

HB0392S01 compared with HB0392

~~{deleted text}~~ shows text that was in HB0392 but was deleted in HB0392S01.

inserted text shows text that was not in HB0392 but was inserted into HB0392S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Kraig Powell proposes the following substitute bill:

DELEGATE RESPONSIBILITY AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill establishes requirements for a Utah delegate to a United States

~~{constitutional}~~Article V convention.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a Utah delegate to a United States ~~{constitutional}~~Article V convention from ~~{voting to approve, or to allow consideration}~~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.

HB0392S01 compared with HB0392

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

~~{63G-19-101}~~20A-17-101, Utah Code Annotated 1953

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

Section 1. Section ~~{63G-19}~~20A-17-101 is enacted to read:

~~{63G-19-101}~~20A-17-101. ~~{Constitutional}~~ Article V convention delegates.

(1) As used in this section:

(a) "Article V application" means an application or resolution passed by the Legislature
~~and at least 33 other states, requiring~~ 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 ~~for~~ and legislative
~~instruction~~ instructions.

(2) A delegate from the state to an Article V convention may not ~~vote to approve, or~~
~~to allow consideration~~ 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 ~~casts a vote to approve, or to allow consideration of, an~~
~~unauthorized amendment~~ 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

HB0392S01 compared with HB0392

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 ~~vote to approve, or to allow consideration~~ act in a manner that supports or approves the proposing of ~~any~~ an unauthorized amendment or change to the United States Constitution by the convention." ~~;~~

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

(a) the selection of delegates and alternates;

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

and

(c) if a delegate from the state ~~casts a vote to approve, or to allow consideration of, an unauthorized amendment~~ violates Subsection (2), the nullification of the action that ~~vote~~ violated Subsection (2).

(6) A delegate who violates this section is guilty of a ~~class A misdemeanor.~~

Legislative Review Note

as of 2-21-14 9:24 AM

Office of Legislative Research and General Counsel; third degree felony.