

Representative Kraig Powell proposes the following substitute bill:

DELEGATE RESPONSIBILITY AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill establishes requirements for a Utah delegate to a United States Article V convention.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a Utah delegate to a United States Article V convention from acting in a manner that supports or approves the proposing of an unauthorized amendment or change to the United States Constitution;
- ▶ provides for the removal of a delegate; and
- ▶ provides criminal penalties.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

20A-17-101, Utah Code Annotated 1953



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-17-101** is enacted to read:

20A-17-101. Article V convention delegates.

(1) As used in this section:

(a) "Article V application" means an application or resolution passed by the Legislature applying to Congress to call an Article V convention.

(b) "Article V convention" means a convention called for the purpose of proposing an amendment to the United States Constitution as provided in the United States Constitution, Article V.

(c) "Delegate" means an individual elected by the Legislature, or by any other method provided by law, to represent the state at an Article V convention.

(d) "Legislative instructions" means instruction given by the Legislature to a delegate before or during an Article V convention.

(e) "Unauthorized amendment" means a proposed amendment or change to the United States Constitution that is outside the scope of the Article V application and legislative instructions.

(2) A delegate from the state to an Article V convention may not act in a manner that supports or approves the proposing of an unauthorized amendment or change to the United States Constitution by the convention.

(3) (a) A delegate who violates Subsection (2) is immediately recalled and shall be replaced by an alternate selected by the Legislature.

(b) An alternate selected by the Legislature has the same duties and is subject to the same requirements and penalties as a delegate.

(4) Upon selection by the Legislature, or by any other method provided by law, a delegate from the state to an Article V convention shall take the following oath:

"I do solemnly swear (or affirm) that to the best of my abilities, I will, as a delegate to an Article V convention, uphold the Constitution and laws of the United States of America and of the State of Utah, and that I will act at all times in accordance with the Article V application and the legislative instructions given to me as a delegate. I will not act in a manner that supports or approves the proposing of an unauthorized amendment or change to the United

57 States Constitution by the convention."

58 (5) The Legislature shall certify in writing to the Article V convention:

59 (a) the selection of delegates and alternates;

60 (b) if a delegate is recalled, the recall and replacement of the delegate with an alternate;

61 and

62 (c) if a delegate from the state violates Subsection (2), the nullification of the action

63 that violated Subsection (2).

64 (6) A delegate who violates this section is guilty of a third degree felony.