

House File 2116 - Introduced

HOUSE FILE 2116

BY WILLS

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

17 4. "*Unauthorized rule*" means a proposed rule for governing
18 the Article V convention that is in conflict with a rule
19 that each state be granted one vote and that a majority vote
20 is required to propose an amendment to the United States
21 Constitution.

22 Sec. 2. NEW SECTION. 38.2 Commissioner prohibitions —
23 removal — penalty.

24 1. A commissioner shall not have the authority at an Article
25 V convention to vote to allow consideration of or vote to
26 approve an unauthorized amendment or an unauthorized rule.

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

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

1 and shall constitute a simple misdemeanor.

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

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

8

EXPLANATION

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

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

15 The bill defines an Article V convention as a convention
16 called by the United States Congress as provided by Article
17 V of the United States Constitution upon application of the
18 legislatures of at least two-thirds of the states to propose
19 amendments to the United States Constitution. "Commissioner"
20 is defined to mean a person selected to represent the state at
21 an Article V convention. The bill also defines an unauthorized
22 amendment as a proposed amendment at an Article V convention
23 that is outside the subject matter of the state's joint
24 resolution calling for the convention or is in contravention
25 of any instructions provided to commissioners by the state.
26 Finally, the bill defines an unauthorized rule as a proposed
27 rule for governing the Article V convention that is in conflict
28 with a rule that each state be granted one vote and that a
29 majority vote is required to propose an amendment to the United
30 States Constitution.

31 The bill provides that a commissioner shall not propose or
32 vote to approve an unauthorized amendment or an unauthorized
33 rule at an Article V convention. The bill also requires a
34 commissioner to take an oath recognizing these prohibitions.
35 The bill provides that a commissioner violating the provisions

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1 of the bill shall be subject to removal and replacement as
2 a commissioner by the state and shall be guilty of a simple
3 misdemeanor. A simple misdemeanor is punishable by confinement
4 for no more than 30 days and a fine of at least \$105 but not
5 more than \$855.

6 The bill takes effect upon enactment.