

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR

Senate Concurrent Resolution No. 4

101ST GENERAL ASSEMBLY

0062H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

Relating to an application to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution which place limits on the federal government.

Be it enacted by the General Assembly of the state of Missouri, as follows:

2 **WHEREAS**, the Founders of our Constitution empowered state legislators to be
3 guardians of liberty against future abuses of power by the federal government; and

4 **WHEREAS**, the federal government has created a crushing national debt through
5 improper and imprudent spending; and

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7 **WHEREAS**, the federal government has invaded the legitimate roles of the states
8 through the manipulative process of federal mandates, most of which are unfunded to a great
9 extent; and

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11 **WHEREAS**, the federal government has ceased to live under a proper interpretation of
12 the Constitution of the United States; and

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14 **WHEREAS**, it is the solemn duty of the states to protect the liberty of our people -
15 particularly for the generations to come - to propose amendments to the United States
16 Constitution through a convention of states under Article V to place clear restraints on these and
17 related abuses of power; and

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EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 **WHEREAS**, the Ninety-ninth General Assembly of Missouri, First Regular Session,
20 adopted Senate Concurrent Resolution 4, which contained an application for an Article V
21 Convention to propose constitutional amendments identical to those proposed in this resolution,
22 but provided that the application would expire five years after the passage of Senate Concurrent
23 Resolution 4;

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25 **NOW THEREFORE BE IT RESOLVED** by the members of the Missouri Senate, One
26 Hundred First General Assembly, First Regular Session, the House of Representatives concurring
27 therein, hereby apply to Congress, under the provisions of Article V of the United States
28 Constitution, for the calling of a convention of the states limited to proposing amendments to the
29 United States Constitution that impose fiscal restraints on the federal government, limit the
30 power and jurisdiction of the federal government, and limit the terms of office for its officials
31 and members of Congress; and

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33 **BE IT FURTHER RESOLVED** that the General Assembly adopts this application with
34 the following understandings (as the term "understandings" is used within the context of
35 "reservations, understandings, and declarations"):

36 (1) An application to Congress for an Article V convention confers no power on
37 Congress other than to perform a ministerial function to "call" for a convention;

38 (2) This ministerial duty shall be performed by Congress only when Article V
39 applications for substantially the same purpose are received from two-thirds of the legislatures
40 of the several states;

41 (3) The power of Congress to "call" a convention solely consists of the authority to name
42 a reasonable time and place for the initial meeting of the convention;

43 (4) Congress possesses no power whatsoever to name delegates to the convention, as this
44 power remains exclusively within the authority of the legislatures of the several states;

45 (5) Congress possesses no power to set the number of delegates to be sent by any states;

46 (6) Congress possesses no power whatsoever to determine any rules for such convention;

47 (7) By definition, a Convention of States means that states vote on the basis of one state,
48 one vote;

49 (8) A Convention of States convened pursuant to this application is limited to
50 consideration of topics specified herein and no other;

51 (9) The General Assembly of Missouri may recall its delegates at any time for breach of
52 their duties or violations of their instructions pursuant to the procedures adopted in this
53 resolution;

54 (10) Pursuant to the text of Article V, Congress may determine whether proposed
55 amendments shall be ratified by the legislatures of the several states or by special state
56 ratification conventions. The General Assembly of Missouri recommends that Congress specify
57 its choice on ratification methodology contemporaneously with the call for the convention;

58 (11) Congress possesses no power whatsoever with regard to the Article V convention
59 beyond the two powers acknowledged herein;

60 (12) Missouri places express reliance on prior legal and judicial determinations that
61 Congress possesses no power under Article I relative to the Article V process, and that Congress
62 must act only as expressly specified in Article V; and

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64 **BE IT FURTHER RESOLVED** that this application shall be considered as covering
65 the same subject matter as the applications from other states to Congress to call a convention to
66 set a limit on the number of terms that a person may be elected to the House of Representatives
67 of the Congress of the United States and the Senate of the United States; and this application
68 shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to
69 require Congress to call a limited convention on this subject, but shall not be aggregated with
70 any other applications on any other subject; and

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72 **BE IT FURTHER RESOLVED** that this application hereby repeals, rescinds, cancels,
73 renders null and void, and supercedes the application to the Congress of the United States for a
74 convention under Article V of the Constitution of the United States by this state in Senate
75 Concurrent Resolution No. 4 as adopted by the Ninety-ninth General Assembly, First Regular
76 Session; and

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78 **BE IT FURTHER RESOLVED** that the Secretary of the Senate be instructed to prepare
79 a properly inscribed copy of this resolution for the President and Secretary of the United States
80 Senate, the Speaker and Clerk of the United States House of Representatives, each member of
81 the Missouri Congressional delegation, and the presiding officers of each of the legislative
82 houses in the several states requesting their cooperation.

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