

## **BILL ANALYSIS**

C.S.H.B. 1110  
By: King, Phil  
State & Federal Power & Responsibility, Select  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Given that multiple measures have been filed in Texas regarding a convention under Article V of the U.S. Constitution, concerns of a runaway convention have been raised. C.S.H.B. 1110 seeks to add structure as to how Texas would participate in a convention of states, particularly relating to delegate selection and a delegate's scope of responsibility.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1110 amends the Government Code to require the legislature by concurrent resolution to provide the rules and procedures necessary to implement provisions relating to the delegates and alternate delegates to a convention called by the U.S. Congress under Article V of the U.S. Constitution. The bill establishes that a legislative action relating to the appointment or recall of delegates or alternate delegates, the adoption or modification of instructions, or the determination of an unauthorized vote may be accomplished through a joint resolution adopted by each house.

C.S.H.B. 1110 establishes that to be eligible to serve as a delegate or alternate delegate at an Article V convention an individual must be a qualified voter, must not be required to register as a lobbyist, and must not hold an elected federal office. The bill requires the legislature to appoint, as soon as possible following the calling of an Article V convention, the delegates and alternate delegates representing the state at the convention and to pair each alternate delegate with a delegate at the time of appointment. The bill sets out provisions relating to filling a vacancy and recalling a delegate or alternate delegate and requires an alternate delegate to act in the place of the alternate delegate's paired delegate when the delegate is absent from the convention. The bill establishes that a delegate or alternate delegate is not entitled to compensation for service in that office but entitles those delegates to reimbursement for necessary expenses incurred in performance of official duties, subject to any applicable limitation on reimbursement provided by general law or the General Appropriations Act. The bill sets out the required oath for a delegate or alternate delegate and requires each officer to file the executed oath with the secretary of state.

C.S.H.B. 1110 requires the legislature, at the time delegates and alternate delegates are appointed, to adopt instructions to govern the actions of those officers at the Article V

convention. The bill prohibits the legislature from adopting instructions that authorize those officers to consider or vote to approve an amendment to the U.S. Constitution that is not authorized by the legislature in its application to the U.S. Congress to call the Article V convention. The bill authorizes the legislature to amend the instructions at any time.

C.S.H.B. 1110 prohibits a delegate or alternate delegate from casting an unauthorized vote. The bill establishes that the legislature has the exclusive right to determine whether a vote is an unauthorized vote and establishes that a vote determined to be unauthorized is invalid. The bill establishes that a delegate or alternate delegate who casts an unauthorized vote is disqualified from continuing to serve as a delegate or alternate delegate. The bill requires the legislature to promptly notify the head of the state delegation and the presiding officer of the Article V convention if the legislature determines that a delegate or alternate delegate has cast an unauthorized vote.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1110 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Subtitle Z, Title 3, Government Code, is amended by adding Chapter 393 to read as follows:

CHAPTER 393. DELEGATES TO FEDERAL ARTICLE V CONVENTIONS  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 393.001. DEFINITIONS. In this chapter:

(1) "Alternate delegate" means an individual appointed under Section 393.052 to represent this state as an alternate delegate at an Article V convention.

(2) "Article V convention" means a constitutional convention called by the United States Congress under Article V of the United States Constitution.

(3) "Delegate" means:

(A) an individual appointed under Section 393.052 to represent this state as a delegate at an Article V convention; or

(B) an alternate delegate who fills a vacancy in the office of the alternate delegate's paired delegate.

(4) "Unauthorized vote" means a vote cast by a delegate or alternate delegate at an Article V convention that:

(A) is contrary to the instructions adopted under Section 393.101 in effect at the time

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subtitle Z, Title 3, Government Code, is amended by adding Chapter 393 to read as follows:

CHAPTER 393. DELEGATES TO FEDERAL ARTICLE V CONVENTIONS  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 393.001. DEFINITIONS. In this chapter:

(1) "Alternate delegate" means an individual appointed under Section 393.052 to represent this state as an alternate delegate at an Article V convention.

(2) "Article V convention" means a convention called by the United States Congress under Article V of the United States Constitution.

(3) "Delegate" means:

(A) an individual appointed under Section 393.052 to represent this state as a delegate at an Article V convention; or

(B) an alternate delegate who fills a vacancy in the office of the alternate delegate's paired delegate.

(4) "Unauthorized vote" means a vote cast by a delegate or alternate delegate at an Article V convention that:

(A) is contrary to the instructions adopted under Section 393.101 in effect at the time

the vote is taken; or  
(B) exceeds the scope or subject matter of  
the Article V convention as authorized by  
the legislature in the application to the  
United States Congress to call the  
convention.

Sec. 393.002. RULES AND  
PROCEDURES.

SUBCHAPTER B. DELEGATES AND  
ALTERNATE DELEGATES

Sec. 393.051. QUALIFICATIONS.

Sec. 393.052. APPOINTMENT.

Sec. 393.053. VACANCY.

Sec. 393.054. RECALL.

Sec. 393.055. COMPENSATION;  
REIMBURSEMENT OF EXPENSES.

Sec. 393.056. OATH.

SUBCHAPTER C. DUTIES OF  
DELEGATES AND ALTERNATE  
DELEGATES

Sec. 393.101. INSTRUCTIONS TO  
DELEGATES AND ALTERNATE  
DELEGATES.

Sec. 393.102. DUTY OF ALTERNATE  
DELEGATE.

Sec. 393.103. UNAUTHORIZED VOTE.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

the vote is taken; or  
(B) exceeds the scope or subject matter of  
the Article V convention as authorized by  
the legislature in the application to the  
United States Congress to call the  
convention.

Sec. 393.002. RULES AND  
PROCEDURES.

SUBCHAPTER B. DELEGATES AND  
ALTERNATE DELEGATES

Sec. 393.051. QUALIFICATIONS.

Sec. 393.052. APPOINTMENT.

Sec. 393.053. VACANCY.

Sec. 393.054. RECALL.

Sec. 393.055. COMPENSATION;  
REIMBURSEMENT OF EXPENSES.

Sec. 393.056. OATH.

SUBCHAPTER C. DUTIES OF  
DELEGATES AND ALTERNATE  
DELEGATES

Sec. 393.101. INSTRUCTIONS TO  
DELEGATES AND ALTERNATE  
DELEGATES.

Sec. 393.102. DUTY OF ALTERNATE  
DELEGATE.

Sec. 393.103. UNAUTHORIZED VOTE.

SECTION 2. Same as introduced version.