

FIRST REGULAR SESSION

HOUSE BILL NO. 823

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (155).

1938H.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;

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.

17 (c) An employee or other representative of a contractor with the United States;
18 or

19 (d) An elected official holding a statewide office.

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21 Commissioners and alternates are also subject to those existing ethics rules that apply to
22 members of the general assembly.

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

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

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

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

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

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

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

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

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

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

87 **(2) After commissioners have been selected, the joint legislative committee may**
88 **recall any commissioner and revoke such commissioner's authority. However, the joint**
89 **legislative committee shall recall and revoke the authority only in the event the**
90 **commissioner casts or attempts to cast an unauthorized vote as described in this section.**

91 **The joint legislative committee shall also appoint one of the selected alternates to take**
92 **the place of a commissioner so recalled. The joint legislative committee shall promptly**
93 **investigate any notice that a commissioner or alternate has cast an unauthorized vote or**
94 **otherwise exceeded the scope of the general assembly's application for the convention or**
95 **the general assembly's instructions to the commissioners. The joint legislative**
96 **committee shall act to ensure that the commissioners remain faithful to the terms of**
97 **the convention application and the general assembly's instructions. Before or during**
98 **the Article V convention, the joint legislative committee may advise the commissioners**
99 **on questions that arise regarding the scope of the convention and the legislative**
100 **instructions to commissioners.**

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

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

106 **5. If the provisions of this section conflict with the rules or procedures**
107 **established by the Article V convention, the general assembly may, by concurrent**
108 **resolution, conform these provisions to such rules or procedures.**

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