A BILL TO BE ENTITLED
AN ACT
relating to the qualifications, duties, and limitations of Texas
delegates to a convention called under Article V of the United
States Constitution.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Subtitle 2, 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 393.051 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
393.051 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;

(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 if the legislature made an application to call the convention; or

(C) exceeds the scope or subject matter of the Article V convention if the legislature did not make an application to the United States Congress to call the convention.

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

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

SUBCHAPTER B. DELEGATES AND ALTERNATE DELEGATES

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

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

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

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

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

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

(A) the house of representatives shall appoint a number of members of the house as delegates that is equal to three-fifths of the allocated number or as close to that proportion as possible and the same number of members of the house as alternate delegates; and

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

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

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

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

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

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

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

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

Sec. 393.053. RECALL. (a) The house that appointed a delegate or alternate delegate may recall the delegate or alternate delegate.

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

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

(b) A delegate or alternate delegate is entitled 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.

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

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

SUBCHAPTER C. DUTIES OF DELEGATES AND ALTERNATE DELEGATES

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

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

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

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

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

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

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

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

(e) The presiding officer of the house that determined that
a delegate or alternate delegate has cast an unauthorized vote
shall promptly notify the head of the state delegation and the
presiding officer of the Article V convention that the delegate or
alternate delegate has cast an unauthorized vote and is
disqualified to serve as a delegate or alternate delegate.

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, 2017.