

HB 2036 -- ARTICLE V CONVENTION ACT

SPONSOR: Moon

This bill establishes the Article V Convention Act. In its main provisions, the bill:

(1) Requires delegates and alternates to an Article V convention, a convention for proposing amendments for ratification to the Constitution of the United States, to be selected by a majority vote of a joint session of the General Assembly and provides that unless a different number is prescribed by the joint session, Missouri will select five delegates;

(2) Requires that the General Assembly must only select delegates who are Missouri residents and otherwise meet the qualifications for holding office in the General Assembly;

(3) Specifies that delegates and alternates may include persons holding public office but not members of the U.S. Congress;

(4) Specifies that delegates to an Article V convention may be recalled and removed at any time and for any reason by a majority vote of a joint session of the General Assembly and, if the General Assembly is not in session, may be suspended pending such a vote by a joint legislative committee authorized by the General Assembly for that purpose;

(5) Specifies that vacancies in a committee representing the Missouri General Assembly at an Article V convention must be filled by the joint legislative committee authorized for that purpose until a vote by a joint session of the General Assembly selects a permanent replacement;

(6) Requires the General Assembly, by concurrent resolution, to provide instructions to the delegates regarding the scope of matters they may consider and vote on at a convention, including rules of procedure and proposed amendments prior to any Article V convention not to be changed prior to or during the course of the convention;

(7) Prohibits any delegate from exceeding the scope of authority granted by his or her commission or violating his or her instructions;

(8) Specifies that the application of the General Assembly ceases to be continuing and must be treated as having no effect if a majority of the committee at a convention votes or attempts to vote outside the scope of its authority;

(9) Specifies that before entering upon the duties of his or her commission, each delegate or alternate must take and subscribe the oath as specified in the bill;

(10) Specifies that any delegate refusing to take this oath or affirmation will be deemed to have rejected his or her commission and his or her authority as a delegate; and

(11) Specifies that any delegate who violates this oath or affirmation is guilty of perjury and must be forever disqualified from holding any office of trust or profit.