

HOUSE BILL No. 5380

March 4, 2014, Introduced by Reps. Franz, Genetski, MacMaster, Kelly, Somerville, Goike, Bumstead and Forlini and referred to the Committee on Financial Liability Reform.

A bill to provide for the appointment of article V convention delegates; to provide the powers and duties of those delegates; and to provide for the duties of certain state governmental officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Alternate" means an individual appointed to replace a
3 delegate who is unable to fulfill his or her duties as a delegate.

4 (b) "Article V convention" means a convention for proposing
5 amendments to the constitution of the United States called for by
6 the states under article V of the constitution of the United
7 States.

8 (c) "Delegate" means an individual appointed to represent this
9 state at an article V convention.

1 (d) "Lobbyist" means that term as defined in section 5 of 1978
2 PA 472, MCL 4.415.

3 (e) "Lobbyist agent" means that term as defined in section 5
4 of 1978 PA 472, MCL 4.415.

5 Sec. 2. (1) When an article V convention is called, unless
6 otherwise established by the rules and procedures of the article V
7 convention, the delegates and alternates for this state shall be
8 appointed as follows:

9 (a) Seven delegates consisting of the following:

10 (i) Two individuals appointed by the majority leader of the
11 senate.

12 (ii) Two individuals appointed by the speaker of the house of
13 representatives.

14 (iii) One individual jointly appointed by the majority leader of
15 the senate and speaker of the house of representatives.

16 (iv) One individual appointed by the minority leader of the
17 senate.

18 (v) One individual appointed by the minority leader of the
19 house of representatives.

20 (b) Seven alternates consisting of the following:

21 (i) Two individuals appointed by the majority leader of the
22 senate.

23 (ii) Two individuals appointed by the speaker of the house of
24 representatives.

25 (iii) One individual jointly appointed by the majority leader of
26 the senate and speaker of the house of representatives.

27 (iv) One individual appointed by the minority leader of the

1 senate.

2 (v) One individual appointed by the minority leader of the
3 house of representatives.

4 (2) When delegates and alternates are appointed under
5 subsection (1), the state senate and state house of representatives
6 shall adopt a resolution to provide instructions to the delegates
7 and alternates regarding the following:

8 (a) The subjects and amendments to be considered at the
9 article V convention.

10 (b) Any other matter relating to the article V convention that
11 the state senate or state house of representatives considers
12 necessary.

13 (3) To be eligible to serve as a delegate or alternate, an
14 individual must meet all of the following qualifications:

15 (a) Be at least 18 years of age.

16 (b) Be a registered voter in this state.

17 (c) Be a resident of this state.

18 (d) Not be a lobbyist or lobbyist agent.

19 (e) Not be a federal judge, member of the United States
20 senate, or member of the United States house of representatives.

21 (4) The state senate and state house of representatives may
22 amend the instructions under subsection (2) at any time by
23 resolution.

24 (5) A vote cast by a delegate or alternate to an article V
25 convention that does any of the following is void:

26 (a) Does not comply with the instructions established by a
27 resolution adopted under subsection (2).

1 (b) Is outside the limits on the subjects and amendments that
2 may be considered at the article V convention as set forth in the
3 resolution that calls for the article V convention.

4 (6) A delegate or alternate may be recalled by the individual
5 who appointed that member under subsection (1).

6 (7) If a delegate is recalled under subsection (6), the
7 delegate shall be replaced by his or her alternate within 24 hours
8 of being recalled.

9 (8) The application of the legislature to call an article V
10 convention for proposing amendments to the constitution of the
11 United States ceases to be a continuing application and shall be
12 treated as having no effect if all of the delegates and alternates
13 vote or attempt to vote in a manner that does not comply with the
14 instructions established by a resolution adopted under subsection
15 (2) or outside the limits on the subjects and amendments that may
16 be considered at the article V convention as set forth in the
17 resolution that calls for the article V convention.

18 (9) Delegates and alternates shall serve without compensation.
19 However, delegates and alternates may be reimbursed for their
20 actual and necessary expenses incurred in the performance of their
21 official duties as delegates and alternates.

22 (10) Each delegate or alternate, after designation and before
23 the exercise of any function, shall execute an oath to do all of
24 the following:

25 (a) Pledge to support the constitution of the United States
26 and the state constitution of 1963.

27 (b) Pledge to faithfully abide by and execute any instructions

1 to appointees adopted by the state senate and state house of
2 representatives.

3 (c) Pledge to otherwise faithfully discharge the duties of a
4 delegate or alternate.

5 (11) A delegate shall file the oath executed under subsection
6 (10) with the secretary of state.

7 Sec. 3. The legislature shall appropriate the money necessary
8 to implement this act.