

IN THE SENATE

SENATE BILL NO. 1362, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO AN APPLICATION OF THE STATE OF IDAHO UNDER ARTICLE V OF THE UNITED
2 STATES CONSTITUTION FOR A CONVENTION FOR PROPOSING AMENDMENTS TO THE
3 UNITED STATES CONSTITUTION; PROVIDING LEGISLATIVE INTENT; AMENDING TI-
4 TLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 93, TITLE 67, IDAHO
5 CODE, TO DEFINE TERMS, TO PROVIDE FOR THE APPOINTMENT OF DELEGATES TO
6 THE CONVENTION, TO PROVIDE FOR THE INSTRUCTION TO, SCOPE AND LIMITATION
7 OF AUTHORITY OF, AND COMPENSATION OF SAID DELEGATES, TO PROVIDE DUTIES
8 OF THE SECRETARY OF STATE AND TO PROVIDE A CITATION.
9

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

11 SECTION 1. LEGISLATIVE INTENT. The Legislature finds:

12 Whereas, when Congress convenes a convention after receiving similar
13 Applications from the legislatures of 34 states, it is the desire of the Leg-
14 islature of the State of Idaho to have an orderly convention and to have the
15 will of this Legislature fulfilled by its delegates; 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 thereby avoiding any possibility of a "runaway conven-
20 tion."

21 SECTION 2. That Title 67, Idaho Code, be, and the same is hereby amended
22 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
23 ter 93, Title 67, Idaho Code, and to read as follows:

24 CHAPTER 93

25 UNIFORM LIMITED CONVENTION ACT OR "NO RUNAWAY CONVENTION" ACT

26 67-9301. DEFINITIONS. For purposes of this chapter:

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

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

34 (3) "Application" means a legislative resolution of any state making
35 application under article V of the United States constitution to congress to
36 call a convention for the sole purpose of proposing amendments to the United
37 States constitution.

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

1 (5) "Delegate" means an individual elected or appointed to serve as a
2 delegate from Idaho to an article V convention.

3 67-9302. INSTRUCTION TO DELEGATES AND LIMITATIONS ON AUTHOR-
4 ITY. (1) No delegate, while serving as a delegate from Idaho to an article
5 V convention, shall vote to consider, approve or propose an unauthorized
6 amendment.

7 (2) Prior to receiving a certification from the secretary of state,
8 each delegate shall take the following oath: "I do solemnly swear or affirm
9 that I accept and will act according to the limits of authority provided by
10 the Uniform Limited Convention Act of 2012, Chapter 93, Title 67, Idaho Code,
11 and that I will not vote to consider, approve or propose any unauthorized
12 amendment within the meaning of said act. I understand and accept that vio-
13 lating this oath will subject me to immediate revocation of my credentials
14 to serve as a delegate."

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

18 (4) Any vote taken by a delegate at an article V convention in violation
19 of subsection (1) of this section shall be null and void. The credentials of
20 any delegate casting such vote shall be automatically revoked and said dele-
21 gate shall be immediately disqualified from further service.

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

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

28 (b) Following a final vote on all motions to propose the amendments
29 within the scope of the applications, the business of the convention
30 shall immediately terminate and the article V convention shall dis-
31 solve.

32 (6) The delegates shall reject any unauthorized amendment proposed by
33 the article V convention, unless otherwise directed by concurrent resolu-
34 tion of the Idaho legislature during the convention.

35 (7) The delegates to the article V convention from the state of Idaho
36 shall be seven (7) in number and they shall consider themselves an extension
37 of the Idaho legislature.

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

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

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

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

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

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

1 (d) The speaker of the house of representatives and the senate pro tem-
2 pore are hereby authorized and empowered to jointly fill any vacancy on
3 the delegation with an alternate as provided in paragraph (e) of this
4 subsection, or by joint appointment if no alternate designated pursuant
5 to paragraph (e) of this subsection is available.

6 (e) The legislature shall select alternates to serve as delegates to
7 the article V convention in the event a delegate becomes unable or in-
8 eligible to serve. If a delegate becomes ineligible to serve pursuant
9 to the provisions of section 67-9302(4), Idaho Code, the alternate del-
10 egate shall immediately be entitled to replace the ineligible delegate
11 and the secretary of state shall immediately certify the alternate del-
12 egate and inform the officers of the article V convention that the cer-
13 tification of the ineligible delegate is revoked.

14 (8) The state of Idaho shall compensate delegates in accordance with
15 the provisions of section 59-509(p), Idaho Code. The delegates may accept
16 no other compensation for serving as a delegate except that provided by the
17 state for the article V convention.

18 67-9303. CERTIFICATION OF SECRETARY OF STATE. The secretary of state
19 shall certify in writing the selection of each delegate to the article V con-
20 vention after said delegate takes the oath contained in section 67-9302(2),
21 Idaho Code. The secretary of state shall provide a copy of the certification
22 to each delegate and to the officers of the article V convention. No delegate
23 shall have the authority to vote or otherwise serve at the article V conven-
24 tion without being so certified.

25 67-9304. CITATION. This chapter may be cited as the "Uniform Limited
26 Convention Act of 2012."