

**Assembly Joint Resolution**

**No. 30**

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**Introduced by Assembly Member Grove**

February 17, 2016

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Assembly Joint Resolution No. 30—Relative to a convention of states.

LEGISLATIVE COUNSEL'S DIGEST

AJR 30, as introduced, Grove. Federal constitutional convention: application.

This measure would constitute an application to the United States Congress to call a constitutional convention pursuant to Article V of the United States Constitution limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government and limit the power and jurisdiction of the federal government.

This measure would constitute a continuing application for such convention until the legislatures of 2/3 of the states have made applications on the same subject and the convention has been called by the Congress of the United States.

Fiscal committee: no.

- 1 WHEREAS, The Founders of the United States Constitution
- 2 empowered state legislators to be guardians of liberty against
- 3 excessive use of power by the federal government; and
- 4 WHEREAS, The federal government has created a mounting
- 5 national debt exceeding \$17 trillion through improper and
- 6 imprudent spending; and

1 WHEREAS, The federal government has usurped the legitimate  
2 roles of the states through unfunded federal mandates; and

3 WHEREAS, The federal government has ceased to operate  
4 under a proper interpretation of the Tenth Amendment to the United  
5 States Constitution; and

6 WHEREAS, It is the solemn duty of the states to protect the  
7 liberty of our people, particularly for the generations to come, by  
8 proposing amendments to the United States Constitution through  
9 a convention of the states under Article V to place clear restraints  
10 on these and related excessive uses of power; now, therefore, be  
11 it

12 *Resolved by the Assembly and the Senate of the State of*  
13 *California, jointly*, That the Legislature of the State of California  
14 hereby make application to the Congress of the United States to  
15 call an amendment convention pursuant to Article V of the United  
16 States Constitution limited to proposing amendments to the United  
17 States Constitution that impose fiscal restraints on the federal  
18 government and limit the power and jurisdiction of the federal  
19 government; and, be it further

20 *Resolved*, That pursuant to Article V of the Constitution of the  
21 United States, the Legislature of the State of California joins in  
22 the application of the states of Georgia (SR 736 (2014)), Florida  
23 (SM 476 (2014)), Alaska (HJR 22 (2014)), Alabama (HJR 112  
24 (2015)), and Tennessee (SJR 67 (2016)) for a convention for the  
25 sole and exclusive purpose of proposing amendments to the  
26 Constitution of the United States limited to the purposes stated  
27 therein, provided, however, that the delegates from California to  
28 said convention are expressly limited to consideration and support  
29 for amendments that impose fiscal restraints on the federal  
30 government, and which limit the power and jurisdiction of the  
31 federal government. It is the express intention of this Legislature  
32 that this application shall be aggregated with the subsequent  
33 applications of other states limited to the purposes identified in  
34 this application or those of the states named above; and, be it  
35 further

36 *Resolved*, That the other states be encouraged to make similar  
37 applications for an amendment convention pursuant to Article V  
38 of the United States Constitution; and, be it further

39 *Resolved*, That this application shall constitute a continuing  
40 application for such amendment convention pursuant to Article V

1 of the United States Constitution until the legislatures of two-thirds  
2 of the states have made applications on the same subject and such  
3 convention has been called by the Congress of the United States;  
4 and, be it further

5 *Resolved*, That the Legislature of California adopt this  
6 application with the following understandings (as the term  
7 “understandings” is used within the context of “reservations,  
8 understandings, and declarations”):

9 1. An application to Congress for an Article V convention  
10 confers no power on Congress other than to perform a ministerial  
11 function to “call” a convention;

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

15 3. The power of Congress to “call” a convention solely consists  
16 of the authority to name a reasonable time and place for the initial  
17 meeting of the Convention;

18 4. Congress possesses no power whatsoever to name delegates  
19 to said convention, as this power remains exclusively within the  
20 authority of the legislatures of the several states;

21 5. Congress possesses no power to set the number of delegates  
22 to be sent by any state;

23 6. Congress possesses no power whatsoever to determine any  
24 rules for said convention;

25 7. By definition, a convention of states means that states vote  
26 on the basis of one state, one vote;

27 8. A convention of states convened pursuant to this application  
28 is limited to consideration of topics specified herein and no other;

29 9. The Legislature of California may provide instructions to its  
30 delegates (commissioners);

31 10. The Legislature of California may recall its delegates at any  
32 time for breach of their duties or violation of their instructions;

33 11. Pursuant to the text of Article V, Congress may determine  
34 whether proposed amendments shall be ratified by the legislatures  
35 of the several states or by special state ratification conventions;  
36 the Legislature of California recommends that Congress specify  
37 its choice of ratification methodology contemporaneously with  
38 the call for the convention;

1 12. Congress possesses no power whatsoever with regard to the  
2 Article V convention beyond the two powers acknowledged herein;  
3 and

4 13. The Legislature of California places express reliance on  
5 prior legal and judicial determinations that Congress possesses no  
6 power under Article I of the United States Constitution relative to  
7 the Article V process and that Congress must act only as expressly  
8 specified in Article V; and, be it further

9 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
10 of this resolution to the President of the United States, the Speaker  
11 and the Clerk of the United States House of Representatives, the  
12 President and the Secretary of the United States Senate, each  
13 member of the California Congressional Delegation, and the  
14 legislatures of each of the several states, attesting the adoption of  
15 this resolution by the Legislature of California.

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