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Gardner
3/14/14

CS FOR HOUSE BILL NO. 310()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE TAMMIE WILSON

A BILL
FOR AN ACT ENTITLED

"An Act relating to the selection and duties of delegates to a convention of the states."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1. AS 15.50 is amended by adding new sections to read:**

Article 4. Convention of the States.

Sec. 15.50.120. Selection of delegates. (a) When a convention of the states is called by a two-thirds vote of the state legislatures under art. V, Constitution of the United States, the legislature shall, by joint resolution, appoint two delegates and two alternate delegates to the convention of the states who

- (1) are qualified voters as provided by law;
- (2) have been residents of the state for at least three years preceding appointment;
- (3) have been residents of the districts from which they are selected for at least one year preceding appointment; and
- (4) are not members of the United States House of Representatives or the United States Senate.

1 (b) The legislature may, by joint resolution, select a member of the United
2 States House of Representatives or the United States Senate representing the state to
3 attend as an observer a convention of the states called by a two-thirds vote of the state
4 legislatures under art. V, Constitution of the United States.

5 (c) At any time after a delegate or observer is appointed under this section, the
6 legislature may, by joint resolution, recall the delegate, alternate delegate, or observer
7 and, by joint resolution, appoint a new delegate, alternate delegate, or observer.

8 (d) If a rule or procedure established by a convention of the states called by a
9 two-thirds vote of the state legislatures under art. V, Constitution of the United States,
10 is different than the procedure established under this section, selection of the delegates
11 shall comply with the rule or procedure established by the constitutional convention,
12 and the delegates shall comply with AS 15.50.130.

13 **Sec. 15.50.130. Duties of delegates.** (a) Before the date established for
14 convening a convention of the states, the legislature shall, by joint resolution, provide
15 instructions to delegates and alternate delegates selected under AS 15.50.120(a) and
16 (c) regarding the topics the delegates may consider and vote on at the convention of
17 the states.

18 (b) Each delegate and alternate delegate appointed under AS 15.50.120(a) and
19 (c) shall be sworn as follows:

20 **Oath of Convention Delegate**

21 I do solemnly swear or affirm that I will support and defend the
22 Constitution of the United States and the Constitution of the State of
23 Alaska, and that I will faithfully discharge my duties as a delegate
24 appointed by the Alaska State Legislature, follow the instructions and
25 authorization provided in the joint resolution passed by the legislature
26 as provided in AS 15.50.130(a), and faithfully and impartially
27 discharge all of the duties incumbent upon a convention delegate to the
28 best of my ability.

29 (c) A delegate appointed under AS 15.50.120(a) or (c) who casts or attempts
30 to cast a vote at a convention of the states that is not authorized by the instructions the
31 legislature provided by joint resolution under (a) of this section violates the oath under

1 (b) of this section, and the delegate's vote shall be considered ultra vires and void. A
2 delegate who casts or attempts to cast a vote not authorized under (a) of this section
3 shall be immediately removed as a delegate and replaced by an alternate delegate as
4 provided under AS 15.50.120(c).

5 (d) A delegate appointed under AS 15.50.120(a) or (c) who knowingly casts or
6 attempts to cast a vote not authorized under (a) of this section is guilty of a class C
7 felony and may be punished as provided in AS 12.55.