

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/7/17

A Bill

HOUSE BILL 1570

5 By: Representative Brown
6

For An Act To Be Entitled

8 AN ACT TO PROVIDE STATUTORY GUIDANCE CONCERNING
9 INTERSTATE CONVENTIONS UNDER THE UNITED STATES
10 CONSTITUTION, ARTICLE V; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO PROVIDE STATUTORY GUIDANCE CONCERNING
14 INTERSTATE CONVENTIONS UNDER THE UNITED
15 STATES CONSTITUTION, ARTICLE V.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code § 7-1-103(a), concerning miscellaneous*
22 *misdeemeanor offenses, is amended to add an additional subdivision to read as*
23 *follows:*

24 (24) A delegate or an alternate delegate shall not violate the
25 provisions of the oath under § 7-9-703.
26

27 SECTION 2. Arkansas Code Title 7, Chapter 9, is amended to add an
28 additional subchapter to read as follows:

29 Subchapter 7 – Convention Called Under Article V of the United States
30 Constitution
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32 7-9-701. Definitions.

33 As used in this subchapter:

34 (1) "Alternate delegate" means a person selected by the General
35 Assembly to represent the State of Arkansas at an Article V Convention if the
36 delegate is not able to serve or vote;



1 (2) "Article V Convention" means an interstate convention called
2 under the United States Constitution, Article V;

3 (3)(A) "Article V application" means the document calling the
4 Article V Convention adopted by:

5 (i) The United States Congress, if the Article V
6 Convention is called by the United States Congress under the United States
7 Constitution, Article V; and

8 (ii) A state legislature if the Article V Convention
9 is called for by application of the legislatures of two-thirds (2/3) of the
10 several states under the United States Constitution, Article V.

11 (B) The Article V application under subdivision (3)(A)(ii)
12 of this section shall be made by joint resolution passed by the General
13 Assembly;

14 (4) "Delegate" means a person selected by the General Assembly
15 to represent the State of Arkansas at an Article V Convention;

16 (5)(A) "Legislative instructions" means the instructions of the
17 General Assembly given to delegates and their alternate delegates regarding
18 the permitted scope of the Article V Convention.

19 (B) The General Assembly shall adopt legislative
20 instructions by joint resolution.

21 (C) Legislative instructions shall be consistent with the
22 scope of the convention as defined by the Article V application passed by the
23 State of Arkansas and relied upon by Congress to call the Article V
24 Convention; and

25 (6)(A) "Unauthorized amendment", except as provided under
26 subdivision (6)(B) of this section, means a proposed amendment that:

27 (i) Does not reflect the amendment text in the
28 Article V application under consideration; or

29 (ii) Is outside the subject matter permitted under
30 the Article V application as may be clarified by the legislative
31 instructions.

32 (B) If the General Assembly has not passed an Article V
33 application relied on by the United States Congress to call the Article V
34 Convention, an "unauthorized amendment" means an amendment that:

35 (i) Does not reflect the amendment text permitted by
36 the thirty-four (34) Article V applications relied on by the United States

1 Congress to propose the Article V Convention; or

2 (ii) Is outside the permitted subject matter under
3 this state's legislative instructions or any Article V application relied
4 upon by the United States Congress to call the Article V Convention.

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6 7-9-702. Certification of a delegate to an Article V Convention.

7 (a) The President Pro Tempore of the Senate and the Speaker of the
8 House of Representatives shall certify the selection of the delegate and
9 alternate delegate by written proclamation and provide a copy of the written
10 proclamation to the:

11 (1) Delegate;

12 (2) Alternate delegate;

13 (3) Secretary of State; and

14 (4) Article V Convention.

15 (b) A person shall not serve as a delegate or an alternate delegate
16 without the written proclamation in his or her name under subsection (a) of
17 this section.

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19 7-9-703. Delegate to an Article V Convention – Duties and limitations.

20 (a) In order to be considered for the positions of delegate or
21 alternate delegate, a person shall take the following oath:

22 "I do solemnly swear or affirm that to the best of my abilities, I
23 will, as a delegate or an alternate delegate to an Article V Convention,
24 uphold the Arkansas Constitution, the United States Constitution, and laws of
25 the United States of America and the State of Arkansas. I will not vote to
26 allow consideration of, to consider, or to approve an unauthorized amendment
27 proposed for ratification to the United States Constitution. I understand
28 that violation of this oath will result in my immediate recall and
29 replacement at the Article V Convention and that additional criminal
30 penalties may be imposed on me under Arkansas law."

31 (b) If a delegate votes or attempts to vote to allow consideration of,
32 to consider, or to approve an unauthorized amendment for ratification to the
33 United States Constitution, the:

34 (1) Delegate is ineligible to serve as a delegate;

35 (2) Delegate's certification under § 7-9-702(a) is revoked; and

36 (3) Delegate shall be immediately replaced by an alternate

1 delegate.

2 (c) A vote cast or attempted to be cast by a delegate under subsection
3 (b) of this section is null and void.

4 (d) Upon the request of a delegate or alternate delegate, the General
5 Assembly shall provide guidance to the delegate or alternate delegate
6 concerning whether a proposed amendment is within the permitted subject
7 matter of the Article V Convention.

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/s/Brown

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