

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

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 TO PROVIDE STATUTORY GUIDANCE CONCERNING
13 INTERSTATE CONVENTIONS UNDER THE UNITED
14 STATES CONSTITUTION, ARTICLE V.
15
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

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
25

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 the United States Constitution, Article V;

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 the United States



1 Constitution, Article V; 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 the United States Constitution, Article V.

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; and

19 (6)(A) "Unauthorized amendment", except as provided under
20 subdivision (6)(B) of this section, 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.

35
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 subsection (a) of
11 this section.

12
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.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36