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HOUSE JOINT RESOLUTION NO. 542

Offered January 12, 2011

Prefiled December 15, 2010

Making application to the Congress of the United States to call an amendment convention pursuant to Article V of the United States Constitution for the purpose of proposing a constitutional amendment that permits the repeal of any federal law or regulation by vote of two-thirds of the state legislatures.

Patrons—LeMunyon, Abbitt, Anderson, Bell, Richard P., Bell, Robert B., Byron, Carrico, Cline, Comstock, Cosgrove, Cox, J.A., Cox, M.K., Crockett-Stark, Edmunds, Garrett, Gilbert, Greason, Howell, W.J., Hugo, Iaquinto, Ingram, Janis, Jones, Kilgore, Knight, Landes, Lingamfelter, Loupassi, Marshall, D.W., Massie, Merricks, Morefield, Morgan, Nutter, O'Bannon, Oder, Orrock, Peace, Poindexter, Purkey, Putney, Robinson, Rust, Scott, E.T., Sherwood, Stolle, Tata, Villanueva, Ware, R.L., Wilt and Wright; Senator: Vogel

Referred to Committee on Privileges and Elections

WHEREAS, Article I of the United States Constitution begins "All legislative powers herein granted shall be vested in a Congress"; and

WHEREAS, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are "reserved to the states respectively, or to the people" as the Tenth Amendment affirms and the rights "retained by the people" to which the Ninth Amendment refers; and

WHEREAS, this encroachment includes the accumulation of federal debt, which combined with interest represents a future tax, and is of such great proportion that responsibility for its payment will be passed to future, unborn generations of Americans to assume without their consent, thereby disparaging their rights; and

WHEREAS, this encroachment also includes compelling state and local governments to comply with federal laws and regulations without accompanying funding for such mandates; and

WHEREAS, in Federalist No. 85, Alexander Hamilton wrote in reference to Article V of the Constitution and the calling of a convention for the purpose of proposing amendments that, "We may safely rely on the disposition of the State legislatures to erect barriers against the encroachments of the national authority"; and

WHEREAS, the Constitution should be amended in order to halt federal encroachment and restore a proper balance between the powers of Congress and those of the several states, and to prevent the denial or disparagement of the rights retained by the people; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Commonwealth of Virginia hereby applies to the Congress of the United States to call an amendment convention pursuant to Article V of the United States Constitution for the purpose of proposing a constitutional amendment that permits the repeal of any federal law or regulation by vote of two-thirds of the state legislatures. The Virginia Delegation to such convention, when called, shall propose the following amendment:

"Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of two-thirds of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed."; and, be it

RESOLVED FURTHER, That this resolution is revoked and withdrawn, nullified, and superseded to the same effect as if it had never been passed, and retroactive to the date of passage, if it is used for the purpose of calling a convention or used in support of conducting a convention to amend the Constitution of the United States for any purpose other than consideration of the amendment proposed in this resolution; and, be it

RESOLVED FURTHER, That the Commonwealth of Virginia reserves its right to add future amendments as the legislature deems warranted to this application; and, be it

RESOLVED FURTHER, That delegates to such convention, when called, be selected according to procedures established by the legislatures of the several states; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

INTRODUCED

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