

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/7/17
A Bill

HOUSE BILL 1570

By: Representative Brown

For An Act To Be Entitled

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

Subtitle

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

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

SECTION 1. Arkansas Code § 7-1-103(a), concerning miscellaneous misdemeanor offenses, is amended to add an additional subdivision to read as follows:

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

SECTION 2. 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 the United States Constitution, Article V;

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

(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; and

(6)(A) "Unauthorized amendment", except as provided under subdivision (6)(B) of this section, 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 subsection (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 an alternate delegate 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.

/s/Brown