16100011D

HOUSE JOINT RESOLUTION NO. 3

Offered January 13, 2016
Prefiled November 16, 2015

Applying to the Congress of the United States to call an amendment convention of the states 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.

Patrons—Lingamfelter, Anderson, Ware, Cole, Fowler, Head, Helsel, Ingram, LaRock, O'Bannon, Peace, Webert and Wilt

Referred to Committee on Rules

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 crushing national debt through improper and imprudent spending; and

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

WHEREAS, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; 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 for the purpose of restraining these and related abuses of power; now, therefore, be it

RESOLVED by the House of Delegates, the Senate 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 of the states 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 General Assembly of the Commonwealth of Virginia adopt this application expressly subject to the following reservations, understandings, and declarations:

1. An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

2. Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two-thirds of the legislatures of the several states;

3. Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

4. By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

5. An amendment convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void ab initio if ever used at any stage to consider any change to any provision of the Bill of Rights;

6. Pursuant to Article V of the United States Constitution, 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 the Commonwealth of Virginia recommends that Congress select ratification by the legislatures of the several states; and

7. The General Assembly of the Commonwealth of Virginia may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided; and, be it

INTRODUCED

HJ3

12/11/22 11:5

RESOLVED FURTHER, That this application shall constitute a continuing application for such amendment convention of the states 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 FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker and the Clerk of the United States House of Representatives, the President and the Clerk of the United States Senate, the members of the Virginia Congressional Delegation, and the legislatures of each of the several states, attesting the adoption of this resolution by the General Assembly of Virginia.