

Section 2. Upon two-thirds vote of the several State Legislatures, the states may override a majority opinion rendered by the federal courts.

Section 3. The states' override under Section 24 shall not be the subject of litigation or review in any Federal or State court or oversight or interference by Congress or the President.

Rep. Koppelman's amendment to his amendment, as amended, to Term Limits & Federal Judicial Jurisdiction Proposal 2 was adopted by a voice vote.

Rep. Koppelman's amendment, as amended, to Term Limits & Federal Judicial Jurisdiction Proposal 2 failed on a roll-call vote:

Yea: 8 (AK, HI, ID, IA, NC, ND, PA, TN)

Nay: 40 (AL, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, OH, OK, OR, SC, SD, TX, UT, VT, VA, WA, WV, WI, WY)

Absent: 1 (NH)

Senator Robert Karnes (West Virginia) moved to amend Term Limits & Federal Judicial Jurisdiction Proposal 2:

Section 1. The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

Section 2. Each of the several states shall have standing to bring an action challenging the constitutionality of any action of the Executive Branch or any enactment of Congress.

Sen. Karnes' amendment to Term Limits & Federal Judicial Jurisdiction Proposal 2 was adopted by a voice vote.

The Vice President reopened debate on Term Limits Proposal 2 as amended.

A point of order was raised asking for a roll-call vote on Sen. Karnes' Amendment to Term Limits & Federal Judicial Jurisdiction Proposal 2. The Vice President ruled that the time for asking for a roll-call vote had passed.

The Vice President ordered a roll-call vote on Term Limits & Federal Judicial Jurisdiction Proposal 2, as amended:

Section 1. The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

Section 2. Each of the several states shall have standing to bring an action challenging the constitutionality of any action of the Executive Branch or any enactment of Congress.

Term Limits & Federal Judicial Jurisdiction Proposal 2, as amended, was adopted:

Yea: 39 (AL, AK, AZ, AR, CA, CO, CT, DE, GA, HI, ID, IL, IN, IA, KS, LA, ME, MA, MI, MN, MS, MO, NE, NV, NJ, NM, NC, ND, OH, PA, SC, TN, TX, UT, VA, WA, WV, WI, WY)

Nay: 8 (FL, KY, MD, MT, OK, OR, SD, VT)

Abstain: 1 (NH)

Absent: 1 (NY)



The Vice President ordered a 20-minute recess for lunch.

CALL TO ORDER

The Simulated Article V Convention returned from recess at 12:41 PM and was called to order by the President.

ROLL

The President ordered the roll. All forty-nine states appointing commissioners present.

PROPOSAL TO LIMIT DEBATE

The President moved to limit debate to 40 minutes on each Proposal so as to ensure that the Convention had an opportunity to consider all remaining Proposals before it adjourned that evening. The President's motion was adopted without dissent.

REPORT OF THE COMMITTEE ON FISCAL RESTRAINTS

The President recognized the Chair of the Committee on Fiscal Restraints, Senator Kevin Lundberg (Colorado), to introduce Fiscal Restraints Proposal 1. Sen. Lundberg read the text of the Proposal:

Section 1. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years, not to exceed 18 percent of the gross domestic product of the preceding calendar year. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt and one-percent of the annual budget shall be directed to reduce the remaining debt principal.

Section 2. Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

Section 3. Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

Section 4. Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

Section 5. This amendment will become effective three years after ratification.

Sen. Lundberg yielded to Sen. McGillvray to speak to the Proposal and answer any questions related to it.

Senator Joe Markley (Connecticut) moved to amend Fiscal Restraints Proposal 1:

Section 1. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years, not to exceed eighteen percent of the gross domestic product of the preceding calendar year. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt and one-percent of the annual budget shall be directed to reduce the remaining debt principal.

Section 2. Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

Section 3. Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

Section 4. Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

Section 5. This amendment will become effective three years after ratification.

Sen. Markley's amendment to Fiscal Restraints Proposal 1 failed on a voice vote.

Representative Dennis Powers (Tennessee) moved to amend Fiscal Restraints Proposal 1:

Section 1. Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year, and submit said budget to the President for consideration. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt and one-percent of the annual budget shall be directed to reduce the remaining debt principal.

Section 2. Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

Section 3. Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

Section 4. Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

Section 5. This amendment will become effective three years after ratification.

Representative Joel Griffith (California) moved to amend Rep. Powers' amendment to Fiscal Restraints Proposal 1 to add his proposed language rather than to replace the existing sentence in the Proposal:

Section 1. Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year, and submit said budget to the President for consideration. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years, not to exceed eighteen percent of the gross domestic product of the preceding calendar year. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt and one-percent of the annual budget shall be directed to reduce the remaining debt principal.

Section 2. Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

Section 3. Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

Section 4. Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

Section 5. This amendment will become effective three years after ratification.

Rep. Griffith's amendment to Rep. Powers' amendment to Fiscal Restraints Proposal 1 was adopted without dissent.

A point of order was raised to clarify the language of Rep. Powers' amendment as amended. The President ordered the Secretary to correct the language displayed to the Convention to accurately reflect the text of Rep. Powers' amendment as amended.

The President asked for unanimous consent to adopt Rep. Power's amendment, as amended, to Fiscal Restraints Proposal 1. Dissent was voiced.

Rep. Ivory moved to amend Rep. Powers' amendment, as amended, to Fiscal Restraints Proposal 1:

Section 1. Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year, and submit said budget to the President for consideration. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt.

Section 2. Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

Section 3. Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

Section 4. Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

Section 5. This amendment will become effective three years after ratification.

The President asked for unanimous consent on Rep. Ivory's amendment to Rep. Powers' amendment, as amended, to Fiscal Restraints Proposal 1. Dissent was voiced. The floor was opened for further discussion. After further debate, the President again asked for unanimous consent to adopt the amendment to the amendment. Rep. Ivory's amendment to Rep. Powers' amendment, as amended, was adopted without dissent.

Rep. Powers' amendment, as amended, to Fiscal Restraints Proposal 1 was adopted without dissent.

Rep. Jaime Greene moved to amend Fiscal Restraints Proposal 1, as amended:

Section 1. Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year, and submit said budget to the President for consideration. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt.

Section 2. In times of declared war, Congress may temporarily suspend the balanced budget requirement by a majority vote in both houses. In cases of national emergencies, as determined by a two-thirds majority in both houses of Congress, the balanced budget requirement may be temporarily suspended.

Section 3. Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

Section 4. Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

Section 5. This amendment will become effective three years after ratification.

Mr. Bradbury moved to amend Rep. Greene's amendment to Fiscal Restraints Proposal 1, as amended:

Section 1. Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year, and submit said budget to the President for consideration. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt.

Section 2. In times of declared war, Congress may temporarily suspend the balanced budget requirement for the duration of the declared war by a majority vote in both houses. In cases of national emergencies, as determined by a two-thirds majority in both houses of Congress, the balanced budget requirement may be temporarily suspended. Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

Section 3. Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

Section 4. Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

Section 5. This amendment will become effective three years after ratification.

Mr. Bradbury's amendment to Rep. Green's amendment to Fiscal Restraints Proposal 1, as amended, failed on a voice vote.**Rep. Greene's amendment to Fiscal Restraints Proposal 1, as amended, failed on a voice vote.**

The President declared that the time established for debate on the Proposal had elapsed and closed debate on Fiscal Restraints Proposal 1.

A point of order was raised to clarify the language of Fiscal Restraints Proposal 1, as amended, and to ensure that the proper language was presented to the members prior to the vote. The President ordered the Secretary to correct the language of Fiscal Restraints Proposal 1, as amended, as displayed to the Convention.

A point of order was raised to clarify why the President closed debate on Fiscal Restraints Proposal 1. The President clarified that the body had adopted a time limit for debate and on the expiration of that time limit, he brought the question forward for a vote.

The President ordered a roll-call vote on Fiscal Restraints Proposal 1, as amended:

Section 1. Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year and submit said budget to the President for consideration. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt.

Section 2. Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

Section 3. Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

Section 4. Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

Section 5. This amendment will become effective three years after ratification.

Fiscal Restraints Proposal 1, as amended, was adopted:

Yea: 46 (AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY)

Nay: 2 (HI, KS)

Absent: 1 (MO)



REPORT OF THE COMMITTEE ON FEDERAL LEGISLATIVE & EXECUTIVE JURISDICTION

The President recognized the Chair of the Committee on Federal Legislative and Executive Jurisdiction, Rep. Ivory, to introduce Federal Legislative and Executive Jurisdiction Proposal 1. Rep. Ivory read the text of the Proposal:

Section 1. Commerce among the states shall mean buying, selling, or transportation of goods and services across state lines.

Section 2. Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

Section 3. Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.

Section 4. For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in commerce among the states.

Representative Eric Smith (Kansas) raised a point of order to object to the speed with which the Proposals were being considered by the Convention. The President responded by pointing to the fact that the Convention had adopted a time limit on debate and that the Convention would adjourn that evening and that in order to give all Proposals a fair hearing before that time a limit on debate was necessary.

Rep. Ivory yielded to Mr. Gary Porter (Virginia) to speak to the Proposal and answer any questions related to it.

Sen. Shelley Hughes moved to amend Federal Legislative and Executive Jurisdiction Proposal 1 to strike section 4:

Section 1. Commerce among the states shall mean buying, selling, or transportation of goods and services across state lines.

Section 2. Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

Section 3. Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.

Sen. Shelley Hughes' amendment to Federal Legislative & Executive Jurisdiction Proposal 1 failed on a voice vote.

Representative Steve Johnson (Michigan) moved to amend Federal Legislative & Executive Jurisdiction Proposal 1:

No regulation, administrative rule, executive order or presidential order of any kind, not to

include pardons or clemency, shall be final until affirmatively approved by both chambers and signed by the President.

Rep. Johnson's amendment to Federal Legislative and Executive Jurisdiction Proposal 1 failed on a voice vote.

Rep. Steve Montenegro (Arizona) moved to amend Federal Legislative and Executive Jurisdiction Proposal 1:

Section 1. Commerce among the states shall mean buying, selling, or transportation of goods and services for the purpose of buying and selling across state lines.

Section 2. Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

Section 3. Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.

Section 4. For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in commerce among the states.

Rep. Walter Hudson (Minnesota) moved to amend Rep. Montenegro's amendment to Federal Legislative & Executive Jurisdiction Proposal 1:

Section 1. Commerce among the states shall mean buying, selling, or transportation of commercial goods and services for the purpose of buying and selling across state lines.

Section 2. Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

Section 3. Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.



Section 4. For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in commerce among the states.

Rep. Hudson’s amendment to Rep. Montenegro’s amendment to Federal Legislative and Executive Jurisdiction Proposal 1 was adopted without dissent.

Rep. Montenegro’s amendment, as amended, to Federal Legislative & Executive Jurisdiction Proposal 1 was adopted without dissent.

The President ordered a roll-call vote on Federal Legislative & Executive Jurisdiction Proposal 1, as amended:

Section 1. Commerce among the states shall mean buying, selling, or transportation of commercial goods and services across state lines.

Section 2. Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

Section 3. Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.

Section 4. For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in commerce among the states.

Federal Legislative & Executive Jurisdiction Proposal 1 was adopted:

Yea: 46 (AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, LA, ME, MD, MA, MI, MN, MS, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY)

Nay: 2 (KS, KY)

Absent: 1 (MO)

The President recognized the Chair of the Committee on Federal Legislative & Executive Jurisdiction to introduce Federal Legislative & Executive Jurisdiction Proposal 2. Rep. Ivory yielded to Mr. John Malcolm (NC) to speak to the Proposal. Mr. Malcolm read the text of the Proposal:

Section 1. The Legislatures of the States shall have authority to abrogate any action of Congress, President, or administrative agencies, of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form. This provision shall not apply to presidential action taken pursuant to Article II, Section 2, Clause 1.

Section 2. Such abrogation shall be effective when a simple majority of the Legislatures of the States declaring the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified. The state executive and judicial branches shall have no authority or involvement in this process.

Section 3. No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law shall be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against the entity or official attempting to enforce the abrogated provision. Qualified and sovereign immunity shall not be available as a defense in such an action.

Section 4. No provision abrogated pursuant to this amendment may be reenacted or reissued in its original or substantially similar form for ten years from the date of the abrogation.

Mr. Malcom moved to amend Federal Legislative & Executive Jurisdiction Proposal 2:

Section 1. The Legislatures of the States shall have authority to abrogate any action of Congress, President, or administrative agencies, of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form. This provision shall not apply to presidential action taken pursuant to Article II, Section 2, Clause 1, and to Presidential appointments.

Section 2. Such abrogation shall be effective when a simple majority of the Legislatures of the States declaring the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified. The state executive and judicial branches shall have no authority or involvement in this process.

Section 3. No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law shall be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against the entity or official attempting to enforce the abrogated provision. Qualified and sovereign immunity shall not be available as a defense in such an action.

Section 4. No provision abrogated pursuant to this amendment may be reenacted or reissued in its original or substantially similar form for ten years from the date of the abrogation.

Mr. Malcom's amendment to Federal Legislative & Executive Jurisdiction Proposal 2 was adopted by a voice vote.

Senator Bryan Hughes (Texas) moved to amend Federal Legislative & Executive Jurisdiction Proposal 2, as amended:

Section 1. The Legislatures of the States shall have authority to abrogate any action of Congress, President, or administrative agencies, of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form. This provision

shall not apply to presidential action taken pursuant to Article II, Section 2, Clause 1, and to Presidential appointments.

Section 2. Such abrogation shall be effective when a simple majority of the Legislatures of the States declaring the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified. The state executive and judicial branches shall have no authority or involvement in this process.

Section 3. No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law shall be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against the entity or official attempting to enforce the abrogated provision. Qualified and sovereign immunity shall not be available as a defense in such an action.

Section 4. No provision abrogated pursuant to this amendment may be reenacted or reissued in its original or substantially similar form for ten years from the date of the abrogation.

Sen. Bryan Hughes' amendment to Federal Legislative & Executive Jurisdiction Proposal 2 was adopted by a voice vote.

The President ordered a roll-call vote on Federal Legislative & Executive Jurisdiction Proposal 2, as amended:

Section 1. The Legislatures of the States shall have authority to abrogate any action of Congress, President, or administrative agencies of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form. This provision shall not apply to presidential action taken pursuant to Article II, Section 2, Clause 1, and to presidential appointments.

Section 2. Such abrogation shall be effective when a simple majority of the Legislatures of the States declare the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified. The state executive and judicial branches shall have no authority or involvement in this process.

Section 3. No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law shall be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against the entity or official attempting to enforce the abrogated provision. Qualified and sovereign immunity shall not be available as a defense in such an action.

Section 4. No provision abrogated pursuant to this amendment may be reenacted or reissued in its original or substantially similar form for ten years from the date of the abrogation.

Federal Legislative & Executive Jurisdiction Proposal 2 was adopted:

Yea: 48 (AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY).

Nay: 0

Absent: 1 (MO)

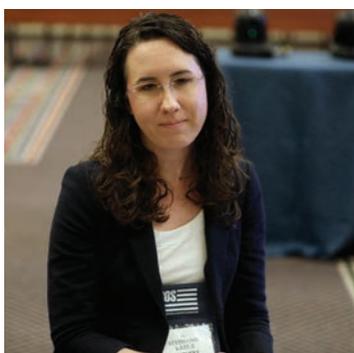
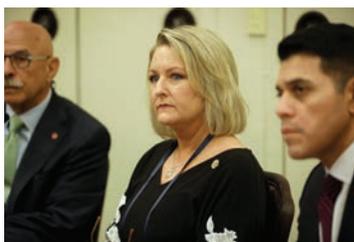
The President recognized the Chair of the Committee on Federal Legislative & Executive Jurisdiction to introduce Federal Legislative & Executive Jurisdiction Proposal 3. Rep. Ivory read the text of the Proposal:

Section 1. Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

Section 2. The national government shall not own, regulate, or control more than ten percent of the land in any given county or parish, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

Section 3. Congress shall return or cede all remaining lands to the state in which it is located within ten years from the effective date hereof.

Section 4. For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the



aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

Section 5. For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in interstate commerce.

Mr. Ivory yielded to Mr. Porter to speak to the Proposal.

Mr. Porter moved to amend Federal Legislative & Executive Jurisdiction Proposal 3:

Section 1. Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

Section 2. The national government shall not own, regulate, or control more than ten percent of the land in any given county or parish, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

Section 3. Congress shall return or cede all remaining lands to the state in which it is located within ten years from the effective date hereof.

Section 4. For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

Section 5. This amendment shall not apply to lands or military installations with respect to which jurisdiction has been ceded to the United States by a State; lands belonging to an Indian or Indian tribe; or to lands that, as of January 1, 1976, are designated as national parks, national monuments, or as congressionally designated wilderness under the Wilderness Act 16 U.S.C. § 1131 et seq.

Section 6. For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in interstate commerce.

A point of order was raised to reconcile the displayed text of the proposed amendment with the language Mr. Porter offered in his motion. The President ordered the Secretary to clarify and reconcile the language of the Proposal and display the proper language to the Convention.

Sen. Bullard moved to amend Mr. Porter's amendment to Federal Legislative & Executive Jurisdiction Proposal 3:

Section 1. Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the

proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

Section 2. The national government shall not own, regulate, or control more than ten percent of the land in any given county or parish, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

Section 3. Congress shall return or cede all remaining lands to the state in which it is located within ten years from the effective date hereof.

Section 4. For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

Section 5. This amendment shall not apply to lands or military installations with respect to which jurisdiction has been ceded to the United States by a State,; lands belonging to an Indian or Indian tribe; or to lands that are designated as national parks, national monuments, or as congressionally designated wilderness as of January 1, 1976.

Section 6. For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in interstate commerce.

Sen. Bullard's amendment to Mr. Porter's amendment to Federal Legislative & Executive Jurisdiction Proposal 3 was adopted by a voice vote.

Mr. Porter's amendment, as amended, to Federal Legislative & Executive Jurisdiction Proposal 2 was adopted by a voice vote.

Senator Dan Laursen (Wyoming) moved to amend Federal Legislative & Executive Jurisdiction Proposal 3, as amended:

Section 1. Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

Section 2. The national government shall not own, regulate, or control more than ten percent of the land and mineral rights in any given county or parish, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

Section 3. Congress shall return or cede all remaining lands and mineral rights to the state in which it is located within ten years from the effective date hereof.



Section 4. For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

Section 5. This amendment shall not apply to lands or military installations with respect to which jurisdiction has been ceded to the United States by a State, lands belonging to an Indian or Indian tribe; or to lands that are designated as national parks, national monuments, or as congressionally designated wilderness as of January 1, 1976.

Section 6. For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in interstate commerce.

A point of order was raised to note that the term “perish” in Section 2, was amended earlier as part of the Committee of Style revisions to instead read “county equivalent.” The President ordered the Secretary to verify that the change in language had been voted on earlier. The Secretary verified that the change had been made earlier in the proceedings and updated the language of the Proposal accordingly.

Sen. Laursen’s amendment to Federal Legislative & Executive Jurisdiction Proposal 3, as amended was adopted by a voice vote.

Senator Phil Fortunato (Washington) moved to amend Federal Legislative & Executive Jurisdiction Proposal 3, as amended, to strike Section 6:

Section 1. Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

Section 2. The national government shall not own, regulate, or control more than ten

percent of the land and mineral rights in any given county or county equivalent, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

Section 3. Congress shall return or cede all remaining lands and mineral rights to the state in which it is located within ten years from the effective date hereof.

Section 4. For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

Section 5. This amendment shall not apply to lands or military installations with respect to which jurisdiction has been ceded to the United States by a State, lands belonging to an Indian or Indian tribe; or to lands that are designated as national parks, national monuments, or as congressionally designated wilderness as of January 1, 1976.

Sen. Fortunato's amendment to Federal Legislative & Executive Jurisdiction Proposal 3, as amended, failed on a voice vote.

Representative Christy Stutzman (Indiana) moved to amend the Proposal:

Section 1. Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

Section 2. The national government shall not own, regulate, or control more than ten percent of the land and mineral rights in any given county or county equivalent, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

Section 3. Congress shall return or cede all remaining lands and mineral rights to the state in which it is located within ten years from the effective date hereof.

Section 4. For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

Section 5. This amendment shall not apply to lands or military installations with respect to which jurisdiction has been ceded to the United States by a State, lands belonging to Native American people and sovereign tribes which were previously referred to in the Constitution as Indian Tribes; or to lands that are designated as national parks, national monuments, or as congressionally designated wilderness as of January 1, 1976.

Rep. Stutzman's amendment to Federal Legislative & Executive Jurisdiction Proposal 3, as amended, failed on a voice vote.

The President ordered a roll-call vote on Federal Legislative & Executive Jurisdiction Proposal 3, as amended:

Section 1. Except with the permission of the Legislature of the State where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

Section 2. The national government shall not own, regulate, or control more than ten percent of the land and mineral rights in any given county or county equivalent, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

Section 3. Congress shall return or cede all remaining lands and mineral rights to the state in which it is located within ten years from the effective date hereof.

Section 4. For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

Section 5. This amendment shall not apply to lands or military installations with respect to which jurisdiction has been ceded to the United States by a State, lands belonging to an Indian or Indian tribe; or to lands that are designated as national parks, national monuments, or as congressionally designated wilderness as of January 1, 1976.

Section 6. For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in interstate commerce.

Federal Legislative & Executive Jurisdiction Proposal 3 was adopted:

Yea: 47 (AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MT, NE, NV, NH, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY).

Nay: 0

Absent: 2 (NJ, MO)



CONCLUDING BUSINESS

The President addressed the body on the importance of the task the Convention had undertaken and thanked the commissioners for their service.

The President moved to have the President, Vice President, and Secretary draft a letter on behalf of the convention thanking Convention of States Foundation and everyone who participated. The President's motion was adopted on a voice vote.

The President opened the floor for commissioners to speak about the nature of the Simulated Convention and the Article V process.

Senator Dan Knodle (Wisconsin) moved to adjourn. The motion to adjourn was adopted by voice vote. Convention adjourned sine die.

OFFICIAL PROPOSALS OF THE 2023 SIMULATED ARTICLE V CONVENTION

IMPORTANT NOTE: The Term Limits and Federal Judicial Jurisdiction Committee wanted to strike a balance between serving too long and serving long enough to develop the experience to be effective as a legislator. The average time of service in the U.S. Congress is around eleven years. The problem is not this average length of service. The problem is the outliers—those in Congress for 25 or more years. The proposed limit of eighteen years, if ratified, would eliminate the outliers, and the average length of service would likely drop to under ten years. The proposed term limits on Congress from the simulation is a solid amendment proposal, and it was thoughtfully crafted so as not to go too far. The time constraint of the simulation did affect an attempt to limit the terms of unelected executive branch members, but the limited time available was effectively used to come up with a viable proposal for congressional term limits—one that would absolutely resolve the problem of career politicians like Pelosi, McConnell, McCarthy, Schumer, or Feinstein.

Adopted August 4, 2023 in Williamsburg, VA

Federal Term Limits & Judicial Jurisdiction Proposal 1: House and Senate Term Limits

Section 1. No person shall be elected to serve in the House of Representatives more than nine full terms, nor elected or appointed to serve in the Senate more than three full terms. This article shall not disqualify any person from completing a term in the Congress to which that person was elected or appointed prior to ratification of this article.

Section 2. No person shall serve in Congress for more than twenty-four years in total.

Federal Term Limits & Judicial Jurisdiction Proposal 2: SCOTUS Term Limits & State Standing

Section 1. The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

Section 2. Each of the several states shall have standing to bring an action challenging the constitutionality of any action of the Executive Branch or any enactment of Congress.

Fiscal Restraints Proposal 1: Federal Budget Constraints on Expenditures & Tax Increases

Section 1. Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year and submit said budget to the President for consideration. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt.

Section 2. Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

Section 3. Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

Section 4. Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

Section 5. This amendment will become effective three years after ratification.

Federal Legislative & Executive Jurisdiction Proposal 1:

Commerce Definition & Delegation Constraints

Section 1. Commerce among the states shall mean buying, selling, or transportation of commercial goods and services across state lines.

Section 2. Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

Section 3. Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.

Section 4. For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in commerce among the states.

Federal Legislative & Executive Jurisdiction Proposal 2: State Abrogation Authority

Section 1. The Legislatures of the States shall have authority to abrogate any action of Congress, President, or administrative agencies of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form. This provision shall not apply to presidential action taken pursuant to Article II, Section 2, Clause 1, and to presidential appointments.

Section 2. Such abrogation shall be effective when a simple majority of the Legislatures of the States declare the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified. The state executive and judicial branches shall have no authority or involvement in this process.

Section 3. No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law shall be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against the entity or official attempting to enforce the abrogated provision. Qualified and sovereign immunity shall not be available as a defense in such an action.

Section 4. No provision abrogated pursuant to this amendment may be reenacted or reissued in its original or substantially similar form for ten years from the date of the abrogation.

Federal Legislative & Executive Jurisdiction Proposal 3: Federal Land and Mineral Rights Constraints

Section 1. Except with the permission of the Legislature of the State where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

Section 2. The national government shall not own, regulate, or control more than ten percent of the land and mineral rights in any given county or county equivalent, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

Section 3. Congress shall return or cede all remaining lands and mineral rights to the state in which it is located within ten years from the effective date hereof.

Section 4. For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

Section 5. This amendment shall not apply to lands or military installations with respect to which jurisdiction has been ceded to the United States by a State, lands belonging to an Indian or Indian tribe; or to lands that are designated as national parks, national monuments, or as congressionally designated wilderness as of January 1, 1976.

Section 6. For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in interstate commerce.



CONVENTION *of* STATES FOUNDATION
ARTICLE V
SIMULATED CONVENTION
COLONIAL WILLIAMSBURG ★ AUGUST 2-4, 2023





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