

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Joint Resolution 2 (Delegate Frick, *et al.*)

Rules and Executive Nominations Education, Health, and Environmental Affairs

Constitutional Convention - Amendments - Repeal

This joint resolution rescinds, repeals, cancels, voids, nullifies, and supersedes any and all prior applications by the General Assembly to the U.S. Congress to call a convention to propose amendments to the U.S. Constitution, regardless of whether the calls are confirmed by the historical records maintained by the State or the Library of Congress. The General Assembly urges the legislatures of other states that have applied to the U.S. Congress to call a convention for either a general or limited constitutional convention to repeal and withdraw such applications.

Fiscal Summary

State Effect: The joint resolution does not directly affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: Article V of the U.S. Constitution states that Congress may propose amendments to the U.S. Constitution with votes of two-thirds of both Houses. States can also apply to Congress to call a convention for proposing amendments, upon application of two-thirds of the states. Amendments in either case must be ratified by the legislatures of three-fourths of the states or by conventions in three-fourths of the states “as the one or the other mode of ratification may be proposed by the Congress.”

According to the joint resolution's preamble, since its ratification, the U.S. Constitution has been amended 27 times, each time by the proposal of an amendment by Congress, often on initial petition by the states, and always with subsequent ratification by the requisite number of state legislatures. The preamble also states that the General Assembly has passed several calls for a constitutional convention since the 1930s, although historical records maintained by the State and the Library of Congress are incomplete and/or unclear. These calls include (1) an unconfirmed House Resolution in 1939 calling for limitations on the federal taxing power; (2) House Joint Resolution 40 (1964) calling for standards concerning the size and boundaries of congressional districts; (3) Senate Joint Resolution 1 (1965) calling for legislative autonomy concerning the apportionment of State legislative bodies; (4) Senate Resolution 47 (1973, unconfirmed), a memorial from the Senate of Maryland calling for the allowance of school prayer in public schools; and (5) Senate Joint Resolution 4 (1975) calling for a balanced federal budget. It is generally believed that these calls never expire.

Additional Information

Prior Introductions: SJ 5 of 2016, a similar joint resolution, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HJ 6, received a hearing in the House Rules and Executive Nominations Committee, but no further action was taken.

Cross File: SJ 2 (Senator Madaleno, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - February 8, 2017
md/mcr Third Reader - April 5, 2017
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