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SENATE BILL NO. 105**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Privileges and Elections
on February 4, 2014)

(Patron Prior to Substitute—Senator Ruff)

A BILL to amend the Code of Virginia by adding in Chapter 2 of Title 24.2 an article numbered 4.1, consisting of a section numbered 24.2-216.1, relating to a convention to amend the United States Constitution; selection and participation of Virginia delegates.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 24.2 an article numbered 4.1, consisting of a section numbered 24.2-216.1, as follows:

Article 4.1.

Delegates to a Convention to Amend the United States Constitution.

§ 24.2-216.1. Selection and participation of delegates to a convention to amend the United States Constitution.

A. Any time a convention is called pursuant to Article V of the United States Constitution, the selection of delegates from the Commonwealth to such convention and their participation shall be governed as follows:

1. The General Assembly shall appoint delegates and alternates who shall be residents of the Commonwealth and shall otherwise meet the same qualifications necessary to hold office in the General Assembly. Delegates and alternates may include persons holding public office, except that no member of the United States House of Representatives or Senate shall be eligible.

2. Each delegate and alternate shall, by oath or affirmation as provided for in Article II, Section 7 of the Constitution of Virginia, and as a condition of participating in the convention, agree to faithfully and impartially discharge all the duties incumbent upon a convention delegate, including the duty to abide by those instructions established by joint resolution of the General Assembly that relate to the permitted scope of the Convention as set forth in the Article V Resolutions relied upon by the United States Congress to call the Convention and to not act outside the scope of such instructions.

3. After delegates have been selected, the General Assembly may by joint resolution recall delegates, alternates, or observers to such convention or appoint new delegates, alternates, or observers.

B. The General Assembly may select one or more members of the United States House of Representatives or Senate to attend as observers.

C. Prior to the convention, the General Assembly shall by joint resolution provide instructions to the delegates selected pursuant to subsection A regarding the scope of matters they may consider and vote on at a convention, including rules of procedure and proposed amendments. Such instructions may be changed prior to or during the course of the convention.

D. Should the provisions of subsection A be in conflict with the rules or procedures established by the convention, the General Assembly may by joint resolution conform the provisions of subsection A to such rules or procedures.

E. Expenses for delegates to travel to and participate in such convention shall be paid according to the per diem rate established for members of the General Assembly as provided in § 30-19.12.

SENATE SUBSTITUTE

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