

SECOND REGULAR SESSION

SENATE BILL NO. 1040

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

5159S.01H

ADRIANE D. CROUSE, Secretary

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
2 one new section, to be known as section 21.950, to read as
3 follows:

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

6 2. (1) Missouri shall have a number of commissioners
7 equal to the number of congressional districts in the state
8 at the time with one commissioner from each congressional
9 district and a number of alternate commissioners equal to
10 the number of congressional districts in the state at the
11 time with one alternate commissioner from each congressional
12 district.

13 (2) Commissioners and alternates shall be citizens of
14 the state of Missouri and shall otherwise meet the same
15 qualifications necessary to hold office in the Missouri
16 house of representatives. Commissioners and alternates may
17 include persons holding public office, subject to further

18 limits described below, except that no person will be
19 eligible who is:

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

26 Commissioners and alternates are also subject to those
27 existing ethics rules which apply to members of the general
28 assembly.

29 (3) The house of representatives and senate shall
30 select, by adoption of a concurrent resolution, the
31 commissioners and alternates who meet the eligibility
32 requirements described in this section and who are submitted
33 to the house of representatives and the senate by the joint
34 legislative committee as provided in subsection 4 of this
35 section. Of the commissioners, at least one-third shall not
36 be sitting members of the general assembly. Of the
37 alternate commissioners, at least one-third shall not be
38 sitting members of the general assembly.

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

44 3. (1) Each commissioner and alternate shall, by oath
45 or affirmation as a condition of participating in the
46 convention, agree to faithfully and impartially discharge
47 all the duties incumbent upon a commissioner, including the
48 duty to abide by instructions established by concurrent

49 resolution of the general assembly for participation in the
50 convention and the duty to act only within the scope of the
51 general assembly's application for the convention, if
52 Missouri applied for the convention in which the
53 commissioners are participating. Each commissioner and
54 alternate shall further agree to immediately notify the
55 joint legislative committee if he or she believes that any
56 Missouri commissioner or alternate has violated his or her
57 oath or instructions while participating in the convention.

58 (2) Prior to the Article V Convention, the general
59 assembly shall consider "Recommended Commissioner
60 Instructions" presented to it by the joint legislative
61 committee as discussed further in subsection 4 of this
62 section, and shall by concurrent resolution provide duly
63 approved instructions to the commissioners and alternates
64 regarding the scope of matters they may consider and vote on
65 at convention, including rules of procedure and proposed
66 amendments. Such instructions may be changed by the general
67 assembly prior to or during the convention. These
68 instructions shall include, but shall not be limited to:

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

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

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

79 (a) The instructions established by any concurrent
80 resolution adopted under this section; or

81 (b) Any limits identified in the Missouri general
82 assembly's application for the convention.

83 4. (1) After or near the time an Article V Convention
84 is called, a joint legislative committee shall be duly
85 authorized by the general assembly for the purposes
86 described in this section. The joint legislative committee
87 shall be comprised of five members of the senate appointed
88 by the president pro tempore of the senate, with three
89 members from the majority party and two members from the
90 minority party, and five members of the house of
91 representatives appointed by the speaker of the house of
92 representatives, with three members from the majority party
93 and two members from the minority party, and shall have the
94 initial task of recommending eligible commissioners to the
95 house of representatives and the senate for consideration of
96 appointment as commissioners. The joint legislative
97 committee shall submit at least three persons from each
98 congressional district who are eligible, as provided in this
99 section, to serve as a commissioner and at least three
100 different persons from each congressional district who are
101 eligible, as provided in this section, to serve as an
102 alternate commissioner. The house of representatives and
103 the senate shall select a commissioner and alternate
104 commissioner from each congressional district from the names
105 submitted by the joint legislative committee. The joint
106 legislative committee shall also be charged with presenting
107 "Recommended Commissioner Instructions" to the full general
108 assembly for consideration leading to a concurrent
109 resolution as discussed in subdivision (2) of subsection 3
110 of this section. Such commissioner instructions will define
111 the scope of matters the commissioners may consider and vote
112 on at the Article V Convention, including rules of procedure

113 and proposed amendments as discussed more fully in
114 subsection 3 of this section. All recommendations that
115 secure a simple majority vote of the members present will be
116 deemed approved "Recommended Commissioner Instructions" to
117 be submitted to the full general assembly for its
118 consideration.

119 (2) After commissioners have been selected, the joint
120 legislative committee may recall any commissioner and revoke
121 such commissioner's authority. However, the joint
122 legislative committee may only recall and revoke the
123 authority in the event the commissioner casts or attempts to
124 cast an unauthorized vote as described in this section. The
125 joint legislative committee shall also appoint one of the
126 selected alternates to take the place of a commissioner so
127 recalled. The joint legislative committee shall promptly
128 investigate any notice that a commissioner or alternate has
129 cast an unauthorized vote or otherwise exceeded the scope of
130 the general assembly's application for the convention or the
131 General Assembly's instructions to the commissioners. The
132 joint legislative committee shall act to ensure that the
133 commissioners remain faithful to the terms of the convention
134 application and the general assembly's instructions. Before
135 or during the Article V Convention, the joint legislative
136 committee may advise the commissioners on questions which
137 arise regarding the scope of the convention and the
138 legislative instructions to commissioners.

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

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

146 5. Should the provisions of this section conflict with
147 the rules or procedures established by the Article V
148 Convention, the general assembly may by concurrent
149 resolution conform these provisions to such rules or
150 procedures.

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