



CHRIS KAPENGA

STATE REPRESENTATIVE • 99TH ASSEMBLY DISTRICT



March 5, 2014

To: Senate Committee on Government Operations, Public Works, & Telecommunications

From: Representative Chris Kapenga

Re: Assembly Bill 635 – Delegate Selection & Responsibility

Thank you Chairman and committee members for holding this hearing today on Assembly Bill 635.

Article V of the U.S. Constitution provides state legislatures the authority to propose amendments to that Constitution. In light of the issues we are seeing at the federal level there has been a resurgence of state Article V resolutions, including one in our great state, to hold a convention for proposing amendments.

This bill ensures that if a convention for proposing amendments were called, the legislature has prudent procedures in place to 1) determine how the delegates to such a convention are to be selected, and 2) ensure integrity and transparency in the action of those delegates.

Delegates are to be selected from the legislature in the following manner:

- Two Representatives appointed by the Speaker of the Assembly
- Two Senators appointed by the President of the Senate
- One member appointed by the Governor from the body of his/her choosing

A delegate recall process defines how to recall the authority of a delegate who takes action outside of their authorization, while at the convention.

Additionally, a joint committee of correspondence is to be created by the legislature after a call by Congress for an Article V convention. This committee will be the communication channel with the delegates, as well as the control mechanism to ensure they are comfortable with the rules that are adopted by the convention body.

Finally, the bill provides that, for purposes of taking any action at the Article V convention, a simple majority vote of the five delegates represents the state's position.

Thank you for your attention and at this time I would be happy to answer questions from the committee.