



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Senate Bill 107

Senate Amendments 1, 3, and 4

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2017 SENATE BILL 107

2017 Senate Bill 107 (the bill) provides that if, upon application of the Legislatures of at least two-thirds of the states, Congress calls an Article V convention for the purpose of proposing amendments to the U.S. Constitution, as authorized by U.S. Const. art. V, the Wisconsin Legislature and Governor must appoint seven delegates and five alternate delegates to attend the convention as follows:

- The Speaker of the Assembly must appoint three members of the Assembly as delegates and two members of the Assembly as alternate delegates.
- The President of the Senate must appoint three members of the Senate as delegates and two members of the Senate as alternate delegates.
- The Governor must appoint one member of either the Assembly or Senate as a delegate and one member of either the Assembly or Senate as an alternate delegate.

Under the bill, a delegate is prohibited from voting on an “unauthorized amendment,” which the bill defines to mean “a proposed amendment to the U.S. Constitution that is outside the scope of the subject matter of the article V application or the call of the article V convention.” If a delegate votes on an unauthorized amendment, the bill provides that the delegate may be immediately dismissed as a delegate by the approval of a majority of the other appointed delegates. No more than one delegate at a time may be dismissed. If a delegate is dismissed, another delegate may not be dismissed until a new delegate has been appointed to replace the first dismissed delegate.

The bill requires the Wisconsin Secretary of State to certify in writing to an article V convention the identity of the delegates appointed or dismissed and the filling of any delegation vacancy within 24 hours.

Lastly, the bill requires the Legislature to create a joint committee of correspondence (JCC) that is responsible for communications with delegates to the convention. The delegates must direct all communications with the Legislature to the JCC, including proposed adoption or modification of the rules governing the article V convention. If the JCC does not render a decision on any proposed adoption or modification of rules governing the article V convention within six hours of receiving notification from the delegates, the delegates must presume that the JCC approves of the proposed adoption or modification of such rules.

SENATE AMENDMENT 1

Senate Amendment 1 (SA 1) to the bill requires that the minority leader of the Assembly appoint one member of the Assembly and the minority leader of the Senate appoint one member of the Senate as delegates to the Article V convention. SA 1 also requires that the minority leaders appoint one member of either the Assembly or the Senate as an alternate delegate to the Article V convention. Lastly, SA 1 requires the minority leaders to each maintain a list of alternate appointees, in addition to the appointed alternate delegates, in case a delegate is dismissed as provided under the bill.

SENATE AMENDMENT 3

Senate Amendment 3 (SA 3) to the bill requires the Assembly Chief Clerk and the Senate Chief Clerk of the Wisconsin Legislature, and not the Wisconsin Secretary of State, to jointly certify in writing to the article V convention the identity of the delegates appointed or dismissed and the filling of any delegation vacancy within 24 hours.

SENATE AMENDMENT 4

Senate Amendment 4 (SA 4) to the bill amends the process by which a delegate may be dismissed for voting on an unauthorized amendment. Under SA 4, if any delegate votes on an unauthorized amendment, the other delegates must commence a process to consider removing that delegate and may immediately dismiss that delegate by the approval of a majority of the other delegates.

BILL HISTORY

Senator Kapenga introduced SA 1, SA 3, and SA 4 on March 30, 2017. That same day, the Senate Committee on Financial Services, Constitution, and Federalism voted to recommend adoption of SA 1 by a vote of Ayes, 5; Noes, 0; to recommend adoption of SA 3, by a vote of Ayes, 4; Noes 1; and to recommend adoption of SA 4 by a vote of Ayes, 3; Noes, 2. The committee then voted to recommend passage of the bill, as amended, by a vote of Ayes, 3; Noes, 2.

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