

Department of Legislative Services

Maryland General Assembly

2019 Session

FISCAL AND POLICY NOTE

First Reader

House Joint Resolution 5 (Delegate Rose, *et al.*)

Rules and Executive Nominations

United States Constitution - Amendments Convention - Limitations on Federal Power

This joint resolution states that the General Assembly applies to the U.S. Congress for an amendments convention to be called, pursuant to Article V of the U.S. Constitution, as soon as two-thirds of the states have applied for a convention, to propose an amendment to the U.S. Constitution that imposes fiscal restraints on the federal government, limits the power and jurisdiction of the federal government, and limits the terms of office for officials of the federal government and for the members of the U.S. Congress. Delegates to the convention from Maryland may not propose amendments that do not address the goals listed in the joint resolution. The application constitutes a continuing application until at least two-thirds of the legislatures of the states have made application for an equivalently limited amendments convention.

Fiscal Summary

State Effect: The joint resolution does not 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.”

Additional Information

Prior Introductions: HJ 6 of 2018 received an unfavorable report from the House Rules and Executive Nominations Committee. Its cross file, SJ 8, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. HJ 7 of 2017 received a hearing in the House Rules and Executive Nominations Committee, but no further action was taken. SJ 4 of 2016 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HJ 3, received a hearing in the House Rules and Executive Nominations Committee, but no further action was taken.

Cross File: None.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2019
mm/mcr

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