SENATE JOINT RESOLUTION 2

ENROLLED BILL

— Education, Health, and Environmental Affairs/Rules and Executive Nominations —

Introduced by **Senators Madaleno, Conway, Feldman, Ferguson, Guzzone, Kagan, Kelley, King, Lee, Manno, McFadden, Pinsky, Rosapepe, Smith, and Zucker**

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____M.

_____

President.

RESOLUTION NO. _____

1 A Senate Joint Resolution concerning

2 **Constitutional Convention – ~~Amendment~~ Amendments – Repeal**

3 FOR the purpose of repealing and withdrawing certain applications to Congress to call a
4 Constitutional Convention; ~~and~~ urging the legislatures of certain other states to take
5 certain actions; and generally relating to the repeal and withdrawal of certain
6 applications to Congress for a convention to propose amendments to the Constitution
7 of the United States.

8 WHEREAS, The Constitution of the United States has been, since its creation in
9 1787, the bulwark of American liberty and strength. It was the first written national
10 Charter to clearly set forth the respective duties and powers of the Chief Executive, the
11 Legislature, and the Judiciary, and is the basis of America's checks and balances system of
12 government, assuring the rule of the majority while protecting the rights of the minority.
13 It provides for the peaceful resolution of our basic political disputes and allows for an
14 orderly succession of political leaders without bloodshed or revolution; and

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EXPLANATION:
Underlining indicates amendments to bill.
~~Strike out~~ indicates matter stricken by amendment.
Italics indicate opposite chamber/conference committee amendments.

1   WHEREAS, Since its ratification, the Constitution has been amended 27 times, each
2   time by the proposal of an amendment by the Congress, often on initial petition by the
3   states and always with subsequent ratification by the requisite number of state
4   legislatures. Despite wrenching debate, political turmoil, and many grave political and
5   economic problems – including the Great Depression – our nation has not had another
6   Constitutional Convention since 1787; and

7   WHEREAS, The first Convention was called to make ~~corrections in~~ <u>revisions to</u> the
8   Articles of Confederation and decided instead to discard that governmental system
9   altogether and create an entirely new and extremely different one. In recent years, we have
10   heard such diverse proposals as the elimination of portions of the Bill of Rights or granting
11   the President the power to dissolve Congress; and

12   WHEREAS, ~~The~~ *Although historical records maintained by the State and the Library*
13   *of Congress are incomplete and in some instances unclear as to the final disposition of*
14   *legislation proposed by the General Assembly to initiate a call to Congress for a*
15   *Constitutional Convention, it is reported that the* <u>Maryland</u> General Assembly has passed
16   ~~four~~ *several such* calls for a Constitutional Convention since the 1930s. <u>These calls include:</u>
17   <u>(1) House Resolution (1939)</u> *(unconfirmed)* <u>calling for limitations on the federal taxing</u>
18   <u>power;</u> *(2) House Joint Resolution 40 (1964) calling for standards concerning the size and*
19   *boundaries of congressional districts;* ~~(2)~~ *(3)* <u>Senate Joint Resolution 1 (1965) calling for</u>
20   <u>legislative autonomy concerning the apportionment of State legislative bodies;</u> ~~(3) House~~
21   ~~Joint Resolution 61 (1973)~~ *(4) Senate Resolution 47 (1973) (unconfirmed), a memorial from*
22   *the Senate of Maryland* <u>calling for the allowance of school prayer in public schools; and</u> ~~(4)~~
23   *(5)* <u>Senate Joint Resolution 4 (1975) calling for a balanced federal budget.</u> It is generally
24   believed that these calls never expire, and current generations are now bound by decisions
25   made in a different time and culture. The need to advance these various policy reforms
26   should be debated anew, and not bind future generations without any consideration; now,
27   therefore, be it

28   RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That this body does
29   hereby rescind, repeal, cancel, void, nullify, and supersede~~, to the same effect as if they had~~
30   ~~never been passed,~~ any and all prior applications by the General Assembly to the Congress
31   of the United States of America to call a convention to propose amendments to the
32   Constitution of the United ~~State~~ <u>States</u> of America, *whether or not the calls are confirmed*
33   *by the historical records maintained by the State or the Library of Congress,* pursuant to the
34   terms of Article V thereof, regardless of when and regardless of whether such applications
35   were for a more limited convention to propose one or more amendments regarding one or
36   more specific subjects and purposes or for a general convention to propose an unlimited
37   number of amendments upon an unlimited number of subjects; and be it further

38   RESOLVED, That the General Assembly urges the legislatures of each and every
39   state which has applied to Congress to call a convention for either a general or limited
40   Constitutional Convention to repeal and withdraw such applications; and be it further

1   RESOLVED, That a copy of this Resolution be forwarded by the Department of
2 Legislative Services to the Honorable Lawrence J. Hogan, Jr., Governor of Maryland; the
3 Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the
4 Honorable Michael E. Busch, Speaker of the House of Delegates; and be it further

5   RESOLVED, That certified copies of this Joint Resolution be sent by the Secretary
6 of State to:

7   (1)   the Honorable Michael R. Pence, Vice President of the United States,
8 President of the United States Senate, Suite S–212, United States Capitol Building,
9 Washington, D.C. 20510; the Honorable Orrin Hatch, President Pro Tempore of the United
10 States Senate, 104 Hart Office Building, Washington, D.C. 20510; and the Honorable Paul
11 D. Ryan, Speaker of the United States House of Representatives, 1233 Longworth House
12 Office Building, Washington, D.C. 20515; and

13   (2)   the Maryland Congressional Delegation: Senators Benjamin L. Cardin
14 and Christopher Van Hollen, Jr., Senate Office Building, Washington, D.C. 20510; and
15 Representatives Andrew P. Harris, C. A. Dutch Ruppersberger III, John P. Sarbanes,
16 Anthony G. Brown, Steny Hamilton Hoyer, John Delaney, Elijah E. Cummings, and Jamie
17 Raskin, House Office Building, Washington, D.C. 20515; and

18   (3)   the Honorable David S. Ferriero, Archivist of the United States,
19 National Archives and Records Administration, 709 Pennsylvania Avenue, N.W.,
20 Washington, D.C. 20408; and

21   (4)   the Honorable Julie E. Adams, Secretary of the United States Senate,
22 United States Capitol Building, Suite S–312, Washington, D.C. 20510; the Honorable
23 Elizabeth MacDonough, Parliamentarian of the United States Senate, United States
24 Capitol Building, Suite S–133, Washington, D.C. 20510; the Honorable Karen L. Haas,
25 Clerk of the United States House of Representatives, Suite H–154, United States Capitol
26 Building, Washington, D.C. 20515; and the Honorable Thomas J. Wickham, Jr.,
27 Parliamentarian of the United States House of Representatives, Room H–209, United
28 States Capitol Building, Washington, D.C. 20515, requesting that they publish this Joint
29 Resolution in the Congressional Record and list this application in the official tally of state
30 legislative applications that repeal and withdraw any prior application by a state
31 legislature that calls for the Congress of the United States of America to call a convention
32 to propose amendments to the Constitution of the United States, pursuant to the terms of
33 Article V thereof, regardless of when and regardless of whether such applications were for
34 a more limited convention to propose one or more amendments regarding one or more
35 specific subjects and purposes or for a general convention to propose an unlimited number
36 of amendments upon an unlimited number of subjects.