

2012 SESSION

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HOUSE JOINT RESOLUTION NO. 228

Offered January 20, 2012

Memorializing the Congress of the United States to report to the states on all pending applications submitted by the states to call a convention to amend the United States Constitution.

Patron—LeMunyon

Referred to Committee on Rules

WHEREAS, there has been no convention convened to amend the Constitution of the United States pursuant to Article V of that Constitution, and all amendments adopted to date have been initiated by two-thirds of the members of both houses of Congress and ratified by three-fourths of the states; and

WHEREAS, the Congressional Research Service in a memorandum dated January 13, 2012, has stated that "although more than 700 state applications for a constitutional convention have been submitted to Congress since 1789, no single issue (or application for a general convention) has gained the necessary support of two-thirds of the legislatures of the several states that would trigger a convention"; and

WHEREAS, Article V of the United States Constitution does not (i) specify procedural details about the convention process that allows the states to initiate a constitutional amendment nor (ii) provide a requirement that applications pertain to a particular issue; and a first, essential step to understanding and utilizing the convention method should be a report by the Congress on the number and content of all pending applications filed by the states for a convention; and

WHEREAS, a report from the Congressional Research Service dated May 10, 1995, cited the submissions by 32 states calling for a convention to propose a balanced budget amendment and that report discussed many of the unresolved questions about the convention process; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Congress of the United States is requested to report to the states on all pending applications submitted by the states to call a convention to amend the United States Constitution pursuant to Article V; and, be it

RESOLVED FURTHER, 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, the members of the Virginia Congressional Delegation, and the legislatures of each of the several states so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

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