

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

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

HOUSE BILL 1475

By: Representative Brown

## For An Act To Be Entitled

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

### Subtitle

TO PROVIDE STATUTORY GUIDANCE CONCERNING  
INTERSTATE CONVENTIONS UNDER ARTICLE V OF  
THE UNITED STATES CONSTITUTION.

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

SECTION 1. Arkansas Code Title 7, Chapter 9, is amended to add an additional subchapter to read as follows:

Subchapter 7 – Convention Called Under Article V of the United States  
Constitution

7-9-701. Definitions.

As used in this subchapter:

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

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

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

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



United States Constitution; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

matter of the Article V Convention.

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

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