

House Concurrent Resolution No. 42

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POGUE.

2093H.021

D. ADAM CRUMBLISS, Chief Clerk

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

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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 their people -
15 particularly for the generations to come - and to propose amendments to the United States
16 Constitution through a convention of states under Article V to place clear restraints on the federal
17 government's abuses of power; and

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19 **WHEREAS**, under Amendment XVI of the Constitution of the United States:

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21 “The Congress shall have power to lay and collect taxes on incomes, from whatever
22 source derived, without apportionment among the several States, and without regard to any
23 census or enumeration.”; and

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25 **WHEREAS**, the states and the people they serve would be better protected from
26 governmental abuse and better served if the federal government was forced to reign in its
27 uncontrolled spending; and

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29 **WHEREAS**, the federal government functioned without the power of Amendment XVI
30 of the Constitution of the United States and without the power to tax incomes for one hundred
31 twenty-four years; and

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33 **WHEREAS**, under Amendment XVII of the Constitution of the United States:

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35 “The Senate of the United States shall be composed of two Senators from each State,
36 elected by the people thereof, for six years; and each Senator shall have one vote. The electors
37 in each State shall have the qualifications requisite for electors of the most numerous branch of
38 the State legislatures.

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40 When vacancies happen in the representation of any State in the Senate, the executive authority
41 of such State shall issue writs of election to fill such vacancies: Provided, That the legislature
42 of any State may empower the executive thereof to make temporary appointments until the
43 people fill the vacancies by election as the legislature may direct.

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45 This amendment shall not be so construed as to affect the election or term of any Senator chosen
46 before it becomes valid as part of the Constitution.”; and

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48 **WHEREAS**, the states and the people they serve would be better served if their
49 representatives to the federal government were accountable to the state’s government; and

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51 **WHEREAS**, the federal government functioned without Amendment XVII of the
52 Constitution of the United States and with the legislature of each state electing the persons it
53 would send to the United States Senate for one hundred twenty-four years:

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55 **NOW THEREFORE BE IT RESOLVED** that the members of the House of
56 Representatives of the Ninety-ninth General Assembly, First Regular Session, the Senate
57 concurring therein, hereby submit this resolution for an amendment to the Constitution of the
58 United States and, under Article V of the Constitution of the United States, respectfully urge the
59 United States Congress to submit the proposed amendment to the Constitution of the United
60 States for ratification and inclusion in the United States Constitution; and

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62 **BE IT FURTHER RESOLVED** that this application constitutes a continuing
63 application in accordance with Article V of the United States Constitution until the legislatures
64 of at least two-thirds of the several states have made applications on the same subject; and

65 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
66 Representatives be instructed to prepare a properly inscribed copy of this resolution for the
67 Majority and Minority Leaders of the United States Senate and House of Representatives, and
68 each member of the Missouri Congressional delegation.

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