

FIRST REGULAR SESSION

SENATE BILL NO. 437

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

1425S.01H

KRISTINA MARTIN, 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 shall 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 that 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 chair 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 the commissioners may
65 consider and vote on at the convention, including rules of
66 procedure and proposed amendments. Such instructions may be
67 changed by the general assembly prior to or during the
68 convention. These instructions shall include, but shall not
69 be limited to:

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

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

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

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

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

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

112 scope of matters the commissioners may consider and vote on
113 at the Article V convention, including rules of procedure
114 and proposed amendments as discussed more fully in
115 subsection 3 of this section. All recommendations that
116 secure a simple majority vote of the members present shall
117 be deemed approved "Recommended Commissioner Instructions"
118 to be submitted to the full general assembly for its
119 consideration.

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

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

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

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

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