

# State of Wisconsin



2017 Assembly Bill 165

Date of enactment: **November 27, 2017**

Date of publication\*: **November 28, 2017**

## 2017 WISCONSIN ACT 83

AN ACT *to create* 13.176 of the statutes; **relating to:** appointing delegates for a convention under Article V of the United States Constitution.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 13.176 of the statutes is created to read:

**13.176 Article V convention. (1)** In this section:

(a) "Alternate delegate" means an individual appointed under sub. (2) (b) to fill a vacancy in the delegation appointed under sub. (2) (a).

(b) "Article V application" means a joint resolution, as authorized under article V of the U.S. Constitution, adopted by both houses of the Wisconsin legislature applying to Congress for an article V convention for proposing amendments.

(c) "Article V convention" means a convention called by Congress upon application of the legislatures of at least two-thirds of the states for the purpose of proposing amendments to the U.S. Constitution, as authorized by article V of the U.S. Constitution.

(d) "Delegate" means an individual appointed under sub. (2) (a) to represent the state of Wisconsin at an article V convention.

(e) "Unauthorized amendment" means a proposed amendment to the U.S. Constitution that is outside the scope of the subject matter of the article V application.

(2) (a) If Congress calls an article V convention, the legislature and the governor shall appoint 9 delegates to attend the convention as follows, but only after the legislature has passed an article V application:

1. The speaker of the assembly shall appoint 3 members of the assembly.

2. The president of the senate shall appoint 3 members of the senate.

3. The governor shall appoint one member of either the assembly or the senate.

4. The minority leader of the assembly shall appoint one member of the assembly.

5. The minority leader of the senate shall appoint one member of the senate.

(b) The legislature and the governor shall appoint 6 alternate delegates to attend the convention as follows:

1. The speaker of the assembly shall appoint 2 members of the assembly.

2. The president of the senate shall appoint 2 members of the senate.

3. The governor shall appoint one member of either the assembly or the senate.

4. The minority leader of the assembly and the minority leader of the senate shall appoint one member of the assembly or of the senate.

(c) Any vacancy in the delegation appointed under par. (a) shall be filled by an alternate delegate appointed under par. (b) within 24 hours after the vacancy occurs. Any vacancy in the alternate delegation appointed under par. (b) shall be filled by an alternate appointee from the list maintained under sub. (3) (c) within 24 hours after the vacancy occurs. If a delegate or an alternate delegate is

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

dismissed or vacates his or her appointment for any reason, the person who made the original appointment shall appoint the replacement of the delegate or alternate delegate.

(d) The term for each delegate begins with the call of the article V convention and ends on the day of the final adjournment of the convention.

(3) (a) No delegate appointed under sub. (2) (a) may vote or take any other action at an article V convention to consider or approve an unauthorized amendment.

(b) If any delegate votes or takes any other action in violation of par. (a), the other delegates, at the request of any one delegate, may convene to consider removing the delegate voting in violation of par. (a) and may immediately dismiss that delegate by the approval of a majority of the other delegates appointed under sub. (2) (a). No more than one delegate at a time may be dismissed under this paragraph. If a delegate is dismissed, another delegate may not be dismissed until a new delegate has been appointed to replace the first dismissed delegate.

(c) The speaker of the assembly, president of the senate, minority leader of the assembly, minority leader of the senate, and governor shall each maintain a list of alternate appointees, in addition to the alternate delegates appointed under sub. (2) (b), in case a delegate is dismissed as provided under par. (b).

(4) The chief clerk of the assembly and chief clerk of the senate shall jointly certify in writing to the article V convention the identity of the delegates appointed under sub. (2) or dismissed under sub. (3) (b) and the filling of any delegation vacancy within 24 hours after the appointment or dismissal or the filling of a vacancy.

(5) (a) After Congress calls for an article V convention, the legislature shall create a joint committee of correspondence responsible for communications with the delegates to the convention. The joint committee of correspondence shall be comprised of 6 members appointed as follows, except that no delegate may be appointed to the committee:

1. The speaker of the assembly shall appoint 2 members of the assembly.

2. The president of the senate shall appoint 2 members of the senate.

3. The minority leader of the assembly shall appoint one member of the assembly.

4. The minority leader of the senate shall appoint one member of the senate.

(b) 1. The delegates shall direct all communications with the legislature to the joint committee of correspondence. Before any delegate may vote on a proposed adoption or modification of the rules governing the convention or any proposed final amendment, the delegates shall communicate with the joint committee of correspondence regarding any such proposal.

2. If the joint committee of correspondence does not render a decision on any proposed adoption or modification of rules governing the article V convention within 6 hours of receiving notification from the delegates, the delegates shall presume that the committee approves the proposed adoption or modification of such rules. If the joint committee of correspondence decides within the 6-hour period against the adoption or modification of the rules governing the convention, the delegates shall vote against the adoption or modification of the rules. If the adoption or modification of the rules takes effect regardless of the disapproval of the joint committee and the delegates, the delegates may not participate further in the convention.

3. If the joint committee of correspondence does not render a decision on any proposed final amendment within 6 hours of receiving notification from the delegates, the delegates shall presume that the committee determined that the amendment is not an unauthorized amendment and may vote on the proposed final amendment. If the joint committee of correspondence decides within the 6-hour period that the proposed final amendment is an unauthorized amendment, the delegates may not vote on the amendment and may not participate further in the convention. If the joint committee of correspondence decides within the 6-hour period that the proposed final amendment is within the scope of the subject matter of the article V application, the delegates may vote on the amendment.

(c) For the purpose of determining a quorum of the committee necessary to transact business, a committee member who participates in a meeting of the committee by telephone or by other means of telecommunication or electronic communications is considered present.

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