

FIRST REGULAR SESSION

HOUSE BILL NO. 836

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TRENT.

1803H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 21, RSMo, by adding thereto one new section relating to the appointment and duties of commissioners to attend an Article V convention.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 21, RSMo, is amended by adding thereto one new section, to be known as section 21.950, to read as follows:

21.950. 1. When a convention is called to propose amendments to the United States Constitution pursuant to Article V of the United States Constitution, the selection and participation of commissioners from Missouri to such convention shall be governed by this section.

2. (1) Missouri shall have a number of commissioners equal to the number of congressional districts in the state at the time with one commissioner from each congressional district and a number of alternate commissioners equal to the number of congressional districts in the state at the time with one alternate commissioner from each congressional district.

(2) Commissioners and alternates shall be citizens of the state of Missouri and shall otherwise meet the same qualifications necessary to hold office in the Missouri house of representatives. Commissioners and alternates may include persons holding public office, subject to further limits described below, except that no person will be eligible who is:

- (a) A member of the United States House of Representatives or Senate;**
- (b) An employee of the United States;**
- (c) An employee or other representative of a contractor with the United States; or**
- (d) An elected official holding a statewide office.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18

19 Commissioners and alternates are also subject to those existing ethics rules which apply
20 to members of the general assembly.

21 (3) The house of representatives and senate shall select, by adoption of a concurrent
22 resolution, the commissioners and alternates who meet the eligibility requirements
23 described in this section and who are submitted to the house of representatives and the
24 senate by the joint legislative committee as provided in subsection 4 of this section. Of the
25 commissioners, at least one-third shall not be sitting members of the general assembly. Of
26 the alternate commissioners, at least one-third shall not be sitting members of the general
27 assembly.

28 (4) A majority of the commissioners shall constitute a quorum for all decisions
29 made by the delegation, and no commissioner may give his or her vote by proxy or
30 otherwise to any other commissioner. The commissioners shall select a chairperson to
31 administer the work of the commissioners.

32 3. (1) Each commissioner and alternate shall, by oath or affirmation as a condition
33 of participating in the convention, agree to faithfully and impartially discharge all the
34 duties incumbent upon a commissioner, including the duty to abide by instructions
35 established by concurrent resolution of the general assembly for participation in the
36 convention and the duty to act only within the scope of the general assembly's application
37 for the convention, if Missouri applied for the convention in which the commissioners are
38 participating. Each commissioner and alternate shall further agree to immediately notify
39 the joint legislative committee if he or she believes that any Missouri commissioner or
40 alternate has violated his or her oath or instructions while participating in the convention.

41 (2) Prior to the Article V Convention, the general assembly shall consider
42 "Recommended Commissioner Instructions" presented to it by the joint legislative
43 committee as discussed further in subsection 4 of this section, and shall by concurrent
44 resolution provide duly approved instructions to the commissioners and alternates
45 regarding the scope of matters they may consider and vote on at convention, including
46 rules of procedure and proposed amendments. Such instructions may be changed by the
47 general assembly prior to or during the convention. These instructions shall include, but
48 shall not be limited to:

49 (a) An instruction that the commissioners shall not support any voting rule other
50 than the rule whereby each state exercises one vote; and

51 (b) An instruction that on all voting matters at the convention, the decision of a
52 simple majority of the Missouri commissioners shall constitute a single vote for the state
53 of Missouri.

54 **(3) Any vote cast by a commissioner or alternate at an Article V Convention that**
55 **is outside the scope of any of the following is an unauthorized vote, and is therefore void:**

56 **(a) The instructions established by any concurrent resolution adopted under this**
57 **section; or**

58 **(b) Any limits identified in the Missouri general assembly's application for the**
59 **convention.**

60 **4. (1) After or near the time an Article V Convention is called, a joint legislative**
61 **committee shall be duly authorized by the general assembly for the purposes described in**
62 **this section. The joint legislative committee shall be comprised of five members of the**
63 **senate appointed by the president pro tempore of the senate, with three members from the**
64 **majority party and two members from the minority party, and five members of the house**
65 **of representatives appointed by the speaker of the house of representatives, with three**
66 **members from the majority party and two members from the minority party, and shall**
67 **have the initial task of recommending eligible commissioners to the house of**
68 **representatives and the senate for consideration of appointment as commissioners. The**
69 **joint legislative committee shall submit at least three persons from each congressional**
70 **district who are eligible, as provided in this section, to serve as a commissioner and at least**
71 **three different persons from each congressional district who are eligible, as provided in this**
72 **section, to serve as an alternate commissioner. The house of representatives and the senate**
73 **shall select a commissioner and alternate commissioner from each congressional district**
74 **from the names submitted by the joint legislative committee. The joint legislative**
75 **committee shall also be charged with presenting "Recommended Commissioner**
76 **Instructions" to the full general assembly for consideration leading to a concurrent**
77 **resolution as discussed in subdivision (2) of subsection 3 of this section. Such commissioner**
78 **instructions will define the scope of matters the commissioners may consider and vote on**
79 **at the Article V Convention, including rules of procedure and proposed amendments as**
80 **discussed more fully in subsection 3 of this section. All recommendations that secure a**
81 **simple majority vote of the members present will be deemed approved "Recommended**
82 **Commissioner Instructions" to be submitted to the full general assembly for its**
83 **consideration.**

84 **(2) After commissioners have been selected, the joint legislative committee may**
85 **recall any commissioner and revoke such commissioner's authority. However, the joint**
86 **legislative committee may only recall and revoke the authority in the event the**
87 **commissioner casts or attempts to cast an unauthorized vote as described in this section.**
88 **The joint legislative committee shall also appoint one of the selected alternates to take the**
89 **place of a commissioner so recalled. The joint legislative committee shall promptly**

90 investigate any notice that a commissioner or alternate has cast an unauthorized vote or
91 otherwise exceeded the scope of the general assembly's application for the convention or
92 the General Assembly's instructions to the commissioners. The joint legislative committee
93 shall act to ensure that the commissioners remain faithful to the terms of the convention
94 application and the general assembly's instructions. Before or during the Article V
95 Convention, the joint legislative committee may advise the commissioners on questions
96 which arise regarding the scope of the convention and the legislative instructions to
97 commissioners.

98 (3) By concurrent resolution, the general assembly may change or supersede any
99 action of the joint legislative committee or recall commissioners or alternates to the
100 convention, or appoint new commissioners or alternates.

101 (4) The joint legislative committee shall be authorized to conduct its business via
102 telephone or by electronic communication.

103 5. Should the provisions of this section conflict with the rules or procedures
104 established by the Article V Convention, the general assembly may by concurrent
105 resolution conform these provisions to such rules or procedures.

✓