

SCR 1 – AS INTRODUCED

2011 SESSION

11-0932

10/05

SENATE CONCURRENT RESOLUTION ***1***

A RESOLUTION urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States.

SPONSORS: Sen. Groen, Dist 6; Sen. De Blois, Dist 18; Sen. Gallus, Dist 1; Sen. Sanborn, Dist 7; Sen. White, Dist 9; Rep. Hoell, Merr 13; Rep. Groen, Straf 1

COMMITTEE: Internal Affairs

ANALYSIS

This concurrent resolution make an application to the Congress of the United States pursuant to Article V of the Constitution of the United States to call an Article V amendment convention for the sole purpose of voting to propose or voting not to propose an amendment to the Constitution of the United States, known as the Madison amendment.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

A RESOLUTION urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States.

1 Whereas, recent experience has shown that the safeguards in the United States Constitution, as
2 currently interpreted by the Judiciary, are insufficient to require the federal government to comply
3 with such basic rules of fiscal responsibility as balancing its own budget, abuse of its legislative
4 process, and mandating upon state government duties within adequate funding; and

5 Whereas, those who framed and adopted the Constitution included a provision by which state
6 legislatures may require Congress to call a convention for proposing amendments as a way to
7 respond to disagreements in constitutional interpretation or abuses by the federal officials; now,
8 therefore, be it

9 Resolved by the Senate, the House of Representatives concurring:

10 That the New Hampshire general court does hereby make an application to the Congress of the
11 United States pursuant to Article V of the Constitution of the United States to call an Article V
12 amendment convention for the sole purpose of voting to propose or voting not to propose the following
13 specific amendment to the Constitution of the United States:

14 “ARTICLE___. The Congress, on Application of the Legislatures of two thirds of the several States,
15 which all contain an identical Amendment, shall call a Convention solely to decide whether to
16 propose that specific Amendment to the States, if proposed shall be valid to all intents and purposes
17 as part of the Constitution when ratified pursuant to Article V;” and

18 That for the purpose of determining whether the required 2/3 of the legislatures of the several
19 states have applied for a convention, this application may be counted and considered valid only in
20 conjunction with qualifying applications of other States that contain the identical text of the specific
21 amendment contained in this application and whose application requires that the sole purpose of the
22 convention is to decide whether to propose, or not to propose this specific amendment; and

23 That this concurrent resolution is revoked and withdrawn, nullified and superseded to the same
24 effect as if it had never been passed, and retroactive to the date of passage, if it is used to conduct a
25 convention that votes to propose any amendment other than the specific text of the amendment
26 contained in this resolution; and

27 That every delegate selected to represent New Hampshire at a convention that Congress shall
28 call pursuant to this resolution shall take an oath, enforceable under New Hampshire law, to abide
29 by and act according to the limits imposed by this resolution on the purpose of the convention; and

30 That any delegate selected to represent New Hampshire at a convention that Congress shall call
31 pursuant to this resolution shall have no authority to consider or approve any other amendment but

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1 the one contained in this application. Any vote taken in violation of this limitation shall be null and
2 void, and any delegate who so votes shall have no authority to represent New Hampshire on any
3 matter at the convention; and

4 That this application shall only be valid if 2/3 of the states shall make a qualifying application
5 within 7 years of its referral for ratification to the states by Congress under the provisions of Article
6 V of the Unites States Constitution; and

7 That this application shall be null and void and of no effect if Congress, within 90 days of receipt
8 of qualifying applications from 2/3 of the states, shall propose and refer for ratification by the several
9 states under the procedures outlined in Article V of the United States Constitution, the same exact
10 text of the amendment contained in this application; and

11 That copies of this application shall be delivered within 30 days of its passage to the Speaker of
12 the United States House of Representative, the Clerk of the United States House of Representatives,
13 the President of the United States Senate, the Secretary of the United States Senate, every member
14 of the New Hampshire congressional delegation, and the presiding officers of each house of the
15 legislature of the several states.