

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

1 State of Arkansas *As Engrossed: S1/28/19 H2/11/19*

2 92nd General Assembly

3 Regular Session, 2019

SJR 3

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5 By: Senators G. Stubblefield, Caldwell, Hickey, Hill, Rice, Flippo, A. Clark, Hester, B. Ballinger, Rapert,

6 D. Wallace, Bledsoe, K. Hammer, J. Cooper, T. Garner, Irvin, B. Davis, M. Johnson

7 *By: Representatives McCollum, Eubanks, M. Gray, A. Davis, B. Smith, Beck, Bentley, Brown, C. Cooper,*

8 *Dotson, Fortner, Gonzales, Hollowell, Ladyman, Lundstrum, Lynch, S. Meeks, Payton, Pilkington,*

9 *Richmond, Rushing, Rye, Sorvillo, Sullivan, Vaught, Womack*

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SENATE JOINT RESOLUTION

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APPLYING TO THE UNITED STATES CONGRESS TO CALL A

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CONVENTION FOR PROPOSING AMENDMENTS PURSUANT TO

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ARTICLE V OF THE UNITED STATES CONSTITUTION, LIMITED

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TO PROPOSING AMENDMENTS THAT IMPOSE FISCAL RESTRAINTS

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ON THE FEDERAL GOVERNMENT, LIMIT THE POWER AND

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JURISDICTION OF THE FEDERAL GOVERNMENT, AND LIMIT THE

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TERMS OF OFFICE FOR ITS OFFICIALS AND FOR MEMBERS OF

19

THE UNITED STATES CONGRESS.

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Subtitle

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APPLYING TO THE UNITED STATES CONGRESS TO

24

CALL A CONVENTION FOR PROPOSING

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AMENDMENTS PURSUANT TO ARTICLE V OF THE

26

UNITED STATES CONSTITUTION.

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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

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

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WHEREAS, the federal government has ceased to operate under a proper



1 interpretation of the United States Constitution; and

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

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

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13 NOW THEREFORE,

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

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18 THAT the General Assembly hereby applies to the United States Congress,
19 under the provisions of Article V of the United States Constitution, for the
20 calling of a convention of the states limited to proposing amendments to the
21 United States Constitution that impose fiscal restraints on the federal
22 government, limit the power and jurisdiction of the federal government, and
23 limit the terms of office for its officials and for members of the United
24 States Congress.

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

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

1 have made applications on the same subject.

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

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

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

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

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

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

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

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

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

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

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/s/G. Stubblefield

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