

House Concurrent Resolution No. 5

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FREDERICK.

0136H.011

D. ADAM CRUMBLISS, 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 that place limits on the federal government.

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-ninth General Assembly, First Regular Session, the Senate concurring therein, hereby apply to Congress, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit

23 the power and jurisdiction of the federal government, and limit the terms of office for its officials
24 and members of Congress; and

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

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

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

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

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

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

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

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

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

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53 (9) The General Assembly of Missouri may recall its delegates at any time for breach of
54 their duties or violations of their instructions;

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56 (10) Pursuant to the text of Article V, Congress may determine whether proposed
57 amendments shall be ratified by the legislatures of the several states or by special state

58 ratification conventions. The General Assembly of Missouri recommends that Congress specify
59 its choice on ratification methodology contemporaneously with the call for the convention;

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

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

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

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72 BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of
73 Representatives be instructed to prepare properly inscribed copies of this resolution for the
74 President and Secretary of the United States Senate, the Speaker and Clerk of the United States
75 House of Representatives, each member of the Missouri Congressional delegation, and the
76 presiding officers of each of the legislative houses in the several states requesting their
77 cooperation.

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