

1 AN ACT relating to an Article V Convention of the States.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO
4 READ AS FOLLOWS:

5 *Sections 1 to 5 of this Act shall apply upon the passage of an Article V Application by*
6 *the General Assembly of the Commonwealth of Kentucky and the calling of an Article*
7 *V Convention by the United States Congress.*

8 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO
9 READ AS FOLLOWS:

10 *(1) As used in Sections 1 to 5 of this Act:*

11 *(a) "Article V Application" means a joint resolution passed by the General*
12 *Assembly of the Commonwealth of Kentucky on the same subject or*
13 *containing the same proposed amendment text as two-thirds (2/3) of the*
14 *other states requiring the United States Congress to call an Article V*
15 *Convention;*

16 *(b) "Article V Convention" means a convention for proposing amendments as*
17 *expressly provided in Article V of the United States Constitution;*

18 *(c) "Delegate" or "alternate" means a person selected under Section 3 of this*
19 *Act, to represent the Commonwealth of Kentucky at an Article V*
20 *Convention;*

21 *(d) "Legislative instructions" means instructions given by the General*
22 *Assembly of the Commonwealth of Kentucky to delegates and alternates*
23 *before and during an Article V Convention, which are not contrary to this*
24 *Act nor contrary to the Article V Application; and*

25 *(e) "Unauthorized amendment" means a proposed amendment that is outside*
26 *the permitted subject matter contained in the Article V Application.*

27 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO

1 READ AS FOLLOWS:

- 2 (1) Upon the calling of an Article V Convention by the United States Congress, the
3 Kentucky Secretary of State shall notify the Kentucky President of the Senate, the
4 Kentucky Speaker of the House of Representatives, and the Justices of the
5 Kentucky Supreme Court, in writing, of the need to assign delegates and
6 alternates to the Article V Convention to form a delegation. The Article V
7 Convention Kentucky delegation shall be composed as follows:
- 8 (a) The majority of members of the Kentucky Senate shall elect two (2)
9 members of the Senate to serve as delegates, with one (1) additional member
10 elected to serve as an alternate;
- 11 (b) The majority of members of the Kentucky House of Representatives shall
12 elect two (2) members of the House to serve as delegates, with one (1)
13 additional member elected to serve as an alternate;
- 14 (c) The majority of Kentucky Justices of the Supreme Court shall elect one (1)
15 Justice to serve as a delegate, with one (1) additional Justice as an alternate.
- 16 (d) If additional alternates are necessary for the replacement of a delegate, or a
17 previously selected alternate, who has become unable or ineligible to serve,
18 the Kentucky President of the Senate and the Kentucky Speaker of the
19 House shall jointly appoint and assign an additional alternate.
- 20 (2) The term of each Kentucky delegate and his or her alternate begins with the call
21 of the Article V Convention and ends on the day of the final adjournment of the
22 convention unless recalled earlier by the Kentucky Article V Convention
23 Oversight Committee.
- 24 (3) The Kentucky delegation by majority vote shall choose its presiding officer and
25 organize in the manner it desires.
- 26 (4) The Kentucky delegation may act to represent the General Assembly of the
27 Commonwealth of Kentucky at formal and informal planning sessions related to

1 the Article V Convention, including the authority to conduct community meetings
2 and hearings throughout this state before the Article V Convention, and to
3 correspond with other state delegations, provided, however, that the Kentucky
4 delegation shall at all times adhere to the oath and instructions prescribed by this
5 Act and that of the Article V Application.

6 (5) The General Assembly of the Commonwealth of Kentucky shall provide the
7 Kentucky delegation with necessary support staff.

8 (6) Any member of the Kentucky delegation who knows, or suspects, any violation,
9 by a Kentucky delegate or an alternate, of the oath prescribed in Sections 1 to 5 of
10 this Act, the Article V Application, or other provisions of Sections 1 to 5 of this
11 Act, shall report it to a member of the Kentucky Article V Convention Oversight
12 Committee, the Kentucky Speaker of the House, the Kentucky President of the
13 Senate, the acting Kentucky Chief Justice of the Supreme Court, the Kentucky
14 Secretary of State, and the Legislative Research Commission.

15 (7) The Kentucky Secretary of State shall certify the selection of the Kentucky
16 delegates and any alternate, in writing, to the Article V Convention, and shall
17 provide a copy of the certification to each Kentucky delegate, and any alternate,
18 to the Kentucky Article V Convention Oversight Committee, the Kentucky
19 President of the Senate, the Kentucky Speaker of the House, the acting Kentucky
20 Chief Justice of the Supreme Court, and the Legislative Research Commission.
21 No Kentucky delegate, nor any alternate, shall have authority to vote or otherwise
22 serve as a delegate, or an alternate, at the Article V Convention without the
23 certification. The certification required under this subsection is to be provided
24 within one business day of a Kentucky delegate, or any alternate, being elected or
25 appointed.

26 (8) The Kentucky Secretary of State shall notify the Article V Convention, the
27 Kentucky Article V Convention Oversight Committee, the Kentucky President of

1 the Senate, the Kentucky Speaker of the House of Representatives, the acting
2 Kentucky Chief Justice of the Supreme Court, the Kentucky Legislative Research
3 Commission, and any Kentucky delegate or alternate involved, of the revocation
4 of his or her certification should the Kentucky delegate, or alternate, violate his
5 or her oath to act only within the limits of the authority granted by the
6 Commonwealth of Kentucky under Sections 1 to 5 of this Act or the Article V
7 Application. The revocation of certification under this subsection is to be
8 provided within one (1) business day of a Kentucky delegate, or any alternate,
9 being recalled.

10 (9) Any vacancy in the Kentucky delegation elected or appointed under this section
11 shall be filled by an alternate within twenty-four (24) hours.

12 (10) This section may be enforced by the Kentucky Legislative Research Commission
13 by the filing of an action in the Franklin Circuit Court. If the Kentucky
14 Legislative Research Commission fails or refuses to enforce this section, the
15 Kentucky Attorney General may enforce this section.

16 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO
17 READ AS FOLLOWS:

18 (1) No Kentucky delegate or alternate shall have authority to vote or attempt to vote,
19 to allow consideration of, or to approve, an unauthorized amendment for
20 ratification to the United States Constitution.

21 (2) No Kentucky delegate, or alternate, shall be directed to vote for procedures or
22 rules mandating that the convention remain a convention of states where each
23 state is represented by more than one (1) vote.

24 (3) Any vote made in violation of Sections 1 to 5 of this Act or the Article V
25 Application shall be void, and the Kentucky delegate making the vote shall be
26 immediately recalled upon the majority vote of the Kentucky Article V
27 Convention Oversight Committee.

1 (4) Each Kentucky delegate or any alternate shall be required to take the following
 2 oath or affirmation: "I do solemnly swear or affirm that to the best of my abilities
 3 I will, as a delegate or alternate to an Article V Convention, uphold the
 4 Constitution and laws of the United States of America and the Commonwealth of
 5 Kentucky. I will not vote to allow consideration of or to approve any unauthorized
 6 amendment proposed for ratification to the United States Constitution. I
 7 understand and accept any penalties that the Commonwealth of Kentucky may
 8 impose on me for violating this oath."

9 (5) This section may be enforced by the Kentucky Legislative Research Commission
 10 by the filing of an action in the Franklin Circuit Court. If the Kentucky
 11 Legislative Research Commission fails or refuses to enforce this section, the
 12 Kentucky Attorney General may enforce this section.

13 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO
 14 READ AS FOLLOWS:

15 (1) Upon the calling of an Article V Convention by the United States Congress, the
 16 General Assembly of the Commonwealth of Kentucky and the Justices of the
 17 Supreme Court of Kentucky shall create a Kentucky Article V Convention
 18 Oversight Committee. This committee shall be composed of three (3) members. A
 19 member of the Kentucky Article V Convention Oversight Committee shall not be
 20 a member of the Kentucky delegation as selected under Section 3, but shall be as
 21 follows:

22 (a) One (1) member of the House of Representatives appointed by the Speaker
 23 of the House;

24 (b) One (1) member of the Senate appointed by the President of the Senate;

25 (c) One (1) member of the Kentucky Supreme Court appointed by Chief Justice
 26 of the Kentucky Supreme Court; and

27 (d) If a member appointed to the Committee becomes ineligible or unable to

1 serve, the member shall be replaced by the same position of elected office
2 that appointed the original member.

3 (2) The duties of the Article V Convention Oversight Committee shall include:

4 (a) Monitoring the Kentucky delegation to determine if the delegation is
5 following legislative instructions, obeying convention rules, adhering to the
6 subject matter contained in the Commonwealth's Article V Application, and
7 acting in accordance with this Act;

8 (b) Immediately taking a vote, upon the initiation by any member of the
9 Kentucky Article V Convention Oversight Committee, to determine if the
10 Kentucky delegation as a whole, or an individual Kentucky delegate or
11 alternate, is adhering to the subject matter contained in the
12 Commonwealth's Article V Application, and acting in accordance with this
13 Act;

14 (c) Recalling a Kentucky delegate or alternate, upon the decision of a majority
15 vote of the Kentucky Article V Convention Oversight Committee, if the
16 Kentucky delegate or alternate is not adhering to the subject matter
17 contained in the Commonwealth's Article V Application, and acting in
18 accordance with this Act;

19 (d) Providing detailed and timely notifications to the Kentucky President of the
20 Senate, the Kentucky Speaker of the House of Representatives, the
21 Kentucky Secretary of State, the Legislative Research Commission, and the
22 Justices of the Supreme Court of Kentucky, if a Kentucky delegate has been
23 decided by majority vote to be recalled; and

24 (e) Providing detailed and timely notifications to the Kentucky President of the
25 Senate, the Kentucky Speaker of the House of Representatives, the
26 Kentucky Secretary of State, the Legislative Research Commission, and the
27 Justices of the Supreme Court of Kentucky, concerning the Kentucky

1 delegation's adherence or lack thereof, to the legislative instructions,
2 convention rules, the subject matter contained in the Commonwealth of
3 Kentucky's Article V Application, and acting in accordance with this Act.

4 (3) The General Assembly of the Commonwealth of Kentucky shall provide the
5 Article V Convention Oversight Committee with necessary support staff.

6 (4) The term of the Article V Convention Oversight Committee begins with the call of
7 the Article V Convention and ends on the day of the final adjournment of the
8 convention.

9 (5) This section may be enforced by the Kentucky Legislative Research Commission
10 by the filing of an action in the Franklin Circuit Court. If the Kentucky
11 Legislative Research Commission fails or refuses to enforce this section, the
12 Kentucky Attorney General may enforce this section.

13 ➔Section 6. (1) The General Assembly of the Commonwealth of Kentucky
14 recognizes that an Article V Convention of States determines its own rules and
15 procedures, and elects its own officers. In the interests of efficiency and consistency,
16 however, the General Assembly recommends that the permanent rules of the Article V
17 Convention reflect the following principles:

18 (a) A quorum for all sessions of the full convention shall be a majority of the
19 states attending and for all committee meetings shall be a majority of the members of the
20 relevant committee;

21 (b) All voting shall be cast by the state, with each state having one (1) vote,
22 without apportionment or division, and each state legislature or delegation shall
23 determine the internal voting and quorum rules for casting the vote of its delegation;

24 (c) A majority vote of the states attending and voting shall prevail on all issues in
25 all committees, including any convention recommendations; and

26 (d) Convention officers shall include at least a president, vice president, and
27 secretary.

1 (2) The General Assembly of the Commonwealth of Kentucky further
2 recommends:

3 (a) The convention adopt Mason's Manual of Legislative Procedure, newest
4 edition, as the source for the rules of decisions in all cases not otherwise provided for by
5 convention rules and orders;

6 (b) The convention include at least the following two (2) standing committees
7 that are composed of a delegate from each state attending, with each committee to be
8 chaired by a temporary presiding officer so designated until the committee selects its own
9 officers:

10 1. A committee on rules and procedures, which shall prepare recommended rules
11 and procedures for the convention; and

12 2. A committee on convention management, which shall recommended facilities,
13 meeting rooms, security, staffing, and other management issues pertaining to a
14 convention.