

House File 2173 - Introduced

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A BILL FOR

1 An Act concerning persons appointed to a convention called
2 by the United States Congress to propose amendments to
3 the United States Constitution, providing a penalty, and
4 including effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 38.1 Definitions.

2 For purposes of this chapter, unless the context otherwise
3 requires:

4 1. "*Article V convention*" means a convention called by the
5 United States Congress pursuant to Article V of the United
6 States Constitution upon application of the legislatures of at
7 least two-thirds of the states to propose amendments to the
8 United States Constitution.

9 2. "*Commissioner*" means a person selected to represent the
10 state at an Article V convention.

11 3. "*Instructions*" means directions given by the general
12 assembly to a commissioner before or during an Article V
13 convention or by voters at a ratifying convention.

14 4. "*Unauthorized amendment*" means a proposed amendment
15 to be considered at an Article V convention that is outside
16 the subject matter of the state's joint resolution applying
17 to Congress to call the Article V convention or that is in
18 contravention of any instructions provided to commissioners by
19 the state.

20 Sec. 2. NEW SECTION. 38.2 Commissioner prohibitions —
21 removal — penalty.

22 1. A commissioner shall not have the authority at an
23 Article V convention to vote to allow consideration of or vote
24 to approve an unauthorized amendment or to vote contrary to
25 instructions given to the commissioner.

26 2. Every commissioner shall be required to take the
27 following oath:

28 I do solemnly swear (or affirm) that to the best of
29 my abilities, I will, as a commissioner to an Article V
30 convention, uphold the Constitution and laws of the United
31 States of America and the State of Iowa. I will not vote to
32 allow consideration of or to approve any unauthorized amendment
33 or vote contrary to instructions given to me. I acknowledge
34 that violation of this oath may result in my recall and
35 replacement as a commissioner and is a class "A" felony.

1 3. A commissioner violating the provisions of subsection
2 1 or of the oath as provided in subsection 2 shall be subject
3 to removal and replacement as a commissioner by the state and
4 shall be guilty of a class "A" felony.

5 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
6 importance, takes effect upon enactment.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill relates to persons selected by the general
11 assembly to represent the state at a convention called by the
12 United States Congress to propose amendments to the United
13 States Constitution.

14 The bill defines an Article V convention as a convention
15 called by the United States Congress as provided by Article
16 V of the United States Constitution upon application of the
17 legislatures of at least two-thirds of the states to propose
18 amendments to the United States Constitution. "Commissioner"
19 is defined to mean a person selected to represent the state at
20 an Article V convention. The bill also defines an unauthorized
21 amendment as a proposed amendment at an Article V convention
22 that is outside the subject matter of the state's joint
23 resolution calling for the convention or is in contravention of
24 any instructions provided to commissioners by the state.

25 The bill provides that a commissioner shall not propose
26 or vote to approve an unauthorized amendment at an Article
27 V convention or vote contrary to instructions given to the
28 commissioner by the general assembly before or during the
29 convention or by voters at a ratifying convention. The bill
30 also requires a commissioner to take an oath recognizing this
31 prohibition. The bill provides that a commissioner violating
32 a provision of the bill shall be subject to removal and
33 replacement as a commissioner by the state and shall be guilty
34 of a class "A" felony. A class "A" felony is punishable by
35 confinement for life without possibility of parole.

1 The bill takes effect upon enactment.