

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

State of Arkansas *As Engrossed: S1/28/19 H2/11/19*
92nd General Assembly
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SJR 3

By: Senators G. Stubblefield, Caldwell, Hickey, Hill, Rice, Flippo, A. Clark, Hester, B. Ballinger, Rapert, D. Wallace, Bledsoe, K. Hammer, J. Cooper, T. Garner, Irvin, B. Davis, M. Johnson
By: Representatives McCollum, Eubanks, M. Gray, A. Davis, B. Smith, Beck, Bentley, Brown, C. Cooper, Dotson, Fortner, Gonzales, Hollowell, Ladyman, Lundstrum, Lynch, S. Meeks, Payton, Pilkington, Richmond, Rushing, Rye, Sorvillo, Sullivan, Vaught, Womack

SENATE JOINT RESOLUTION

APPLYING TO THE UNITED STATES CONGRESS TO CALL A CONVENTION FOR PROPOSING AMENDMENTS PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION, LIMITED TO PROPOSING AMENDMENTS THAT IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT, LIMIT THE POWER AND JURISDICTION OF THE FEDERAL GOVERNMENT, AND LIMIT THE TERMS OF OFFICE FOR ITS OFFICIALS AND FOR MEMBERS OF THE UNITED STATES CONGRESS.

Subtitle

APPLYING TO THE UNITED STATES CONGRESS TO CALL A CONVENTION FOR PROPOSING AMENDMENTS PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION.

WHEREAS, the founders of the United States Constitution empowered state legislators to be guardians of liberty against excessive use 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 ceased to operate under a proper



interpretation of the United States Constitution; 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, it is the solemn duty of the states to protect the liberty of our people, particularly for the generations to come, by proposing amendments to the United States Constitution through a convention of the states under Article V of the United States Constitution for the purpose of restraining these and related abuses of power,

NOW THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT the General Assembly hereby applies to the United States 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 the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of the United States Congress.

BE IT FURTHER RESOLVED THAT the Secretary of the Senate is hereby directed to transmit copies of this application to the President of the United States Senate, the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, the members of the Arkansas congressional delegation, and the presiding officers of each house of the legislatures in the several states, requesting their cooperation.

BE IT FURTHER RESOLVED THAT this application constitutes a continuing application in accordance with Article V of the United States Constitution until the legislatures of at least two-thirds (2/3) of the several states

have made applications on the same subject.

BE IT FURTHER RESOLVED THAT the General Assembly adopts this application expressly subject to the following reservations, understandings, and declarations:

(1) An application to the United States Congress to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to the United States Congress other than the power to call such a convention. The power of the United States Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

(2) The United States Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two-thirds (2/3) of the legislatures of the several states;

(3) The United States Congress does not have the power or authority to determine any rules for the governing of a convention for proposing amendments called pursuant to Article V of the United States Constitution. The United States Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

(4) By definition, an amendment convention of the states means that states shall vote on the basis of one (1) state, one (1) vote;

(5) A convention for proposing amendments convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights of the United States Constitution shall not be authorized for consideration at any stage. This application shall be void ab initio if ever used at any stage to consider any change to any provision of the Bill of Rights of the United States Constitution;

(6) Pursuant to Article V of the United States Constitution, the United States Congress may determine whether proposed amendments shall be

ratified by the legislatures of the several states or by special state ratification conventions. The General Assembly recommends that the United States Congress select ratification by the legislatures of the several states;

(7) The General Assembly may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or *a violation of the instructions provided; and*

(8) *Delegates are bound to the instructions provided by the General Assembly and a failure to follow the instructions provided constitutes a breach of the delegate's duty and subjects them to recall and replacement.*

/s/G. Stubblefield