

PETITION FOR AMENDMENTS TO U.S. CONSTITUTION

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House Joint Resolution V as reported from committee w/o amendment

Analysis available at
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Sponsor: Rep. Lee Chatfield
Committee: Government Operations
Complete to 9-14-17

SUMMARY:

House Joint Resolution V would petition the United States Congress to call a convention to propose amendments to the U.S. Constitution.

The Joint Resolution states that the convention would be "limited to proposing amendments to the constitution of the United States that impose fiscal restraints on the federal government, limit the powers and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress." The Joint Resolution includes a brief preamble expressing the need for such amendments.

HJR V would direct the Secretary of State to transmit copies of the application to the President and Secretary of the U.S. Senate; to the Speaker and Clerk of the U.S. House of Representatives; to all members of the U.S. Senate and U.S. House from Michigan; and to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Finally, the Joint Resolution states that the application "constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject."

FISCAL IMPACT:

HJR V would have no direct fiscal impact on the state or local units of government.

BACKGROUND:

Under Article V of the U.S. Constitution, Congress must propose amendments to the Constitution if two thirds of both the U.S. Senate and U.S. House of Representatives deem it necessary, and must call a convention for proposing amendments upon the application of the Legislatures of two thirds of the states. Any proposed amendment must then be ratified by the Legislatures of three fourths of the states or at conventions in three fourths of the states.¹

Congress has proposed 33 amendments and adopted 27 of them under the first process. The second process, amendments proposed at a convention after a request of the states, has never been successfully used; **the U.S. has never had an Article V convention**. Because it was envisioned by

¹ Article V, U.S. Constitution. United States Senate. Available online:
https://www.senate.gov/civics/constitution_item/constitution.htm#a5

the framers but never applied, a number of questions remain about the logistics for an Article V convention. Some of these are addressed in **DISCUSSION** below.

DISCUSSION:

As described above, the Joint Resolution would serve as Michigan's application to call a "convention of the states" to address the three issues specifically referenced: 1) federal fiscal restraint, 2) limiting the power and jurisdiction of the federal government, and 3) term limits for federal officials and members of Congress.

According to testimony before the House Government Operations Committee (9-13-17), the Joint Resolution mirrors the language of resolutions passed in twelve other states. This has taken place through efforts in those state legislatures, as well as the apparent involvement of the Convention of States, a project of Citizens for Self-Governance, an organization "dedicated to the mission of recruiting educating [sic], training, equipping and motivating a nationwide network of self-governing citizens activists, committed to bringing government back to the people."²

Critics of the resolution expressed concern that the article V convention could become a "runaway" convention, one that proposes constitutional changes outside the scope specifically referenced in this resolution. Additionally, there are no existing rules or procedures to govern the convention. They also stated that Michigan should not be bound to apply for a convention that focuses on limiting the federal government, but should seek proposed Constitutional amendments on a range of issues that matter to Michiganders. By adhering to this this model resolution, Michigan is simply letting other states that have already passed the resolution dictate the convention's terms.

Proponents of the resolution view it as a message and action to return government to the place it resides—the people. A core theme of proponents is that the size and scope of the federal government is too large, and the states, through their elected legislatures, need to exert their power—given to them in the Constitution—to reign in the federal government. Since this serves as Michigan's application to join twelve other states in calling for a constitutional convention on the topic of limiting the federal government, its contribution to the two-thirds requirement could be put in jeopardy if it included other Constitutional topics. Finally, it was noted that a convention has historical precedence, and that since any Constitutional amendments must still be ratified by three-fourths of the states, the fears of a "runaway" convention are unfounded.

POSITIONS:

A representative of Convention of States testified in support of the resolution. (9-13-17)

Representatives of Convention of States indicated support for the resolution. (9-13-17)

A representative of the Michigan League for Public Policy indicated opposition to the resolution. (9-13-17)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

² Citizens for Self-Governance, <https://selfgovern.com/>