

IN THE SENATE

SENATE BILL NO. 1350

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO LIMITED ARTICLE V CONVENTION ACT; PROVIDING LEGISLA-
2 TIVE INTENT; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW
3 CHAPTER 16, TITLE 34, IDAHO CODE, TO PROVIDE THE IDAHO LIMITED ARTICLE
4 V CONVENTION ACT, TO DEFINE TERMS, TO PROVIDE FOR INSTRUCTION TO DELE-
5 GATES, TO PROVIDE LIMITATIONS ON THE AUTHORITY OF DELEGATES, TO PROVIDE
6 DUTIES OF THE SECRETARY OF STATE AND TO PROVIDE A CITATION.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. LEGISLATIVE INTENT. The Legislature finds:

10 Whereas, when Congress convenes a convention after receiving similar
11 Applications from the legislatures of 34 states, it is the desire of the Leg-
12 islature of the State of Idaho to have an orderly convention and to have the
13 will of this Legislature fulfilled by its delegates;

14 Whereas, Idaho's delegates to an Article V convention are an extension
15 of the Idaho Legislature and subject to its direction; and

16 Whereas, the Legislature of the State of Idaho desires that its dele-
17 gates to an Article V convention be prohibited from approving any proposed
18 amendments outside of the subject matters set forth in Idaho's Application
19 for said convention.

20 SECTION 2. That Title 34, Idaho Code, be, and the same is hereby amended
21 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
22 ter 16, Title 34, Idaho Code, and to read as follows:

23 CHAPTER 16

24 IDAHO LIMITED ARTICLE V CONVENTION ACT

25 34-1601. DEFINITIONS. For purposes of this chapter:

26 (1) "Application" means a legislative resolution of any state making
27 application under article V of the United States constitution to congress to
28 call a convention for the sole purpose of proposing amendments to the United
29 States constitution.

30 (2) "Article V convention" means a convention of the states for propos-
31 ing amendments applied for and called by congress under the authority of ar-
32 ticle V of the United States constitution.

33 (3) "Delegate" means an individual selected by procedures set by joint
34 rule of the Idaho senate and house of representatives to serve as a dele-
35 gate from Idaho to an article V convention. Eligible delegates and alter-
36 nates shall be residents of the state of Idaho and shall otherwise meet the
37 same qualifications necessary to hold office in the state legislature. Del-
38 egates and alternates may include persons holding public office, except that
39 no member of the United States senate or house of representatives shall be
40 eligible.

1 (4) "Scope of the applications" means the specific subject matters or
2 topics for proposed amendment(s) to the United States constitution, set
3 forth in the aggregate applications relied on by congress to call an article
4 V convention.

5 (5) "Unauthorized amendment" means any amendment proposed by an arti-
6 cle V convention that is not within the scope of an Idaho application.

7 34-1602. INSTRUCTION TO DELEGATES AND LIMITATIONS ON AUTHOR-
8 ITY. (1) No delegate, while serving as a delegate from Idaho to an article
9 V convention, shall vote to consider, approve or propose an unauthorized
10 amendment.

11 (2) As a condition of being eligible for consideration or selection as
12 a delegate or alternate delegate, each delegate and alternate delegate shall
13 take the following oath: "I do solemnly swear or affirm that I accept and
14 will act according to the limits of authority provided by the Idaho Limited
15 Article V Convention Act, Chapter 16, Title 34, Idaho Code, and that I will
16 not vote to consider, approve or propose any unauthorized amendment within
17 the meaning of said act. I understand and accept that violating this oath
18 will subject me to immediate revocation of my credentials to serve as a dele-
19 gate."

20 (3) No individual shall be qualified as a candidate for the position of
21 delegate prior to taking the oath specified in subsection (2) of this sec-
22 tion.

23 (4) Any vote taken by a delegate at an article V convention in violation
24 of subsection (1) of this section shall be null and void. The credentials
25 of any delegate casting such vote are sua sponte revoked, and said delegate
26 shall be immediately disqualified from further service and replaced as pro-
27 vided in subsection (7) (e) of this section. Upon the occurrence of a vote in
28 violation of subsection (1) of this section, each delegate shall report such
29 violation immediately to the speaker of the house of representatives and to
30 the president pro tempore of the senate of the state of Idaho.

31 (5) It shall be the duty of every delegate to advocate that the article V
32 convention adopt, as its first act or at the earliest opportunity, rules that
33 shall include, and be consistent with the following:

34 (a) The sole and exclusive purpose of the article V convention shall be
35 to consider only those proposed amendments that are within the scope of
36 the applications; and

37 (b) Following a final vote on all motions to propose the amendments
38 within the scope of the applications, the business of the convention
39 shall immediately terminate and the article V convention shall dis-
40 solve.

41 (6) The delegates shall reject any unauthorized amendment proposed by
42 the article V convention, unless otherwise directed by concurrent resolu-
43 tion of the Idaho legislature during the convention or as may be provided in
44 joint rules of the Idaho senate and house of representatives.

45 (7) The delegates to the article V convention from the state of Idaho
46 shall be seven (7).

47 (a) The delegates shall elect a chairman and a secretary of the delega-
48 tion from among their number.

1 (b) The vote of two-thirds (2/3) of the members of the delegation shall
2 be required in order to constitute the vote of the delegation on any mat-
3 ter.

4 (c) The delegates shall be determined in the following manner:

5 (i) Two (2) delegates shall be appointed by the house of represen-
6 tatives;

7 (ii) Two (2) delegates shall be appointed by the senate; and

8 (iii) Three (3) delegates shall be appointed jointly by the house
9 of representatives and the senate.

10 (d) The speaker of the house of representatives and the senate pro tem-
11 pore are hereby authorized and empowered to investigate a violation of
12 subsection (1) of this section, confirm such violation to the secretary
13 of state and jointly fill any vacancy on the delegation with an alter-
14 nate as provided in paragraph (e) of this subsection, or by joint ap-
15 pointment if no alternate designated pursuant to paragraph (e) of this
16 subsection is available.

17 (e) The legislature shall select alternates to serve as delegates to
18 the article V convention in the event a delegate becomes unable or in-
19 eligible to serve. If a delegate becomes ineligible to serve pursuant
20 to the provisions of subsection (4) of this section, the alternate del-
21 egate shall immediately be entitled to replace the ineligible delegate
22 and the secretary of state shall immediately certify the alternate del-
23 egate and inform the officers of the article V convention that the cer-
24 tification of the ineligible delegate is revoked.

25 (f) The delegates shall be subject to any joint rule adopted by the
26 Idaho senate and house of representatives pertaining to an article V
27 convention.

28 (8) The state of Idaho shall compensate delegates in accordance with
29 the provisions of section 59-509(p), Idaho Code. The delegates may accept
30 no other compensation for serving as a delegate except that provided by the
31 state for the article V convention. Delegates shall not accept any gifts
32 over fifty dollars (\$50.00) in value.

33 34-1603. CERTIFICATION OF SECRETARY OF STATE. The secretary of state
34 shall certify in writing the selection of each delegate to the article V con-
35 vention after said delegate takes the oath contained in section 34-1602(2),
36 Idaho Code. The secretary of state shall provide a copy of the certification
37 to each delegate and to the officers of the article V convention. No delegate
38 shall have the authority to vote or otherwise serve at the article V conven-
39 tion without being so certified.

40 34-1604. CITATION. This chapter may be cited as the "Idaho Limited Ar-
41 ticle V Convention Act."