

15100321D

**HOUSE JOINT RESOLUTION NO. 498**

Offered January 14, 2015

Prefiled September 17, 2014

*Memorializing the Congress of the United States to propose an amendment to Article V of the United States Constitution that will modify the process for proposing amendments to the Constitution.*

---

Patrons—Landes and Cole

---

Referred to Committee on Rules

WHEREAS, Article V of the United States Constitution provides two methods for the adoption of amendments: first, by proposals passed by two-thirds of both houses of Congress and then ratified by the legislatures of three-fourths of the states; and second, by applications from two-thirds of the states to call a convention for proposing amendments that are then ratified by the legislatures of three-fourths of the states; and

WHEREAS, since the adoption of the present Constitution on March 4, 1789, there has been no convention of the states to propose amendments, and the only method employed to amend the Constitution has been for Congress to propose amendments to the state legislatures for their ratification; and

WHEREAS, countervailing concerns surround the amendment convention process: concern over the possibility of a runaway convention weighed against concern that the alternative amendment method, without an amendment convention, is too restrictive and too dependent on a Congress that may have interests at odds with possible amendments sought by the public; and

WHEREAS, to address these concerns, it is appropriate to propose an amendment to Article V that will alleviate the concern about a runaway convention and simultaneously make it more appropriate to use the amendment convention approach; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to propose an amendment to Article V of the United States Constitution that will modify the process for proposing amendments to the Constitution; and, be it

RESOLVED FURTHER, That the text of the amendment to Article V be substantially as follows:

"The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states for one, and no more than one, identical amendment, shall call an amendment convention of the states, if no other amendment convention exists at the time, consisting of two delegate seats for each state, to be filled by the respective state legislatures, and being committed to consider only that single identical amendment, and no more, for submission to the states for ratification, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no state, without its consent, shall be deprived of its equal suffrage in the Senate."; and, be it

RESOLVED FINALLY, That the Clerk of the House 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 the several states so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

INTRODUCED

HJ498