

SECOND REGULAR SESSION

HOUSE BILL NO. 2036

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MOON (Sponsor), JONES (110), ROWLAND, DAVIS, WHITE, KELLEY (127), LANT, REIBOLDT, LOVE, BURLISON, BRATTIN, KOENIG, POGUE, DIEHL, PETERS, ANDERSON, HURST AND FITZPATRICK (Co-sponsors).

5967L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 21, RSMo, by adding thereto six new sections relating to the Article V convention act.

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

Section A. Chapter 21, RSMo, is amended by adding thereto six new sections, to be known as sections 21.1000, 21.1002, 21.1004, 21.1006, 21.1008, and 21.1010, to read as follows:

21.1000. 1. Sections 21.1000 to 21.1010 shall be known and may be cited as the "Article V Convention Act".

2. As used in sections 21.1000 to 21.1010, the following terms shall mean:

(1) "Alternate", an alternate delegate who shall take the place of a delegate in the event of the delegate's inability to perform or refusal to obey his or her commission and instructions;

(2) "Application", an application for a convention for proposing amendments relied upon by Congress in calling such a convention;

(3) "Article V convention", a convention for proposing amendments for ratification to the Constitution of the United States as expressly provided in Article V of the Constitution of the United States;

(4) "Commission", the document or documents whereby the state, state legislature, or authorized officer of the state empowers a delegate to an interstate convention and fixes the scope of his or her authority;

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.

- 15 (5) "Committee", a delegation of persons commissioned to an interstate convention;
16 (6) "Delegate", an individual appointed to represent the state of Missouri at an
17 Article V convention for proposing amendments;
18 (7) "Instructions", directions given to delegates by the commissioning authority or
19 by such authority's agent designated for such purpose.

21.1002. 1. Delegates and alternates to an Article V convention shall be selected by
2 a majority vote of a joint session of the general assembly. Unless a different number is
3 prescribed by the joint session, the number of delegates in this state's committee shall be
4 five.

5 2. The general assembly shall only select delegates who are residents of the state of
6 Missouri and otherwise meet the qualifications for holding office in the general assembly.
7 Delegates and alternates may include persons holding public office; except that, no member
8 of the United States Congress shall be eligible.

9 3. Delegates to an Article V convention may be recalled and removed at any time
10 and for any reason by a majority vote of a joint session of the general assembly and, if the
11 general assembly is not in session, may be suspended pending such a vote by a joint
12 legislative committee authorized by the general assembly for such purpose.

21.1004. Vacancies in a committee representing the Missouri general assembly at
2 an Article V convention shall be filled by the joint legislative committee authorized for such
3 purpose until such time as a vote by a joint session of the general assembly shall select a
4 permanent replacement.

21.1006. Prior to any Article V convention, the general assembly shall, by
2 concurrent resolution, provide instructions to the delegates regarding the scope of matters
3 they may consider and vote on at a convention, including rules of procedure and proposed
4 amendments. Such instruction may be changed prior to or during the course of the
5 convention.

21.1008. 1. No delegate shall exceed the scope of authority granted by his or her
2 commission or violate his or her instructions.

3 2. The application of the general assembly ceases to be a continuing application and
4 shall be treated as having no effect if a majority of the committee at an Article V
5 convention votes or attempts to vote outside the scope of its authority.

21.1010. 1. Before entering upon the duties of his or her commission, each delegate
2 or alternate shall take and subscribe the following oath or affirmation: "I do solemnly
3 swear, or affirm, that I will support the Constitution of the United States and of the State
4 of Missouri, and faithfully perform the duties of my commission, and that I will not
5 knowingly receive, directly or indirectly, any money or other valuable thing for the

6 performance or nonperformance of any act or duty pertaining to my office, other than the
7 compensation allowed by law. I further swear, or affirm, that I will act according to the
8 limits of authority specified in my commission, by any present or subsequent instructions,
9 and all applicable state laws.".

10 2. Any delegate refusing to take such oath or affirmation shall be deemed to have
11 rejected his or her commission and his or her authority as a delegate.

12 3. Any delegate who violates this oath or affirmation is guilty of perjury and shall
13 be forever disqualified from holding any office of trust or profit.

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