

HB 3625 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 5/23, 6/1

WHAT THE MEASURE DOES:

Withdraws all applications for amendment convention under Article V of United States Constitution that were previously submitted by Legislative Assembly to Congress and declares those applications null and void. Takes effect on 91st day following adjournment sine die.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

- Previous calls for amendment convention
- Whether previous memorials have been rescinded
- States having submitted applications for amendment conventions

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Article V of the United States Constitution establishes methods for proposing and adopting amendments to the United States Constitution. One method involves Congress calling a convention for proposing amendments upon application of the legislatures of two-thirds of the states (i.e., 34 of 50 states). Amendments proposed by a convention become valid only when ratified by the legislatures of, or conventions in, three-fourths of the states (i.e., 38 of 50 states).

According to the National Conference of State Legislatures, interest in a U.S. constitutional convention is as old as the country and has ebbed and flowed over time. Direct election of senators was a topic in the early 1900s. In the 1940s and 1950s, many applications focused on federal taxing power. During the 1960s to 1990s, two issues came close to triggering conventions —apportionment and a balanced federal budget.

The Legislative Assembly has previously submitted applications to Congress calling for an amendment convention on various topics, however, no application, when combined with the applications of other states on the same topic, has been sufficient to meet the two-thirds threshold required by the United States Constitution. No application of the Legislative Assembly has resulted in Congress calling an amendment convention.

In 1999, the Legislative Assembly adopted Senate Joint Memorial 9, which called on Congress to disregard calls for a constitutional convention on balancing the federal budget. The memorial also withdrew all previous memorials from the Legislative Assembly calling for a constitutional convention to propose an amendment that would require a balanced federal budget, including Senate Joint Memorial 2 (1977).

House Bill 3625 withdraws all previous applications from the Legislative Assembly for an amendment convention under Article V of United States Constitution and declares those applications null and void.