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SENATE JOINT RESOLUTION NO. 91

Offered January 11, 2012

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 requires a balanced federal budget and prohibits unfunded federal mandates to the states.

Patron—Carrico

Referred to Committee on Privileges and Elections

WHEREAS, this nation has become deeply in debt as its expenditures have exceeded available revenues so that the total federal public debt now exceeds \$15 trillion and continues to increase, and is of such great proportion that responsibility for its payment, with interest, will be passed to future, unborn generations of Americans to assume without their consent; and

WHEREAS, attempts to curtail federal spending, confine expenditures to available revenues, and reduce the annual deficit have not been successful; and

WHEREAS, in recent years Congress has mandated the implementation of government programs by the states without providing funding for all such programs, and could continue to encroach on state budgets as a means of balancing the federal budget; and

WHEREAS, the Constitution of the Commonwealth provides for a balanced budget, and this provision has reinforced the inherent fiscal common sense of spending only funds available and has contributed to the Commonwealth's outstanding reputation for sound fiscal management and policy; and

WHEREAS, efforts in Congress to amend the Constitution of the United States to add a balanced budget requirement have not been successful; and

WHEREAS, Article V of the Constitution of the United States grants to the states the right to initiate a process of amending the constitution through application by the legislatures of two-thirds of the several states to the Congress, calling for an amendment convention; 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 Congress is required by Article V to call such a convention upon receipt of such applications from two-thirds of the states; now, therefore, be it

RESOLVED by the Senate, the House of Delegates 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 amending the constitution to require a balanced federal budget and prohibit unfunded mandates by Congress to the states. The Virginia Delegation to such convention, when called, shall propose the following amendment:

"Section 1. The public debt of the United States shall not be increased, unless agreed by two-thirds of the whole number of each House, and for periods not to exceed one year, with the names of the persons voting for and against recorded.

"Section 2. Congress shall make no law compelling the appropriation of money by any state, unless such state is compensated by Congress by at least an equal appropriation of money and not less than annually. Any conditions applied by Congress related to the expenditure of such money by any state shall be specific to its use.

"Section 3. The provisions of Section 2 shall become effective five years after ratification, and shall apply to laws made prior to and after ratification."

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

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

RESOLVED FINALLY, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, 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, attesting the adoption of this resolution by the General Assembly of Virginia.

INTRODUCED

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