

HOUSE BILL No. 6523

November 27, 2018, Introduced by Rep. LaFave and referred to the Committee on Government Operations.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "article V commissioner authorization, instruction, and recall
3 act".

4 Sec. 3. As used in this act:

5 (a) "Article V" means article V of the Constitution of the
6 United States.

7 (b) "Article V application" means a joint resolution passed by
8 the legislature calling for an article V convention on the same

1 subject as called for by 2/3 of the states.

2 (c) "Article V convention" means a convention for proposing
3 amendments to the Constitution of the United States called for by
4 the states under article V.

5 (d) "Commissioner" or "alternate" means an individual
6 appointed to represent this state at an article V convention.

7 (e) "Legislative instructions" means the instructions from the
8 legislature given to the commissioners and alternates before and
9 during an article V convention.

10 (f) "Unauthorized amendment" means a proposed amendment to the
11 Constitution of the United States that is not within the subject
12 matter of the article V application or any legislative instruction.

13 Sec. 5. (1) If an article V convention is called, the
14 commissioners and alternates for this state will be appointed as
15 follows:

16 (a) Five commissioners consisting of the following:

17 (i) One individual appointed by the speaker of the house of
18 representatives.

19 (ii) One individual appointed by the senate majority leader.

20 (iii) One individual appointed by the house of
21 representatives.

22 (iv) One individual appointed by the senate.

23 (v) One individual appointed by the governor.

24 (b) Two alternates consisting of the following:

25 (i) One individual appointed by the house of representatives.

26 (ii) One individual appointed by the senate.

27 (2) An individual must meet all of the following requirements

1 to serve as a commissioner or alternate:

2 (a) Be a resident of this state.

3 (b) Not have been convicted of a felony.

4 (c) Not have been convicted of a violation of the Michigan
5 election law, 1954 PA 116, MCL 168.1 to 168.992.

6 (3) A commissioner or alternate shall take the following oath
7 of office: "I do solemnly swear (or affirm) that to the best of my
8 abilities, I will, as a commissioner (or, "alternate") to an
9 article V convention, uphold the Constitution and laws of the
10 United States, the state constitution of 1963, and the laws of this
11 state. I will not vote to approve or to allow the consideration of
12 an unauthorized amendment or article V convention rules that do not
13 provide each state with 1 vote or that allow the proposal of an
14 amendment with less than a majority vote of the commissioners."

15 Sec. 7. If commissioners and alternates are appointed under
16 section 5, the senate and house of representatives shall adopt a
17 resolution to provide the legislative instructions. The senate and
18 house of representatives may amend the legislative instructions at
19 any time by resolution.

20 Sec. 9. Commissioners and alternates appointed under section 5
21 shall comply with the legislative instructions adopted under
22 section 7 and do not have the authority to vote to approve or to
23 allow the consideration of either of the following measures:

24 (a) An unauthorized amendment.

25 (b) Article V convention rules that do not provide each state
26 with 1 vote or that allow the proposal of an amendment with less
27 than a majority vote of the commissioners.

1 Sec. 11. (1) The legislature, by resolution, may recall a
2 commissioner if the commissioner is unable to perform the duties of
3 the office and shall recall a commissioner if the commissioner
4 violates section 9.

5 (2) After the recall of a commissioner under subsection (1),
6 the legislature or the governor shall certify in writing to the
7 leadership of the article V convention 1 or both of the following
8 as applicable:

9 (a) The commissioner who was recalled and the alternate who
10 will replace that commissioner.

11 (b) If the recall of the commissioner is for a violation of
12 section 9, notice that the vote of the commissioner is rescinded.

13 Sec. 13. Commissioners and alternates may be reimbursed for
14 their actual and necessary expenses incurred in the performance of
15 their official duties as commissioners and alternates. The
16 legislature shall appropriate an amount sufficient to pay the
17 expenses.

18 Enacting section 1. This act takes effect 60 days after the
19 date it is enacted into law.