

Legislative Analysis



ARTICLE V CONVENTION DELEGATES

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House Bill 5380

Sponsor: Rep. Ray Franz

Committee: Financial Liability Reform

Complete to 3-5-14

A SUMMARY OF HOUSE BILL 5380 AS INTRODUCED 3-4-14

House Bill 5380 would provide for the appointment of Article V Convention delegates. The bill would also prescribe the powers and duties of those delegates as well as the duties of certain state government officials. Pursuant to Article V of the United States Constitution, a national convention to propose amendments to the United States Constitution would be held upon the application of the legislatures of at least two-thirds (presently 34) of the states.

Unless otherwise established by the rules and procedures of the Article V Convention, the bill would provide that the seven delegates and seven alternates for the State of Michigan be appointed as follows:

- Two individuals appointed by the Majority Leader of the Senate;
- Two individuals appointed by the Speaker of the House;
- One individual jointly appointed by the Majority Leader of the Senate and the Speaker of the House;
- One individual appointed by the Minority Leader of the Senate; and
- One individual appointed by the Minority Leader of the House of Representatives.

Once the delegates and alternates are appointed, the bill would require the State Senate and State House of Representatives to adopt a resolution providing instructions to the delegates and alternates regarding the subjects and amendments to be considered at the Article V Convention and any other matter relating to the Article V Convention that the State Senate and State House of Representatives deemed necessary. The State Senate and State House of Representatives could amend the instructions at any time by resolution.

Under the bill, a vote cast by a delegate or alternate that does not comply with the instructions established by a resolution, or that is outside the limits on the subjects and amendments that may be considered at the Article V Convention as set forth in the resolution that called for the Article V Convention, would be considered void.

Furthermore, the bill states that if all the delegates and alternates vote or attempt to vote in a manner that does not comply with the instructions in the resolution, or is outside the limits on subjects and amendments that may be considered at the Article V Convention as set forth in the resolution that called for the Article V Convention, the application to call an

Article V Convention would cease to be a continuing application and be treated as having no effect.

For an individual to be eligible to serve as a delegate or alternate, the individual must meet all of the following:

- Be at least 18 years of age;
- Be a registered voter in this state;
- Be a resident of this state;
- Not be a lobbyist or lobbyist agent; and
- Not be a federal judge, member of the United States Senate, or member of the United States House of Representatives.

The bill stipulates that delegates and alternates serve without compensation, but may be reimbursed for actual and necessary expenses. The legislature would be required to appropriate funds necessary to implement the act.

Delegates and alternates, after designation and before the exercise of any function, would be required to execute an oath to pledge to support the Constitution of the United States and the State Constitution of 1963, pledge to faithfully abide by and execute any instructions to appointees adopted in a resolution, and pledge to faithfully discharge their duties. The oath would be required to be filed with the Secretary of State.

The bill would authorize the appointing individual(s) to recall their delegate or alternate and appoint a replacement within 24 hours of being recalled.

FISCAL IMPACT:

The bill would have an indeterminate, but likely negligible, fiscal impact on State government. Any fiscal impact would be dependent upon the amount needed to reimburse the actual and necessary expenses incurred by the delegates or alternates in the performance of their official duties. The bill would require that the legislature appropriate the money necessary to implement the act.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.