SB2204

97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2204

Introduced 2/10/2011, by Sen. Chris Lauzen

SYNOPSIS AS INTRODUCED:

New Act

    Creates the No Runaway Convention and Single Amendment Limitation Act.
Provides that no delegate from Illinois to a Convention has the authority
to vote to consider or approve any proposed amendment to the United States
Constitution other than the amendment authorized in the Madison Amendment
(an Amendment concerning fiscal discipline, legislative transparency, and
unfunded mandates). Sets forth the provisions of the Madison Amendment.
Sets forth the oath and duties of an Illinois delegate.

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1   AN ACT concerning government.

2   WHEREAS, The following resolution which may be referred to
3   as the Madison Amendment has been filed during the 97th General
4   Assembly:

5   "WHEREAS, Recent experience has shown that the safeguards
6   in the United States Constitution, as currently interpreted by
7   the Judiciary, are insufficient to require the federal
8   government to comply with such basic rules of fiscal
9   responsibility as balancing its own budget, preventing the
10 abuse of its legislative process, and mandating upon state
11 government duties within adequate funding; and

12   WHEREAS, Those who framed and adopted the United States
13 Constitution included a provision by which state legislatures
14 may require Congress to call a convention for proposing
15 amendments as a way to respond to disagreements in
16 constitutional interpretation or abuses by federal officials;
17 and

18   WHEREAS, the Illinois General Assembly accordingly makes
19 application to Congress for the calling of a convention for
20 proposing an amendment to the United States Constitution
21 imposing certain rules of fiscal discipline, providing for
22 legislative transparency, and preventing unfunded mandates on
23 the federal government; therefore, be it

1   RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL

2 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES

3 CONCURRING HEREIN, that we urge Congress to call for a

4 Convention to propose an Amendment to the federal Constitution:

5   Section 1. The Illinois General Assembly does hereby

6   make an application to the Congress of the United States

7   pursuant to Article V of the Constitution of the United

8   States to call an Article V Amendment Convention for the

9   sole purpose of voting to propose or voting not to propose

10   the following specific Amendment to the Constitution of the

11   United States:

12   "ARTICLE___. The Congress, on Application of the

13   Legislatures of two thirds of the several States, which all

14   contain an identical Amendment, shall call a Convention

15   solely to decide whether to propose that specific Amendment

16   to the States, which, if proposed shall be valid to all

17   intents and purposes as part of the Constitution when

18   ratified pursuant to Article V."

19   Section 2. For the purpose of determining whether the

20   required two-thirds of the Legislatures of the several

21   states have applied for a Convention, this Application may

22   be counted and considered valid only in conjunction with

23   qualifying applications of other States that contain the

24   identical text of the specific Amendment contained in this

25   Application and whose application requires that the sole

26   purpose of the Convention is to decide whether to propose,

1   or not to propose this specific Amendment.

2   Section 3. This joint resolution is revoked and

3   withdrawn, nullified and superseded to the same effect as

4   if it had never been passed, and retroactive to the date of

5   passage, if it is used to conduct a convention that votes

6   to propose any Amendment other than the specific text of

7   the Amendment contained in Section 1 of this resolution.

8   Section 4. Every delegate selected to represent

9   Illinois at a Convention that Congress shall call pursuant

10   to this resolution shall take an oath, enforceable under

11   Illinois law, to abide by and act according to the limits

12   imposed by this resolution on the purpose of the

13   Convention.

14   Section 5. Any delegate selected to represent Illinois

15   at a Convention that Congress shall call pursuant to this

16   resolution shall have no authority to consider or approve

17   any other Amendment but the one contained in this

18   Application. Any vote taken in violation of this limitation

19   shall be null and void, and any delegate who so votes shall

20   have no authority to represent Illinois on any matter at

21   the Convention.

22   Section 6. This Application shall only be valid if

23   two-thirds of the states shall make a qualifying

24   Application within seven years of its referral for

25   ratification to the states by Congress under the provisions

26   of Article V.

1   Section 7. This Application shall be null and void and
2   of no effect if Congress, within ninety days of receipt of
3   qualifying Applications from two-thirds of the states,
4   shall propose and refer for ratification by the several
5   states under the procedures outlined in Article V of the
6   United States Constitution, the same exact text of the
7   Amendment contained in this Application.

8   Section 8. Copies of this Application shall be
9   delivered within thirty days of its passage to the Speaker
10   of the United States House of Representatives, the Clerk of
11   the United States House of Representatives, the President
12   pro tempore of the United States Senate, the Secretary of
13   the United States Senate, every member of Congress from
14   Illinois, and the presiding officers of each house of the
15   legislature of the several states.

16   Section 9. This joint resolution shall not take effect
17   unless and until the proper implementing legislation is
18   enacted by the General Assembly;" and therefore

19   **Be it enacted by the People of the State of Illinois,**
20   **represented in the General Assembly:**

21   Section 1. Short title. This Act may be cited as the No
22   Runaway Convention and Single Amendment Limitation Act.

23   Section 5. Definitions. As used in this Act:

1   "Amendment" means the amendment to the United States

2   Constitution contained in the Madison Amendment. The language

3   of the amendment is as follows: "ARTICLE___. The Congress, on

4   Application of the Legislatures of two thirds of the several

5   States, which all contain an identical Amendment, shall call a

6   Convention solely to decide whether to propose that specific

7   Amendment to the States, if proposed shall be valid to all

8   intents and purposes as part of the Constitution when ratified

9   pursuant to Article V."

10   "Convention" means the convention called for under the

11   authority of Article V of the United States Constitution in the

12   Madison Amendment.

13   "Qualifying application" means a resolution passed by

14   states calling for a Convention under the authority of Article

15   V of the United States Constitution that contains the same

16   language as the amendment, and which requires that the sole

17   permitted purpose of the convention is to decide whether to

18   propose, or not to propose, the amendment.

19   "Unauthorized amendment or proposed amendment" means any

20   amendment considered or voted on by the convention that is not

21   precisely identical to the amendment described in the

22   definition of amendment set forth in this Section.

23   Section 10. Delegates; duties.

24   (a) No delegate from Illinois to the Convention has the

25   authority to vote to consider or approve any proposed amendment

1   to the United States Constitution other than the amendment

2   authorized in the Madison Amendment.

3   (b) Any vote taken by a delegate from Illinois at the

4   Convention in violation of subsection (a) of this Section shall

5   be null and void. Any delegate making this vote shall be

6   immediately disqualified from serving as a delegate to the

7   Convention.

8   (c) Every delegate from Illinois to the Convention called

9   for by the Madison Amendment shall be required to take the

10   following oath:

11   "I do solemnly swear or affirm that to the best of my

12   abilities, I will, as a delegate to the Convention, uphold

13   the Constitution and laws of the United States and

14   Illinois. I will accept and will act according to the

15   limits of the authority as a delegate granted to me by

16   Illinois law, and I will not vote to consider or approve

17   any amendment to the United States Constitution other than

18   the precise text of the amendment contained in the

19   implementing bill for the Madison Amendment passed by the

20   Illinois General Assembly. I understand and accept any

21   penalties that may be imposed on me by Illinois law for

22   violating this oath."

23   (d) Any delegate who violates the oath contained in

24   subsection (c) of this Section shall be subject to a Class B

25   misdemeanor, and shall forfeit all licenses to conduct business

26   or engage in any profession that requires a license in

1   Illinois.

2   (e) The Secretary of State shall certify the selection of

3   the Illinois delegates in writing to the Convention and shall

4   provide a copy of the certification to each delegate. No

5   delegate shall have authority to vote or otherwise serve as a

6   delegate at the Convention without the certification.

7   (f) The Secretary of State shall promulgate administrative

8   regulations setting out a process for selecting alternative

9   delegates to the Convention in the event a delegate becomes

10   unable or ineligible to serve. If a delegate becomes ineligible

11   to serve under the provisions of subsection (d) of this

12   section, the alternate delegate shall immediately be entitled

13   to represent Illinois as a delegate in place of the delegate

14   who has become ineligible and the Secretary of State shall

15   immediately provide certification to the new delegate.

16   Section 15. Limitations. Neither the Illinois House of

17   Representatives nor the Illinois Senate shall consider or

18   ratify any proposed amendment concerning the issues addressed

19   in the Madison Amendment other than the precise text of the

20   amendment included in the Madison Amendment.

21   Section 20. Enforcement.

22   (a) The provisions of this Act may be enforced by the

23   Illinois Attorney General.

24   (b) A citizen may file an action in any circuit court

1   within the State to enforce this Act and shall be entitled to

2   reasonable attorney's fees if successful.