

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1475

5 By: Representative Brown
6

For An Act To Be Entitled

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

Subtitle

12
13 TO PROVIDE STATUTORY GUIDANCE CONCERNING
14 INTERSTATE CONVENTIONS UNDER ARTICLE V OF
15 THE UNITED STATES CONSTITUTION.
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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 Title 7, Chapter 9, is amended to add an
22 additional subchapter to read as follows:

23 Subchapter 7 – Convention Called Under Article V of the United States
24 Constitution
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26 7-9-701. Definitions.

27 As used in this subchapter:

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

31 (2) "Article V Convention" means an interstate convention called
32 under Article V of the United States Constitution;

33 (3)(A) "Article V Application" means the document calling the
34 Article V Convention adopted by:

35 (i) The United States Congress, if the Article V
36 Convention is called by the United States Congress under Article V of the



1 United States Constitution; and

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

5 (B) The Article V Application under subdivision (3)(A)(ii)
6 of this section shall be made by joint resolution passed by the General
7 Assembly;

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

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

13 (B) The General Assembly shall adopt legislative
14 instructions by joint resolution.

15 (C) Legislative instructions shall be consistent with the
16 scope of the convention as defined by the Article V Application passed by the
17 State of Arkansas and relied upon by Congress to call the Article V
18 Convention;

19 (6)(A) Except as provided under subdivision (6)(B) of this
20 section, "unauthorized amendment" means a proposed amendment that:

21 (i) Does not reflect the amendment text in the
22 Article V Application under consideration; or

23 (ii) Is outside the subject matter permitted under
24 the Article V Application as may be clarified by the legislative
25 instructions.

26 (B) If the General Assembly has not passed an Article V
27 Application relied on by the United States Congress to call the Article V
28 Convention, an "unauthorized amendment" means an amendment that:

29 (i) Does not reflect the amendment text permitted by
30 the thirty-four (34) Article V Applications relied on by the United States
31 Congress to propose the Article V Convention; or

32 (ii) Is outside the permitted subject matter under
33 this state's legislative instructions or any Article V Application relied
34 upon by the United States Congress to call the Article V Convention.

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36 7-9-702. Certification of a delegate to an Article V Convention.

1 (a) The President Pro Tempore of the Senate and the Speaker of the
2 House of Representatives shall certify the selection of the delegate and
3 alternate delegate by written proclamation and provide a copy of the written
4 proclamation to the:

- 5 (1) Delegate;
6 (2) Alternate delegate;
7 (3) Secretary of State; and
8 (4) Article V Convention.

9 (b) A person shall not serve as a delegate or an alternate delegate
10 without the written proclamation in his or her name under subdivision (a) of
11 this section.

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13 7-9-703. Delegate to an Article V Convention – Duties and limitations.

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

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

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

- 28 (1) Delegate is ineligible to serve as a delegate;
29 (2) Delegate's certification under § 7-9-702(a) is revoked; and
30 (3) Delegate shall be immediately replaced by an alternate
31 delegate.

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

34 (d) Upon the request of a delegate or alternate delegate, the General
35 Assembly shall provide guidance to the delegate or alternate delegate
36 concerning whether a proposed amendment is within the permitted subject

1 matter of the Article V Convention.

2 (e)(1) If a delegate knowingly violates the oath contained in this
3 section, the delegate is guilty of usurping, overturning, or seizing
4 government under § 5-51-204, a Class B felony.

5 (2) A person convicted of a violation under subdivision (e)(1)
6 of this section is barred from holding public office or state employment from
7 the date of his or her conviction.

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