

All Prefiled Amendments for: SB 21

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Amendment

850236

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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

Phil King

1 Amend C.S.S.B. No. 21 (house committee printing) by striking
2 all below the enacting clause and substituting the following:

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

5 CHAPTER 393. DELEGATES TO FEDERAL ARTICLE V CONVENTIONS

6 SUBCHAPTER A. GENERAL PROVISIONS

7 Sec. 393.001. DEFINITIONS. In this chapter:

8 (1) "Alternate delegate" means an individual
9 appointed under Section 393.051 to represent this state as an
10 alternate delegate at an Article V convention.

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

14 (3) "Delegate" means:

15 (A) an individual appointed under Section
16 393.051 to represent this state as a delegate at an Article V
17 convention; or

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

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

22 (A) is contrary to the instructions adopted under
23 Section 393.101 in effect at the time the vote is taken;

24 (B) exceeds the scope or subject matter of the
25 Article V convention as authorized by the legislature in the
26 application to the United States Congress to call the convention if
27 the legislature made an application to call the convention; or

28 (C) exceeds the scope or subject matter of the
29 Article V convention if the legislature did not make an application

1 to the United States Congress to call the convention.

2 Sec. 393.002. RULES AND PROCEDURES. (a) The legislature by
3 concurrent resolution shall provide the rules and procedures
4 necessary to implement this chapter.

5 (b) A legislative action relating to the appointment or
6 recall of a delegate or alternate delegate, the filling of a vacancy
7 in the office of a delegate or alternate delegate, or the
8 determination of an unauthorized vote may be accomplished through a
9 resolution adopted by the house that takes the action.

10 SUBCHAPTER B. DELEGATES AND ALTERNATE DELEGATES

11 Sec. 393.051. APPOINTMENT. (a) As soon as possible
12 following the calling of an Article V convention, the legislature
13 shall appoint delegates and alternate delegates to the convention
14 as provided by Subsection (b) or (c), as applicable.

15 (b) Except as provided by Subsection (c), the legislature
16 shall appoint five delegates and five alternate delegates to the
17 Article V convention as follows:

18 (1) the house of representatives shall appoint three
19 members of the house as delegates and three members of the house as
20 alternate delegates; and

21 (2) the senate shall appoint two members of the senate
22 as delegates and two members of the senate as alternate delegates.

23 (c) If the number of delegates allocated to represent this
24 state at the Article V convention is determined by agreement among
25 the states to be a number other than five, the legislature shall
26 appoint the allocated number of delegates and an equal number of
27 alternate delegates as follows:

28 (1) if the allocated number of delegates is an odd
29 number:

30 (A) the house of representatives shall appoint a
31 number of members of the house as delegates that is equal to

1 three-fifths of the allocated number or as close to that proportion
2 as possible and the same number of members of the house as alternate
3 delegates; and

4 (B) the senate shall appoint a number of members
5 of the senate as delegates that is equal to two-fifths of the
6 allocated number or as close to that proportion as possible and the
7 same number of members of the senate as alternate delegates; and

8 (2) if the allocated number of delegates is an even
9 number:

10 (A) the house of representatives shall appoint a
11 number of members of the house as delegates that is equal to
12 one-half of the allocated number and the same number of members of
13 the house as alternate delegates; and

14 (B) the senate shall appoint a number of members
15 of the senate as delegates that is equal to one-half of the
16 allocated number and the same number of members of the senate as
17 alternate delegates.

18 (d) Service as a delegate or alternate delegate by a member
19 of the legislature is an additional duty of the member's
20 legislative office.

21 (e) The appointing house shall pair each alternate delegate
22 with a delegate at the time each appointment is made.

23 Sec. 393.052. VACANCY. (a) An alternate delegate
24 automatically fills a vacancy in the office of the alternate
25 delegate's paired delegate unless the office of the alternate
26 delegate is simultaneously vacated.

27 (b) Except as provided by Subsection (a), the house that
28 appointed a delegate or alternate delegate shall fill a vacancy in
29 the office of the delegate or alternate delegate as soon as possible
30 after the vacancy occurs.

31 Sec. 393.053. RECALL. (a) The house that appointed a

1 delegate or alternate delegate may recall the delegate or alternate
2 delegate.

3 (b) A vacancy created by the recall of a delegate or
4 alternate delegate shall be filled in the manner provided by
5 Section 393.052.

6 Sec. 393.054. COMPENSATION; REIMBURSEMENT OF EXPENSES. (a)
7 A delegate or alternate delegate is not entitled to compensation
8 for service as a delegate or alternate delegate.

9 (b) A delegate or alternate delegate is entitled to
10 reimbursement for necessary expenses incurred in performance of
11 official duties, subject to any applicable limitation on
12 reimbursement provided by general law or the General Appropriations
13 Act.

14 Sec. 393.055. OATH. (a) An individual appointed as a
15 delegate or alternate delegate must take the following oath before
16 voting or taking an action as a delegate or alternate delegate of
17 this state: "I do solemnly swear (or affirm) that to the best of my
18 abilities, I will, as a delegate (or alternate delegate) to the
19 Article V Convention, act according to the limits of the authority
20 granted to me as a delegate or alternate delegate by Texas law, will
21 not consider or vote to approve an amendment to the United States
22 Constitution not authorized by the Texas Legislature in its
23 application to the United States Congress to call this convention
24 or an amendment outside the scope of this convention if the Texas
25 Legislature did not make an application to the United States
26 Congress to call this convention, and will faithfully abide by and
27 execute the instructions to delegates or alternate delegates
28 adopted by the Texas Legislature."

29 (b) Each delegate and alternate delegate must file the
30 executed oath with the secretary of state.

1 SUBCHAPTER C. DUTIES OF DELEGATES AND ALTERNATE DELEGATES

2 Sec. 393.101. INSTRUCTIONS TO DELEGATES AND ALTERNATE
3 DELEGATES. (a) At the time delegates and alternate delegates are
4 appointed, the legislature by joint resolution shall adopt
5 instructions to the delegates and alternate delegates to govern the
6 actions of those officers at the Article V convention.

7 (b) The legislature may not adopt instructions for an
8 Article V convention called following an application by the
9 legislature to the United States Congress for the convention that
10 authorize a delegate or alternate delegate to consider or vote to
11 approve an amendment to the United States Constitution that is not
12 authorized by the legislature in its application for the
13 convention.

14 (c) The legislature by joint resolution may amend the
15 instructions at any time.

16 Sec. 393.102. DUTY OF ALTERNATE DELEGATE. An alternate
17 delegate shall act in the place of the alternate delegate's paired
18 delegate when the delegate is absent from the convention.

19 Sec. 393.103. UNAUTHORIZED VOTE. (a) A delegate or
20 alternate delegate may not cast an unauthorized vote.

21 (b) The determination that a vote is an unauthorized vote
22 may only be made by the house that appointed the delegate or
23 alternate delegate who cast the vote.

24 (c) A vote determined to be an unauthorized vote is invalid.

25 (d) A delegate or alternate delegate who casts a vote
26 determined to be an unauthorized vote is disqualified to continue
27 to serve as a delegate or alternate delegate. A vacancy in the
28 office of a delegate or alternate delegate created by the
29 disqualification of the delegate or alternate delegate shall be
30 filled in the manner provided by Section 393.052.

31 (e) The presiding officer of the house that determined that

1 a delegate or alternate delegate has cast an unauthorized vote
2 shall promptly notify the head of the state delegation and the
3 presiding officer of the Article V convention that the delegate or
4 alternate delegate has cast an unauthorized vote and is
5 disqualified to serve as a delegate or alternate delegate.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2017.