

FIRST REGULAR SESSION

# HOUSE BILL NO. 376

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MOON.

1102L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 21, RSMo, by adding thereto six new sections relating to the Article V convention act.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 21, RSMo, is amended by adding thereto six new sections, to be known as sections 21.1000, 21.1002, 21.1004, 21.1006, 21.1008, and 21.1010, to read as follows:

**21.1000. 1. Sections 21.1000 to 21.1010 shall be known and may be cited as the "Article V Convention Act".**

**2. As used in sections 21.1000 to 21.1010, the following terms shall mean:**

**(1) "Alternate", an alternate delegate who shall take the place of a delegate in the event of the delegate's inability to perform or refusal to obey his or her commission and instructions;**

**(2) "Application", an application for a convention for proposing amendments relied upon by Congress in calling such a convention;**

**(3) "Article V convention", a convention for proposing amendments for ratification to the Constitution of the United States as expressly provided in Article V of the Constitution of the United States;**

**(4) "Commission", the document or documents whereby the state, state legislature, or authorized officer of the state empowers a delegate to an interstate convention and fixes the scope of his or her authority;**

**(5) "Committee", a delegation of persons commissioned to an interstate convention;**

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.

16 (6) "Delegate", an individual appointed to represent the state of Missouri at an  
17 Article V convention for proposing amendments;

18 (7) "Instructions", directions given to delegates by the commissioning authority or  
19 by such authority's agent designated for such purpose.

21.1002. 1. Delegates and alternates to an Article V convention shall be selected by  
2 a majority vote of a joint session of the general assembly. Unless a different number is  
3 prescribed by the joint session, the number of delegates in this state's committee shall be  
4 five.

5 2. The general assembly shall only select delegates who are residents of the state of  
6 Missouri and otherwise meet the qualifications for holding office in the general assembly.  
7 Delegates and alternates may include persons holding public office; except that, no member  
8 of the United States Congress shall be eligible.

9 3. Delegates to an Article V convention may be recalled and removed at any time  
10 and for any reason by a majority vote of a joint session of the general assembly and, if the  
11 general assembly is not in session, may be suspended pending such a vote by a joint  
12 legislative committee authorized by the general assembly for such purpose.

21.1004. Vacancies in a committee representing the Missouri general assembly at  
2 an Article V convention shall be filled by the joint legislative committee authorized for such  
3 purpose until such time as a vote by a joint session of the general assembly shall select a  
4 permanent replacement.

21.1006. Prior to any Article V convention, the general assembly shall, by  
2 concurrent resolution, provide instructions to the delegates regarding the scope of matters  
3 they may consider and vote on at a convention, including rules of procedure and proposed  
4 amendments. Such instruction may be changed prior to or during the course of the  
5 convention.

21.1008. 1. No delegate shall exceed the scope of authority granted by his or her  
2 commission or violate his or her instructions.

3 2. The application of the general assembly ceases to be a continuing application and  
4 shall be treated as having no effect if a majority of the committee at an Article V  
5 convention votes or attempts to vote outside the scope of its authority.

21.1010. 1. Before entering upon the duties of his or her commission, each delegate  
2 or alternate shall take and subscribe the following oath or affirmation: "I do solemnly  
3 swear, or affirm, that I will support the Constitution of the United States and of the State  
4 of Missouri, and faithfully perform the duties of my commission, and that I will not  
5 knowingly receive, directly or indirectly, any money or other valuable thing for the  
6 performance or nonperformance of any act or duty pertaining to my office, other than the

7 **compensation allowed by law. I further swear, or affirm, that I will act according to the**  
8 **limits of authority specified in my commission, by any present or subsequent instructions,**  
9 **and all applicable state laws.".**

10 **2. Any delegate refusing to take such oath or affirmation shall be deemed to have**  
11 **rejected his or her commission and his or her authority as a delegate.**

12 **3. Any delegate who violates this oath or affirmation is guilty of perjury and shall**  
13 **be forever disqualified from holding any office of trust or profit.**

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