

HOUSE BILL 1704

By Hill

AN ACT amend Tennessee Code Annotated, relative to limiting the authority of delegates to Article V Amendment Conventions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding Sections 2 through 6 of this act as a new chapter thereto.

SECTION 2. This chapter shall be known and may be cited as the "No Runaway Convention and Single Amendment Limitation Act of 2011."

SECTION 3. As used in this chapter, unless the context otherwise requires:

(1) "Amendment" means the amendment to the United States Constitution contained in the resolution whose text is as follows:

ARTICLE____. The Congress, on Application of the Legislatures of two thirds of the several States, which all contain an identical Amendment, shall call a Convention solely to decide whether to propose that specific Amendment to the States, if proposed shall be valid to all intents and purposes as part of the Constitution when ratified pursuant to Article V;

(2) "Convention" means the convention called for under the authority of Article V of the United States Constitution by the resolution;

(3) "Qualifying application" means a resolution passed by states calling for a Convention under the authority of Article V of the United States Constitution that contains the same language as the amendment, and which requires that the sole permitted purpose of the convention is to decide whether to propose, or not to propose, the amendment;

(4) "Resolution" means a resolution for a federal constitutional convention; and

(5) "Unauthorized amendment or proposed amendment" means any amendment considered or voted on by the convention that is not precisely identical to the amendment described in subdivision (1).

SECTION 4.

(a) No delegate from Tennessee to the convention shall have the authority to vote to consider or approve any proposed amendment to the United States Constitution other than the amendment authorized in the resolution.

(b) Any vote taken by a delegate from Tennessee at the convention in violation of subsection (a) of this section shall be null and void. Any delegate making this vote shall be immediately disqualified from serving as a delegate to the convention.

(c) Every delegate from Tennessee to the convention called for by the resolution shall be required to take the following oath:

I do solemnly swear or affirm that to the best of my abilities, I will, as a delegate to the convention, uphold the Constitution and laws of the United States and the Commonwealth of Tennessee. I will accept and will act according to the limits of the authority as a delegate granted to me by Tennessee law, and I will not vote to consider or approve any amendment to the United States Constitution other than the precise text of the amendment contained a resolution adopted by the Tennessee General Assembly. I understand and accept any penalties that may be imposed on me by Tennessee law for violating this oath.

(d) Any delegate who violates the oath contained in subsection (c) shall be subject to the maximum criminal penalty under law, and shall forfeit all licenses to conduct business or engage in any profession that requires a license in Tennessee.

(e) The secretary of state shall certify the selection of the Tennessee delegates in writing to the convention and shall provide a copy of the certification to each delegate. No delegate shall have authority to vote or otherwise serve as a delegate at the convention without the certification.

(f) The secretary of state shall promulgate rules and regulations setting out a process for selecting alternative delegates to the convention in the event a delegate becomes unable or ineligible to serve. If a delegate becomes ineligible to serve under subsection (d), the alternate delegate shall immediately be entitled to represent Tennessee as a delegate in place of the delegate who has become ineligible and the secretary of state shall immediately provide certification to the new delegate.

SECTION 5.

(a) Any unauthorized amendment proposed by the convention shall not be recognized as an amendment to the United States Constitution under Tennessee law.

(b) Neither the Tennessee house of representatives nor the Tennessee senate shall consider or ratify any proposed amendment other than the precise text of the amendment contained in the resolution.

SECTION 6.

(1) Sections 1-5 of this act may be enforced by the attorney general and reporter.

(2) A Tennessee citizen may file an action in chancery court in Davidson County to enforce Sections 1 to 5 of this act and shall be entitled to reasonable attorney's fees if successful.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring

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