

House Concurrent Resolution No. 44

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TRENT.

1991H.011

DANA RADEMAN MILLER, Chief Clerk

1 **WHEREAS**, it is necessary for each state to provide for the selection of commissioners
2 to attend any Article V Convention:

3

4 **NOW THEREFORE BE IT RESOLVED** that the members of the House of
5 Representatives of the One Hundredth General Assembly, First Regular Session, the Senate
6 concurring therein, hereby adopt the following procedures for the selection of commissioners to
7 attend an Article V Convention:

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9 Section 1. Selection of Commissioners

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

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15 Section 2. Number, Eligibility, and Selection of Commissioners

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17 A. Missouri shall have a number of commissioners equal to the number of congressional
18 districts in the state at the time, with one commissioner from each congressional district, and a
19 number of alternate commissioners equal to the number of congressional districts in the state at
20 the time, with one alternate commissioner from each congressional district.

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22 B. Commissioners and alternates shall be citizens of the state of Missouri and shall
23 otherwise meet the same qualifications necessary to hold office in the Missouri House of
24 Representatives. Commissioners and alternates may include persons holding public office,
25 subject to further limits described below, except that no person will be eligible who is:

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27 (1) A member of the United States House of Representatives or Senate;

28 (2) An employee of the United States;

29 (3) An employee or other representative of a contractor with the United States; or

30 (4) An elected official holding a statewide office.

31 Commissioners and alternates are also subject to those existing ethics rules which apply to
32 members of the General Assembly.

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34 C. The House of Representatives and Senate shall select, by adoption of a concurrent
35 resolution, the commissioners and alternates who meet the eligibility requirements described
36 herein and who are submitted to the House of Representatives and the Senate by the Joint
37 Legislative Committee as provided in section 4 of this resolution. Of the commissioners, at least
38 one-third shall not be sitting members of the General Assembly. Of the alternate commissioners,
39 at least one-third shall not be sitting members of the General Assembly.

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41 D. A majority of the commissioners shall constitute a quorum for all decisions made by
42 the delegation, and no commissioner may give his or her vote by proxy or otherwise to any other
43 commissioner. The commissioners shall select a chairperson to administer the work of the
44 commissioners.

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46 Section 3. Authority of Commissioners

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48 A. Each commissioner and alternate shall, by oath or affirmation, as a condition of
49 participating in the convention, agree to faithfully and impartially discharge all the duties
50 incumbent upon a commissioner, including the duty to abide by instructions established by
51 concurrent resolution of the General Assembly for participation in the convention and the duty
52 to act only within the scope of the General Assembly's application for the convention, if Missouri
53 applied for the convention in which the commissioners are participating. Each commissioner
54 and alternate shall further agree to immediately notify the Joint Legislative Committee if he or
55 she believes that any Missouri commissioner or alternate has violated his or her oath or
56 instructions while participating in the convention.

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58 B. Prior to the Article V Convention, the General Assembly shall consider
59 "Recommended Commissioner Instructions" presented to it by the Joint Legislative Committee,
60 as discussed further in Section 4 of this resolution, and shall, by concurrent resolution, provide
61 duly approved instructions to the commissioners and alternates regarding the scope of matters
62 they may consider and vote on at convention, including rules of procedure and proposed
63 amendments. Such instructions may be changed by the General Assembly prior to or during the
64 convention. These instructions shall include, but shall not be limited to:

65 1. An instruction that the commissioners shall not support any voting rule other than the
66 rule whereby each state exercises one vote; and

67 2. An instruction that, on all voting matters at the convention, the decision of a simple
68 majority of the Missouri commissioners shall constitute a single vote for the state of Missouri.
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70 C. Any vote cast by a commissioner or alternate at an Article V Convention that is
71 outside the scope of either of the following is an unauthorized vote, and is therefore void:
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73 1. The instructions established by any concurrent resolution adopted under this resolution
74 or later amending resolutions; or
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76 2. Any limits identified in the Missouri General Assembly's application for the
77 convention.
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79 Section 4. Authorization for and Role of the Joint Legislative Committee
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81 A. After or near the time an Article V Convention is called, a Joint Legislative
82 Committee shall be duly authorized by the General Assembly for the purposes described in this
83 section. The Joint Legislative Committee shall be comprised of five members of the Senate
84 appointed by the President Pro Tempore of the Senate, with three members from the majority
85 party and two members from the minority party, and five members of the House of
86 Representatives appointed by the Speaker, with three members from the majority party and two
87 members from the minority party, and shall have the initial task of recommending eligible
88 commissioners to the House of Representatives and the Senate for consideration of appointment
89 as commissioners. The Joint Legislative Committee shall submit at least three persons from each
90 congressional district who are eligible, as provided in this resolution, to serve as a commissioner
91 and at least three different persons from each congressional district who are eligible, as provided
92 in this resolution, to serve as an alternate commissioner. The House of Representatives and the
93 Senate shall select a commissioner and alternate commissioner from each congressional district
94 from the names submitted by the Joint Legislative Committee. The Joint Legislative Committee
95 shall also be charged with presenting "Recommended Commissioner Instructions" to the full
96 General Assembly for consideration leading to a concurrent resolution as discussed in Section
97 3(B) of this resolution. Such commissioner instructions shall define the scope of matters the
98 commissioners may consider and vote on at the Article V Convention, including rules of
99 procedure and proposed amendments as discussed more fully in Section 3 of this resolution. All
100 recommendations that secure a simple majority vote of the members present shall be deemed
101 approved "Recommended Commissioner Instructions" to be submitted to the full General
102 Assembly for its consideration.

103 B. After commissioners have been selected, the Joint Legislative Committee may recall
104 any commissioner and revoke such commissioner's authority. However, the Joint Legislative
105 Committee may only recall and revoke the authority in the event the commissioner casts or
106 attempts to cast an unauthorized vote as described in this resolution. The Joint Legislative
107 Committee shall also appoint one of the selected alternates to take the place of a commissioner
108 so recalled. The Joint Legislative Committee shall promptly investigate any notice that a
109 commissioner or alternate has cast an unauthorized vote or otherwise exceeded the scope of the
110 General Assembly's application for the convention or the General Assembly's instructions to the
111 commissioners. The Joint Legislative Committee shall act to ensure that the commissioners
112 remain faithful to the terms of the convention application and the General Assembly's
113 instructions. Before or during the Article V Convention, the Joint Legislative Committee may
114 advise the commissioners on questions which arise regarding the scope of the convention and
115 the legislative instructions to commissioners.

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117 C. By concurrent resolution, the General Assembly may change or supersede any action
118 of the Joint Legislative Committee or recall commissioners or alternates to the convention, or
119 appoint new commissioners or alternates.

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121 D. The Joint Legislative Committee shall be authorized to conduct its business via
122 telephone or by electronic communication.

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124 Section 5. Conflicts with Convention Rules or Procedures

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126 Should the provisions of this Resolution conflict with the rules or procedures established by the
127 Article V convention, the General Assembly may by concurrent resolution conform these
128 provisions to such rules or procedures; and

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130 **BE IT FURTHER RESOLVED** that this resolution be sent to the Governor for his
131 approval or rejection pursuant to the Missouri Constitution.

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