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SENATE JOINT RESOLUTION NO. 315

Offered January 14, 2009

Prefiled January 13, 2009

Applying to the Congress of the United States to call a convention for the purpose of amending the Constitution of the United States to provide for a balanced budget requirement.

 Patron—Hanger

 Referred to Committee on Rules

WHEREAS, this nation has become deeply in debt as its expenditures have exceeded available revenues so that the total federal public debt now exceeds \$10 trillion and continues to increase; and

WHEREAS, the federal budget fails to reflect actual spending because of the exclusion of special outlays that are neither included in the budget nor subject to the legal public debt limit; and

WHEREAS, knowledgeable planning requires that the budget reflect all federal spending and that the budget be in balance; and

WHEREAS, attempts to curtail federal spending, confine expenditures to available revenues, and reduce the annual deficit have met with only limited success; and

WHEREAS, the requirement to balance the budget will promote responsibility at the federal level, provide checks against unnecessary and costly appropriations, and reinforce efforts to bring about fiscal integrity; and

WHEREAS, the Constitution of this Commonwealth provides for a balanced budget, and this provision has reinforced the inherent fiscal common sense of spending only funds available and has contributed to the Commonwealth's outstanding reputation for sound fiscal management and policy; and

WHEREAS, there has not been, nor does it appear that there will be an initiative on the part of the Congress to amend the Constitution of the United States so as to add a balanced budget requirement; and

WHEREAS, in the event of congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change through application by the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention; and

WHEREAS, the Congress is required by Article V to call such a convention upon receipt of such applications; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That pursuant to Article V of the Constitution of the United States, the General Assembly of Virginia does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment to add an article to provide for a balanced budget requirement. The proposed article should contain substantially the following provisions:

"Section 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a roll call vote.

Section 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a roll call vote.

Section 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

Section 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a roll call vote.

Section 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict that causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

Section 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

Section 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

Section 8. This article shall take effect beginning with the later of the second fiscal year beginning after its ratification or the first fiscal year beginning after December 31, 2012."; and, be it

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59 RESOLVED FURTHER, That unless rescinded by the General Assembly of Virginia, this application
60 shall constitute a continuing application for such convention pursuant to Article V of the Constitution of
61 the United States until the legislatures of two-thirds of the states shall have made like applications and
62 such convention shall have been called by the Congress of the United States; and, be it

63 RESOLVED FURTHER, That since this method of proposing an amendment has never been
64 completed to the point of calling a convention and since the exercise of the power is a matter of basic
65 sovereign rights and the interpretation thereof is primarily in the sovereign government making such
66 exercise and since the power to use such right in full also carries the power to use such right in part,
67 the General Assembly interprets Article V to mean that if two-thirds of the states make application for a
68 convention to propose a substantially similar amendment to the Constitution for ratification with a
69 limitation that such amendment be the only matter before it, that such convention would have power to
70 propose only the specified amendment and would be limited to such proposal and would not have power
71 to propose other amendments on different propositions; and, be it

72 RESOLVED FINALLY, That the Clerk of the Senate transmit copies of this resolution to the
73 President of the United States, the President of the United States Senate, the Speaker of the United
74 States House of Representatives, the members of the Virginia Congressional Delegation, and the
75 legislatures of each of the several states, attesting the adoption of this resolution by the General
76 Assembly of Virginia.