



**Senate Fiscal Agency**  
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BILL ANALYSIS



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House Bill 5380 (Substitute H-3 as discharged)  
Sponsor: Representative Ray Franz  
House Committee: Financial Liability Reform  
Senate Committee: Government Operations

**CONTENT**

The bill would enact a new statute to provide for the appointment of delegates and alternates to a convention called under Article V of the U.S. Constitution; establish eligibility criteria for delegates and alternates; and require the Legislature to appropriate the money necessary to implement the act.

Specifically, when an Article V convention was called, nine delegates for this State would have to be appointed as follows:

- Two individuals appointed by each of the following: the Senate Majority Leader, the Speaker of the House, and the Governor.
- One individual each appointed by the minority leaders of the Senate and the House.
- One individual jointly appointed by the Senate Majority Leader, the Speaker of the House, and the Governor.

Nine alternates would have to be appointed in the same manner.

To be eligible to serve as a delegate or an alternate, an individual would have to be at least 18 years old, be a registered voter in this State, and be a resident of Michigan. A delegate or alternate could not be a lobbyist or lobbyist agent, or a Federal judge, member of the U.S. Senate, or member of the U.S. House of Representatives.

A delegate or alternate could be recalled by the individual who appointed him or her. If a delegate were recalled, he or she would have to be replaced by his or her alternate within 24 hours of the recall.

Delegates and alternates could be reimbursed for their actual and necessary expenses incurred in the performance of their duties. They also could receive compensation as provided by appropriation.

After being designated and before exercising any function, each delegate and alternate would have to execute an oath to support the U.S. and State Constitutions, and otherwise faithfully discharge the duties of a delegate or alternate. A delegate would have to file the oath with the Secretary of State.

(Under Article V of the U.S. Constitution, Congress must call a convention to propose amendments to the Constitution if required by a two-thirds majority of both the U.S. Senate and the U.S. House of Representatives, or upon the application of two-thirds of the state legislatures. Any proposed amendment then must be ratified by the legislatures of three-fourths of the states or at conventions in three-fourths of the states.)

Legislative Analyst: Suzanne Lowe

## **FISCAL IMPACT**

The bill would have an indeterminate, but likely negligible fiscal impact on State resources. The bill would allow delegates to be reimbursed for actual and necessary expenses incurred in the performance of their duties. Delegates also could receive compensation as provided by appropriation.

The amount of funds necessary to reimburse actual and necessary expenses as well as provide compensation is indeterminate and dependent on the amounts appropriated by the Legislature, as the bill would require. The amounts are assumed to be negligible.

The bill would have no fiscal impact on local government.

Date Completed: 12-9-14

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.