

House File 2311 - Introduced

HOUSE FILE 2311
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 336)

(SUCCESSOR TO HF 34)

A BILL FOR

1 An Act concerning persons appointed to a convention called by
2 the United States Congress to propose amendments to the
3 United States Constitution, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 38.1 Definitions.

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

4 1. "*Commission*" means the resolution or other measure
5 adopted by the general assembly which sets forth the names of
6 the appointed commissioners, the scope of their authority, and
7 other instructions.

8 2. "*Commissioner*" means a person selected by resolution of
9 the general assembly to represent this state at a convention
10 called by the United States Congress pursuant to Article V of
11 the Constitution of the United States.

12 3. "*Interim commissioner*" means a person selected to fill
13 a vacancy in a delegation sent to represent this state at a
14 convention called by the United States Congress pursuant to
15 Article V of the Constitution of the United States.

16 Sec. 2. NEW SECTION. 38.2 Commissioner — scope of
17 authority — penalty.

18 1. A commissioner or interim commissioner shall not exceed
19 the scope of the commissioner's or interim commissioner's
20 authority when acting as a commissioner or interim
21 commissioner. A commissioner or interim commissioner exceeds
22 the scope of the commissioner's or interim commissioner's
23 authority by voting or otherwise acting beyond the authority
24 granted by the commission appointing the commissioner or
25 interim commissioner, as altered by any duly issued subsequent
26 instructions provided before the vote or other action.

27 2. A commissioner or interim commissioner who exceeds
28 the scope of the authority of the commissioner or interim
29 commissioner is guilty of a class "D" felony.

30 Sec. 3. NEW SECTION. 38.3 Interference with commissioner's
31 duties — penalty.

32 A person who, except as authorized by law, knowingly
33 bribes, threatens, intimidates, or obstructs a commissioner,
34 interim commissioner, or person representing another state
35 in the capacity of a commissioner or interim commissioner at

1 a convention held in this state, in the performance of the
2 commissioner's or interim commissioner's duties, or attempts to
3 do so, is guilty of a class "D" felony.

4 EXPLANATION

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

7 This bill relates to persons selected by the general
8 assembly to represent the state at a convention called by the
9 U.S. Congress to propose amendments to the U.S. Constitution.

10 The bill prohibits a commissioner, defined in the bill as
11 a person selected by a resolution of the general assembly to
12 represent the state of Iowa at a convention called by the
13 U.S. Congress pursuant to Article V of the U.S. Constitution,
14 or an interim commissioner selected to fill a vacancy in a
15 delegation sent by Iowa to such a convention, from exceeding
16 the scope of the commissioner's or interim commissioner's
17 authority by voting or otherwise acting beyond the scope of
18 the commissioner's or interim commissioner's commission. The
19 bill defines "commission" as the resolution or other measure
20 adopted by the general assembly setting forth the names
21 of commissioners, the scope of their authority, and other
22 instructions. A commissioner or interim commissioner who
23 exceeds the scope of authority set forth in a commission or
24 subsequent instructions is guilty of a class "D" felony. A
25 class "D" felony is punishable by confinement for no more than
26 five years and a fine of at least \$1,025 but not more than
27 \$10,245.

28 The bill also prohibits a person from knowingly bribing,
29 threatening, intimidating, or obstructing a commissioner,
30 interim commissioner, or person serving in that capacity from
31 another state at a convention held in Iowa, in the performance
32 of the person's official duties, or attempting to do so. A
33 person who violates this provision of the bill is guilty of a
34 class "D" felony.