

# **SESSION LAWS OF MISSOURI**

**Passed during the**

## **ONE HUNDRED FIRST GENERAL ASSEMBLY**

First Regular Session, which convened at the City of Jefferson,  
Wednesday, January 6, 2021, and adjourned Sunday, May 30, 2021, and  
First Extraordinary Session, which convened at the City of Jefferson,  
Wednesday, June 23, 2021, and adjourned Wednesday, June 30, 2021.

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SCR 4

**Applies to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution.**

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.

**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; and

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

**Now, Therefore, Be It Resolved** by the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives 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 the power and jurisdiction of the federal government, and limit the terms of office for its officials and members of Congress; and

**Be It Further Resolved** that the General Assembly adopts this application with the following understandings (as the term "understandings" is used within the context of "reservations, understandings, and declarations"):

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

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

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

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

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

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

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

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

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

(10) Pursuant to the text of Article V, 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 of Missouri recommends that Congress specify its choice on ratification methodology contemporaneously with the call for the convention;

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

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

**Be It Further Resolved** that this application hereby repeals, rescinds, cancels, renders null and void, and supercedes the application to the Congress of the United States for a convention under Article V of the Constitution of the United States by this state in Senate Concurrent Resolution No. 4 as adopted by the Ninety-ninth General Assembly, First Regular Session; and

**Be It Further Resolved** that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states requesting their cooperation.

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#### SCR 6

**WHEREAS**, an independent United States Supreme Court is an essential element of America's system of checks and balances that protects our constitutional rights; and

**WHEREAS**, the United States Supreme Court has been composed of nine Justices for more than 150 years; and

**WHEREAS**, the President of the United States and Congress should be prohibited from undermining the independence of the Supreme Court by changing the number of Justices on the Supreme Court;

**Now Therefore Be It Resolved** that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to resist any attempt to increase the number of Justices on the United States Supreme Court; and

**Be It Further Resolved** that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

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