

Amendment to SCR 4

1 Amend the title of the bill by replacing it with the following:

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3 A RESOLUTION applying for an Article V convention to propose an amendment to the
4 Constitution of the United States that imposes fiscal restraints on the federal
5 government.
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7 Amend the resolution by replacing all after the title with the following:

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9 Be it resolved by the Senate, the House of Representatives concurring:

10 That, pursuant to Article V of the Constitution of the United States, the general court, as the
11 legislature of the state of New Hampshire, makes application to the Congress of the United States
12 to call a convention for the specific and exclusive purpose of proposing an amendment to the
13 Constitution of the United States, for submission to the states for ratification, to impose fiscal
14 restraints on the federal government; and

15 That, pursuant to Article V of the Constitution of the United States, the New Hampshire
16 general court, as the legislature of the state of New Hampshire, joins in the applications of the
17 states of Georgia (SR 736, 2014), Florida (SM 476, 2014), Alaska (HJR 22, 2014), and Alabama (HJR
18 112, 2015) for a convention for the specific and exclusive purpose of proposing an amendment to the
19 Constitution of the United States limited to the purposes stated therein; provided, however, that the
20 delegates from New Hampshire to said convention are expressly limited to consideration and
21 support of an amendment that imposes fiscal restraints on the federal government; and

22 That it is the express intention of the general court that this application shall be aggregated
23 with the subsequent applications of other states limited to the purpose identified in this application
24 and with those applications of the above-mentioned states; and

25 That this application constitutes a continuing application in accordance with Article V of the
26 Constitution of the United States until the legislatures of at least 2/3 of the several states have
27 made applications for a similar convention under Article V, or the general court acts to withdraw
28 this application; and

29 That the legislature of the state of New Hampshire adopts this application expressly subject to
30 the following reservations, understandings, and declarations:

31 I. An application to the Congress of the United States to call an amendment convention of
32 the states pursuant to Article V of the United States Constitution confers no power to Congress
33 other than the power to call such a convention. The power of Congress to exercise this ministerial

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1 duty consists solely of the authority to name a reasonable time and place for the initial meeting of a
2 convention;

3 II. Congress shall perform its ministerial duty of calling an amendment convention of the
4 states only upon the receipt of applications for an amendment convention for the substantially same
5 purpose as this application from 2/3 of the legislatures of the several states;

6 III. Congress does not have the power or authority to determine any rules for the governing
7 of an amendment convention of the states called pursuant to Article V of the United States
8 Constitution. Congress does not have the power to set the number of delegates to be sent by any
9 state to such a convention, nor does it have the power to name delegates to such a convention. The
10 power to name delegates remains exclusively within the authority of the legislatures of the several
11 states;

12 IV. By definition, an amendment convention of the states means that states shall vote on
13 the basis of one state, one vote;

14 V. An amendment convention of the states convened pursuant to this application shall be
15 limited to consideration of the topics specified herein and no other. This application is made with
16 the express understanding that an amendment that in any way seeks to amend, modify, or repeal
17 any provision of the Bill of Rights shall not be authorized for consideration at any stage. This
18 application shall be void if ever used at any stage to consider any change to any provision of the Bill
19 of Rights;

20 VI. Pursuant to Article V of the United States Constitution, Congress may determine
21 whether proposed amendments shall be ratified by the legislatures of the several states or by special
22 state ratification conventions. The legislature of the state of New Hampshire recommends that
23 Congress select ratification by the legislatures of the several states; and

24 VII. The legislature of the state of New Hampshire may provide further instructions to its
25 delegates and may recall its delegates at any time for a breach of a duty or a violation of the
26 instructions provided; and

27 That the senate clerk shall transmit certified copies of this resolution to the President and
28 Secretary of the United States Senate, the Speaker and Clerk of the United States House of
29 Representatives, the presiding officer in each house of the legislature in each of the states in the
30 union, and to the members of New Hampshire's congressional delegation requesting their
31 cooperation.

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AMENDED ANALYSIS

This resolution makes an application to Congress for an Article V convention to propose an amendment to the United States Constitution to impose fiscal restraints on the federal government.