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SENATE JOINT RESOLUTION NO. 269
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Rules
on January 27, 2015)

(Patron Prior to Substitute—Senator McDougle)

Applying to the Congress of the United States to call an amendment convention pursuant to Article V of the United States Constitution limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

WHEREAS, the Founders of the United States Constitution empowered state legislators to be guardians of liberty against excessive use of power by the federal government; and

WHEREAS, the federal government has created a mounting national debt exceeding \$17 trillion through improper and imprudent spending; and

WHEREAS, the federal government has usurped the legitimate roles of the states through unfunded federal mandates; and

WHEREAS, the federal government has ceased to operate under a proper interpretation of the Tenth Amendment to the United States Constitution; and

WHEREAS, it is the solemn duty of the states to protect the liberty of our people, particularly for the generations to come, by proposing amendments to the United States Constitution through a convention of the states under Article V to place clear restraints on these and related excessive uses of power; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly of the Commonwealth of Virginia hereby make application to the Congress of the United States to call an amendment convention pursuant to Article V of the United States Constitution limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

RESOLVED FURTHER, That the other states be encouraged to make similar applications for an amendment convention pursuant to Article V of the United States Constitution; and, be it

RESOLVED FURTHER, That this application shall constitute a continuing application for such amendment convention pursuant to Article V of the United States Constitution until the legislatures of two-thirds of the states have made applications on the same subject and such convention has been called by the Congress of the United States; and, be it

RESOLVED FURTHER, That the General Assembly of Virginia adopt this application with the following understandings (as the term "understandings" is used within the context of "reservations, understandings, and declarations"):

1. An application to Congress for an Article V convention confers no power on Congress other than to perform a ministerial function to "call" a convention;

2. This ministerial duty shall be performed by Congress only when Article V applications for substantially the same purpose are received from two-thirds of the legislatures of the several states;

3. The power of Congress to "call" a convention solely consists of the authority to name a reasonable time and place for the initial meeting of the Convention;

4. Congress possesses no power whatsoever to name delegates to said convention, as this power remains exclusively within the authority of the legislatures of the several states;

5. Congress possesses no power to set the number of delegates to be sent by any state;

6. Congress possesses no power whatsoever to determine any rules for said convention;

7. By definition, a convention of states means that states vote on the basis of one state, one vote;

8. A convention of states convened pursuant to this application is limited to consideration of topics specified herein and no other;

9. The General Assembly of Virginia may provide instructions to its delegates (commissioners);

10. The General Assembly of Virginia may recall its delegates at any time for breach of their duties or violation of their instructions;

11. Pursuant to the text of Article V, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions; the General Assembly of Virginia recommends that Congress specify its choice of ratification methodology contemporaneously with the call for the convention;

12. Congress possesses no power whatsoever with regard to the Article V convention beyond the two powers acknowledged herein; and

13. The General Assembly of Virginia places express reliance on prior legal and judicial

60 determinations that Congress possesses no power under Article I of the United States Constitution
61 relative to the Article V process and that Congress must act only as expressly specified in Article V;
62 and, be it
63 RESOLVED FINALLY, That the Clerk of the Senate transmit copies of this resolution to the
64 President of the United States, the Speaker and the Clerk of the United States House of Representatives,
65 the President and the Clerk of the United States Senate, the members of the Virginia Congressional
66 Delegation, and the legislatures of each of the several states, attesting the adoption of this resolution by
67 the General Assembly of Virginia.