



November 13, 2019

Governor-elect Tate Reeves
c/o Legislative Liaison Kenny Ellis
PO Box 1018
Jackson, MS 39215

Dear Governor-elect Reeves,

Subject: Would you consider supporting an effort to amend Mississippi's existing Article V Balanced Budget Amendment Application in order to lead the country back to fiscal policies like those achieved under your administration as Lieutenant Governor?

In the Spring of 1975, the Mississippi Legislature passed a resolution, the language of which could have been taken from today's headlines. In its rationale, HCR 51, affirmed that "the national debt is already dangerously high, and any further increases will be harmful and costly to the people of the United States."

In that same bill, the Mississippi Legislature also designated a constitutional solution. Pursuant to Article V of the Constitution of the United States, they made application to Congress to call a convention of the several states for proposing a balanced budget amendment.

In the intervening years, the legislature's concerns have been more than validated. In 1975, the national debt stood at just over a half trillion dollars. Today, the debt is over 42 times that figure, threatening national security, the social safety net and the basic stability of the American economy.

While the debt facts are sobering, Mississippi seems to have done its part. However, constitutional scholar Robert Natelson concluded in his 2018 Federalist Society Review article that:

"...as a matter of prudence, the Mississippi application should not be counted. It may be invalid because it improperly purports to dictate to the convention an up-or-down vote on prescribed language. Even if it is valid, its prescribed language seems to render it inconsistent with the other 27 [single subject BBA applications]."

This becomes even more significant as Natelson further argues that 6 plenary (general) applications are likely to aggregate with the 27 BBA applications. The combined total then amounts to just one application short of the 34 required by Article V of the U.S. Constitution for the calling of a convention of states. A revised Mississippi Resolution could provide the final application necessary to fulfill the will of the people of Mississippi going back to 1975 and to initiate the first convention of the states in American history.



As you are certainly aware, the Mississippi legislature also recently reaffirmed its call for an amendments convention to address federal fiscal responsibility (among other concerns) with the passage of SCR 596. Though not aggregable with the existing BBA applications, the advancement of SCR 596 does indicate that Mississippi's political leadership still believes "the crushing national debt" needs to be brought under control.

Governor Reeves, during your tenure as Lieutenant Governor, you were the state's most outspoken advocate for responsible budgeting and debt reduction. As you've said, today Mississippi has "a truly balanced budget, nearly \$350 million set aside for a rainy day," and "less debt on the books" than when you took office. While holding the line on the growth of state government, you were able to cut taxes, encourage job growth and bring in increased revenue for new infrastructure investments.

This is the kind of responsible fiscal management that Mississippians (and all Americans) need from their federal government as well. Congress has demonstrated over the last sixty years that attempts to restrain spending via simple statute are not effective. The situation has become so dire that even former Democratic Senate Majority Leader Harry Reid recently said, "We are driving ourselves into bankruptcy. We've got to do something."

With Mississippi's updated BBA application, the states may soon have the opportunity to draft an amendment influenced by the world's most successful fiscal rules, balancing the budget over the business cycle by slowing the growth of government. Thank you for considering what part you might be willing to play in leading Mississippi's effort to secure a federal balanced budget amendment and a sustainable fiscal future for generations of Americans to come.

Governor-elect Reeves, will you make history by using Article V to unite 34 states to "do something" to prevent our nation's "drive into bankruptcy"?

Very Respectfully,

David Biddulph

Co-Founder

Let Us Vote for a Balanced Budget Amendment Citizen's Campaign, Inc.

cc: Attorney General-elect Lynn Fitch
Lieutenant Governor-elect Delbert Hosemann
House Speaker Philip Gunn

Enclosures:

- Counting to Two Thirds: How Close Are We to a Convention for Proposing Amendments to the Constitution? By Robert Natelson, Federalist Society Review, Volume 19
- 33 Active Article V Applications for a Balanced Budget Amendment Convention of the States

Federalism & Separation of Powers

Counting to Two Thirds: How Close Are We to a Convention for Proposing Amendments to the Constitution?

By Robert G. Natelson

Note from the Editor:

This article argues that, in aggregating applications from states to call a convention for proposing amendments under Article V of the U.S. Constitution, Congress should count plenary (unlimited) applications toward a limited-subject convention.

The Federalist Society takes no positions on particular legal and public policy matters. Any expressions of opinion are those of the author. Whenever we publish an article that advocates for a particular position, as here, we offer links to other perspectives on the issue, including ones opposed to the position taken in the article. We also invite responses from our readers. To join the debate, please email us at info@fedsoc.org.

• Laurence H. Tribe, *Issues Raised by Requesting Congress to Call a Constitutional Convention to Propose a Balanced Budget Amendment*, 10 Pac. L.J. 627, 632 (1979), <http://heinonline.org/HOL/LandingPage?handle=hein.journals/mcglr10&div=44&id=&page=>.

• Michael Stokes Paulsen, *A General Theory of Article V: The Constitutional Lessons of the Twenty-Seventh Amendment*, 103 Yale L.J. 677 (1993), http://heinonline.org/HOL/Page?handle=hein.journals/ylr103&div=33&g_sent=1&casa_token=.

• Russell Caplan, *Constitutional Brinkmanship: Amending the Constitution by National Convention* (1988), <https://www.amazon.com/Constitutional-Brinkmanship-Amending-Constitution-Convention/dp/019505573X>.

• Grover Joseph Rees, III, *The Amendment Process and Limited Constitutional Conventions*, 2 Benchmark 66 (1986), <http://articlevinfocenter.com/wp-content/uploads/2018/03/Rees-Benchmark-1986-ocr.pdf>.

About the Author:

Rob Natelson is Professor of Law at The University of Montana (ret.), Senior Fellow in Constitutional Jurisprudence at the Independence Institute in Denver, Colorado, and Director of the Independence Institute's Article V Information Center. His work has been relied on repeatedly by U.S. Supreme Court justices and parties and has been cited by the highest courts of 15 states.

Article V of the United States Constitution provides that when two thirds (currently 34) of the state legislatures apply, "Congress . . . shall call a Convention for proposing Amendments."¹ To determine whether its duty to call a convention has been triggered, Congress must count applications from states; this practice sometimes is referred to as "aggregating" applications. This paper addresses the almost unexamined² question of whether applications for a convention unlimited as to topic ("plenary applications") should be aggregated with those for a convention limited to one or more subjects.

Congress may face this issue very soon. At least 27 state legislatures have valid applications outstanding for a convention to propose a balanced budget amendment (BBA). At least six states without BBA applications have outstanding applications calling for a plenary convention. Thus, if aggregation is called for, 33 of the 34 applications needed for Congress to call a convention likely exist.

After consideration of the language of Article V, case law, historical practice, and other factors, this paper concludes that Congress should add existing plenary applications to the BBA

1 U.S. Const. art. V provides 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, shall call a Convention for proposing Amendments, 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 Convention in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

2 Not only is the precise topic of this paper unexamined in the scholarly literature, there has been very little discussion of aggregation issues in general, although they are treated to some extent in, e.g., Michael Stokes Paulsen, *A General Theory of Article V: The Constitutional Lessons of the Twenty-Seventh Amendment*, 103 Yale L.J. 677 (1993) [hereinafter Paulsen]; Russell Caplan, *Constitutional Brinkmanship: Amending the Constitution by National Convention* (1988) [hereinafter Caplan]; Grover Joseph Rees, III, *The Amendment Process and Limited Constitutional Conventions*, 2 Benchmark 66 (1986).

Given this paucity, I necessarily have had to rely heavily on my own previous publications. See, e.g., Robert G. Natelson, *Founding-Era Conventions and the Meaning of the Constitution's "Convention for Proposing Amendments"*, 65 Fla. L. Rev. 615 (2013) [hereinafter *Founding-Era Conventions*]; State Initiation of Constitutional Amendments: A Guide for Lawyers and Legislative Drafters (4th ed, 2016), <https://i2i.org/wp-content/uploads/2015/01/Compendium-4.0-plain.pdf> [hereinafter Guide]; *Why the Constitution's "Convention for Proposing Amendments" is a Convention of the States* (Heartland Institute 2017) (hereinafter *Convention of the States*).

total, and that it should call a BBA convention if and when the aggregated total reaches 34.

I. Basic Principles

Article V provides that, to become part of the Constitution, an amendment must be ratified either by (1) three fourths of the state legislatures or (2) conventions in three fourths of the states. Congress chooses between the legislative and convention ratification methods. However, before an amendment may be ratified, it first must be duly *proposed*.³ Article V itemizes two permissible methods of proposal: (1) by a two thirds vote of both houses of Congress or (2) by “a Convention for proposing Amendments.” This paper focuses on the latter method, which the framers designed as a way of proposing amendments without the consent of Congress.

Article V does not delineate expressly the composition and nature of a convention for proposing amendments, and such a convention has never been held. For this reason, commentators, particularly those who oppose a convention, have long complained that Article V provides insufficient guidance on the subject.⁴ But the brevity of Article V is consistent with the drafting of the Constitution generally. The Framers sought to keep the document short by outlining the basics and leaving to readers the task of supplementing the text from contemporaneous law and circumstances. For example, Article I, Section 9, Clause 2 states that “The privilege of the writ of habeas corpus shall not be suspended.” It does not explain what a writ of habeas corpus is, what it contains, how it is issued, or the traditional rules regarding suspension.⁵ Readers are expected to identify those facts for themselves. In this respect, Article V is no different.

Recent scholarly investigations into Article V have placed in the public domain the information necessary for understanding the Article V convention process.⁶ For example, both Founding-Era evidence⁷ and the Supreme Court⁸ inform us that a convention for proposing amendments is a kind of “convention of the states” – also called a “convention of states.” This characterization has the effect of clarifying basic convention protocols, because the protocols of such conventions were standardized long before the Constitution was drafted: The Constitutional Convention of 1787

was a convention of the states, and it had over thirty predecessors.⁹ In fact, many of the delegates at the Constitutional Convention were veterans of one or more previous interstate gatherings.¹⁰

Moreover, the protocols have not changed significantly since the Founding. Conventions of states met in Hartford, Connecticut (1814); Nashville, Tennessee (1850); Washington, D.C. (1861), Montgomery, Alabama (1861) St. Louis, Missouri (1889); Santa Fe, New Mexico and three other cities (1922); in various locations from 1946 to 1949; and in Phoenix, Arizona (2017).¹¹ Although the specific rules for each meeting differed somewhat, the basic protocols remained roughly similar.¹² Most interstate conventions, both before and after the ratification of the U.S. Constitution, have been regional or “partial” conventions to which colonies or states from only a single region of the country were invited. At least eight have been general conventions – that is, gatherings to which colonies or states from all regions were invited.¹³ An Article V convention for proposing amendments would be general, but there are no significant protocol differences between partial and general conventions.¹⁴ Those protocols determine such matters as the scope of a convention call, how commissioners are instructed, and how rules are adopted.¹⁵

Article V does not outline these details because they were so well known to the founding generation that there was no need to repeat them. Article V is more specific only in a few instances where clarification was necessary.¹⁶ In view of the wealth of history surrounding Article V, the courts appropriately defer to that history. The Supreme Court and other judicial tribunals have decided nearly fifty reported Article V cases,¹⁷ and they

3 U.S. Const. art. V.

4 E.g., Laurence H. Tribe, *Issues Raised by Requesting Congress to Call a Constitutional Convention to Propose a Balanced Budget Amendment*, 10 Pac. L.J. 627, 632 (1979) (calling the Constitution’s convention wording “strikingly vague”).

5 U.S. Const. art. I, § 9, cl. 2. The guidelines for suspension are outlined in Robert G. Natelson, *The Original Constitution: What It Actually Said and Meant* 122-23 (3d ed. 2014).

6 In addition to sources cited in this paper, see Michael B. Rappaport, *The Constitutionality of a Limited Convention: An Originalist Analysis*, 28 Const. Comment. 53 (2012); Michael Stern, *Reopening the Constitutional Road to Reform: Toward a Safeguarded Article V Convention*, 78 Tenn L. Rev. 765 (2011); John Vile, *Conventional Wisdom: The Alternate Article V Mechanism for Proposing Amendments to the U.S. Constitution* (2016).

7 *Convention of the States*, *supra* note 2.

8 *Smith v. Union Bank*, 30 U.S. 518, 528 (1831) (referring to a convention for proposing amendments as a “convention of the states”).

9 The constitutional term “convention” is probably the most common designation, but at various times, they also have been known as interstate congresses, committees, and commissions. See generally *Founding-Era Conventions*, *supra* note 2; Robert G. Natelson, *List of Conventions of States in American History*, <http://articlevinfocenter.com/list-conventions-states-colonies-american-history/>.

10 *Founding-Era Conventions*, *supra* note 2, at 691-710 (identifying attendees at the Constitutional Convention and prior Founding-Era conventions, initially listed by alphabetical order for each attendee, and then grouped by state).

11 Robert G. Natelson, *Lists of Conventions of States in American History*, <http://articlevinfocenter.com/list-conventions-states-colonies-american-history/>.

12 For example, at all of these conclaves states enjoyed equal voting power. Specifically, at every convention except St. Louis (1889), each state had one vote. At St. Louis, each state had eight votes. Robert G. Natelson, *Newly Rediscovered: The 1889 St. Louis Convention of States*, <http://articlevinfocenter.com/newly-rediscovered-1889-st-louis-convention-states/>.

13 *Id.* The general conventions were Albany (1754), New York City (1765 and 1774), Annapolis (1786), Philadelphia (1780 and 1787), Washington, D.C. (1861), and Phoenix (2017). *Id.*

14 The standard protocols originally were based on international practice. Caplan, *supra* note 2, at 95-96.

15 *Founding-Era Conventions*, *supra* note 2, at 686-90.

16 *Id.* at 689-90.

17 See Guide, *supra* note 2, at 12-13 for a table of cases.

have repeatedly consulted history to clarify the article's words and procedures.¹⁸

II. Definitions of Terms

When the Constitution was adopted, an *application* was an address from one person or entity to another.¹⁹ It was thus a very broad term, and it could include communications among equals or between superiors and inferiors. An application could be an invitation, a request, a delegation, or an order.

One kind of application was a convention *call*.²⁰ This was an official invitation, often called a "circular letter," sent to all or some states to meet at a particular time and initial place to discuss topics itemized in the call. Most calls were issued by individual states; others came from Congress or prior conventions.²¹ Calls were limited to time, initial place, and topic. Additional material, on the rare occasions when it was included, was precatory.²²

Another kind of application, which might also be communicated by circular letter, encouraged the recipient to call or support a convention. Thus, a 1783 request from the Massachusetts legislature to the Confederation Congress asking it to call a convention was styled an "application."²³ To similar effect was the report of the 1786 Annapolis convention suggesting to the states that they meet in Philadelphia the following year,²⁴ and the circular letter of July 26, 1788 issued by the New York ratifying convention urging another convention to consider amendments to the 1787 Constitution.²⁵

Calls and other convention applications almost invariably informed the recipients of the subjects for which the convention was sought. They almost never said merely, "let's meet." Rather, they said, "let's meet to discuss trade issues" — or defense issues, or financial issues, or some specified combination.²⁶ Calls and applications specifying different topics were understood to require different conventions. In 1786, one convention call invited all states to discuss trade issues while another invited some states to

discuss navigation issues.²⁷ There was no move to aggregate the two into a single meeting to discuss both.

Another class of applications not mentioned in Article V but inherent in any convention of states are those directed by principals to their agents — that is, from state legislatures to their representatives. In this class are *commissions* (also called credentials) whereby legislatures designate their commissioners. A commission is much like a power of attorney in that it names and empowers one or more agents and defines the scope of their authority.²⁸ Each commissioner presents his or her commission to the convention before he or she may be seated. Closely related are *instructions*. As their name indicates, they contain more detailed directions from the appointing authority. Historically, commissions usually have been public documents while separate instructions often have been secret.²⁹

Article V refines to a certain extent how calls and other initial applications operate in the amendment context: Article V provides that state legislatures may apply to Congress, and when two thirds of them have done so, Congress must call an amendments convention. This enables state legislatures to promote amendments in a way that forestalls congressional veto. The congressional role in the convention process is mandatory and limited — ministerial rather than discretionary.³⁰ Congress acts as a convenient common agent for the state legislatures.³¹ It follows necessarily that Congress's function as the calling agent does not entitle it to alter traditional rules. Nothing in the Constitution supports the notion that Congress can expand its role to include, for example, dictating how commissioners are selected or what convention rules must be.³²

One last point pertains to terminology: Some commentators have referred to an unlimited convention as a "general convention." This usage is incorrect.³³ A general convention is a conclave to which states from all regions of the country are invited — as

¹⁸ *Id.* at 26, n.54 (collecting cases relying on history).

¹⁹ Robert G. Natelson, *What is an Amendments Convention "Application"? What is a "Call"?* <http://articlevinfocenter.com/what-is-an-amendments-convention-application-what-is-a-call/>.

²⁰ *Id.* Thus, a call sometimes was labeled an application. *E.g.*, 1 Public Records of the State of Connecticut 589 (Charley Hoadley ed., 1894).

²¹ *Founding-Era Conventions*, *supra* note 2 (identifying the calling entities for major conventions held before 1788).

²² *See generally id.*

²³ *Id.* at 667.

²⁴ *Proceedings of Commissioners to Remedy Defects of the Federal Government: 1786*, Yale Law School's Avalon Project, available at http://avalon.law.yale.edu/18th_century/annapoli.asp.

²⁵ 2 Jonathan Elliot, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution* 413-44 (1836) (communicating with the governors of other states and urging them to support another convention).

²⁶ *See generally Founding-Era Conventions*, *supra* note 2.

²⁷ *Id.* at 668-72 (discussing the Annapolis Convention of 1786 and a proposed "Navigation Convention").

²⁸ *See, e.g.*, *The Federalist* No. 40 (James Madison) ("The powers of the convention ought, in strictness, to be determined by an inspection of the commissions given to the members by their respective constituents."); *see also* Caplan, *supra* note 2, at 97.

²⁹ For a convenient collection of the calls, credentials, and instructions of a Founding-Era convention, *see* C.A. Weslager, *The Stamp Act Congress 181-97* (1976).

³⁰ *The Federalist* No. 85 (Alexander Hamilton) ("The Congress 'shall call a convention.' Nothing in this particular is left to the discretion of that body."); Remarks of Rep. James Madison, 1 *Annals of Congress* 260 (May 5, 1789).

³¹ Caplan, *supra* note 2, at 94.

³² Professor Charles Black of Yale Law School may have originated the notion that Congress can control convention protocols. Charles L. Black, Jr., *The Proposed Amendment of Article V: A Threatened Disaster*, 72 *Yale L.J.* 958, 964-65 (1963). To support this view, he relied on the Necessary and Proper Clause. However, that Clause does not apply to the amendment process. *See* Guide, *supra* note 2, at 48-52. As the title suggests, Black's article was polemical rather than scholarly in nature.

³³ Professor Black seems responsible for this error as well, Charles L. Black, Jr., *Amending the Constitution: A Letter to a Congressman*, 82 *Yale L.J.* 189, 198 (1972), although others have repeated it.

opposed to a partial or regional gathering. A convention for proposing amendments is necessarily general, but may be limited or unlimited as to topic. If unlimited as to topic, it should be referred to as *unlimited*, *open*, or *plenary*.³⁴

III. Article V Applications Must be Aggregated By Subject Matter

Only about twenty state legislative applications under Article V have been plenary – that is, seeking an unlimited or plenary convention.³⁵ The other applications have sought conventions to consider amendments on one or more designated subjects. Article V does not provide expressly that the required two thirds of applications must address the same or overlapping subjects. This has led some to argue that because there have been far more than 34 applications, a call for a plenary convention is already mandatory.³⁶ In other words, all valid applications must be aggregated with all other valid applications to yield a plenary result.

Three aspects of this argument render it unlikely of congressional or judicial acceptance. Most fundamentally, perhaps, it conflicts with the dictates of common sense: If 12 legislatures seek a convention to consider term limits, 12 seek a convention to consider a BBA, and 12 apply for a convention to consider campaign finance reform, it does not follow that 36 legislatures want a convention to consider everything, or all three topics, or any one of them. Further, this argument conflicts with Article V's background history. In the Founders' experience, convention calls and pre-call requests almost invariably designated one or more subjects and promoted a convention to address those subjects. Without prior agreement, states did not combine unrelated applications in a single convention.³⁷

Third, the argument conflicts with post-constitutional understanding. Consider by way of illustration the situation

in the year 1911. At that time, there were 46 states, so 31 were needed to call a convention. Twenty-nine states had issued applications for a convention to propose direct election of U.S. Senators. Thirteen states had outstanding applications for a convention to propose a ban on polygamy.³⁸ Subtracting states with applications on both subjects leaves 32 – one state more than the required two thirds. Yet there is no evidence of widespread (or, indeed, any) contentions that direct election applications should be aggregated with anti-polygamy applications to force a convention. Not surprisingly, therefore, most commentators have concluded, or at least assumed, that for applications to aggregate they should overlap to some extent.³⁹ This certainly has been the tacit assumption of Congress.

But to what extent must they overlap? Surely they need not be exact copies of each other.⁴⁰ Founding-Era conventions met even though applications and instructions differed. In my 2016 treatise on the convention process, I addressed the question of how much coincidence is required. I listed four aggregation scenarios, as follows:

1. All applications seem to address the same subject, but restrictive wording in some renders them inherently inconsistent with others.
2. Some applications prescribe a convention addressing Subject A (e.g., a balanced budget amendment) while others prescribe a convention addressing both Subject A and unrelated Subject B (e.g., term limits).
3. Some applications prescribe a convention addressing Subject A (e.g., a balanced budget amendment) while others demand one addressing Subject X, where Subject X encompasses Subject A (e.g., fiscal restraints on the federal government).
4. Some applications prescribe a convention addressing Subject A and others call for a convention unlimited as to topic.⁴¹

The treatise examined the first three scenarios in light of history, including the Founders' own interpretive methods, and concluded that applications in the first two situations did not aggregate, but those in the third situation did.⁴² Because a full analysis of #4 would have consumed a disproportionate share of the treatise, I merely listed some arguments for both conclusions and suggested

³⁴ Another possible kind of convention is "plenipotentiary." This term is best reserved for conclaves meeting outside constitutional restraints – i.e., those that James Madison described as reverting to "first principles." James Madison to G.L. Turberville, Nov. 2, 1788, 5 *The Writings of James Madison* 298-300 (Gaillard Hunt ed., 1904). By contrast, a convention for proposing amendments, even a plenary one, is limited to proposing amendments to the existing Constitution, and is subject to "the forms of the Constitution." *Id.* As explained below, states sometimes have sent commissioners with plenipotentiary powers to more limited conventions.

³⁵ See The Article V Library, article5library.org. As of this writing, the Article V Library is the best and most reliable source for applications. There is at least one other website devoted to applications (<http://foavc.org/>), but it contains notable errors, including aggregating applications that do not overlap as to topic. A list of applications and rescissions kept by the Clerk of the U.S. House of Representatives at <http://clerk.house.gov/legislative/memorials.aspx> is incomplete and dates back only to 1960.

³⁶ The most distinguished writer to urge this position is Michael Stokes Paulsen. See Paulsen, *supra* note 2, at 746-47. Professor Paulsen argued that an application conditioned on set topics was void, but that listing a particular change as its purpose should count toward a plenary convention. Professor Paulsen wrote in 1993, well before most of Article V's defining history was recovered, although five years earlier Russell Caplan had documented the Founding-Era expectation that most applications would be limited. Caplan, *supra* note 2, at 95-99.

³⁷ *Founding-Era Conventions*, *supra* note 2, at 668-72 (discussing the Annapolis Convention of 1786 and a proposed "Navigation

Convention," with no suggestion that the two be aggregated).

³⁸ For lists of applications by date and subject matter, see the Article V Library, article5library.org.

³⁹ E.g., Caplan, *supra* note 2, at 105 ("Twenty-four applications for a balanced-budget convention, and ten for a convention to consider school busing, will impose no duty on Congress"); See also Rees, *supra* note 2, at 89 ("It seems obvious that if seventeen States apply for a convention to consider anti-abortion amendments, for instance, and seventeen others apply for a convention on a balanced budget amendment, the requisite consensus does not exist.").

⁴⁰ Cf. *id.* at 107 & 108.

⁴¹ Guide, *supra* note 2, at 55.

⁴² *Id.* at 56-58.

that an application's specific wording might be helpful in weighing whether the application should be aggregated.⁴³ The present paper examines the question more thoroughly. In doing so, we need not refer to hypothetical Subjects A, B, and X, because current events provide us with a real-life situation. Should BBA and plenary applications be aggregated together?

IV. Why Older Unrescinded Applications are Still Valid

Before proceeding further, I should explain why the extant (unrescinded) BBA and plenary applications remain valid even though several BBA applications are over 40 years old and the plenary applications are even older. Why have they not lapsed with passage of time?

During the 20th century, there was considerable discussion of this "staleness" question.⁴⁴ Even the Supreme Court speculated on the staleness question as it pertains to ratifications of amendments,⁴⁵ although no court has ever ruled on it. The intervening years have fairly well resolved the question for us: Unless expressly time-limited, applications remain in effect until formally rescinded. There are at least five reasons for so concluding.

First: Legislative actions normally do not lapse due to the mere passage of time. If their text does not limit their duration, they remain in effect until repealed, even if they become outdated. Nothing in constitutional history or usage suggests that Article V legislative resolutions comprise an idiosyncratic exception.

Second: The Twenty-Seventh Amendment was first proposed by Congress in 1789, and several states ratified shortly thereafter. However, the amendment did not collect sufficient states for ratification until a new campaign ensued two centuries later. The necessary 38 states finally ratified, and the Twenty-Seventh Amendment became effective in 1992. Ensuing universal recognition of the validity of this amendment is inconsistent with the view that Article V resolutions lapse with the passage of time.⁴⁶

Third: Recognition of the durability of Article V legislative resolutions is implied by the practice of inserting specific time limits in congressional amendment proposals and in state legislative applications. Some states have supplemented this with explicit recitals to the effect that unrescinded applications are unlimited as to time unless otherwise so providing.⁴⁷

Fourth: Formulating and applying a staleness rule consistently with the purposes of Article V would be impractical.

⁴³ *Id.* at 58-60.

⁴⁴ *E.g.*, Caplan, *supra* note 2, at 114 (arguing that applications do not expire); *Tribe*, *supra* note 4, at 638 ("When, if ever, does a state's application lapse?"); *Rees*, *supra* note 2, at 99 (arguing that Congress may limit the life of an application); Douglas G. Voegler, *Amending the Constitution by the Article V Convention Method*, 55 N.D. L. Rev. 355, 369-71 (1979) (arguing that applications must be reasonably contemporaneous). Perhaps the most complete discussion is in *Paulsen*, *supra* note 2 (arguing that applications do not expire).

⁴⁵ *Dillon v. Gloss*, 256 U.S. 368 (1921).

⁴⁶ *Cf. Paulsen*, *supra* note 2 (exploring the practical effects of recognizing the validity of the Twenty-Seventh Amendment).

⁴⁷ An example is a partial rescission adopted by the Texas legislature in 2017, SJR 38 (2017), available at <http://www.capitol.state.tx.us/tlodocs/85R/billtext/pdf/SJ00038F.pdf#navpanes=0> ("WHEREAS, Regardless of their

There are no judicial or legal standards sufficient to guide a court in this regard. (Is five years too long? Too short? What about 15 years?) Leaving the question to Congress would undercut the convention procedure's fundamental purpose as a mechanism for *bypassing* Congress. During the 1960s, Senator Sam Ervin pointed out that some senators and academics wanted to disregard any applications more than two years old.⁴⁸ This, of course, would destroy the process, since some state legislatures meet only biennially. Allowing Congress to fix a maximum life span on applications would fit the proverbial case of the fox guarding the hen-house.

Fifth: Rescission is a common procedure.⁴⁹ Legislatures, or at least lobbyists, now monitor applications and do not assume that mere duration vitiates outdated ones. Legislatures becoming dissatisfied with applications can, and do, regularly rescind them.

For these reasons, we are justified in concluding that unrescinded applications do not lapse with the mere passage of time.

V. The Unrescinded BBA and Plenary Applications

The *Article V Library*, which operates a website at <http://article5library.org/>,⁵⁰ currently lists 28 states with unrescinded BBA applications.⁵¹ Yet as a matter of prudence, the Mississippi application should not be counted. It may be invalid because it improperly purports to dictate to the convention an up-or-down vote on prescribed language.⁵² Even if it is valid, its prescribed

age, such past applications from Texas lawmakers remain alive and valid until such time as they are later formally rescinded.").

⁴⁸ Sam J. Ervin, Jr., *Proposed Legislation to Implement the Convention Method of Amending the Constitution*, 66 Mich. L. Rev. 875, 891 (1968).

⁴⁹ The *Article V Library* reports 22 rescissions of balanced budget applications since 1988 alone. See *Article V Convention Application Analysis*, <http://article5library.org/analyze.php>. There have been, of course, other rescissions.

⁵⁰ See *supra* note 35 for my reasons for relying on the *Article V Library* rather than other sources.

⁵¹ *Article V Convention Application Analysis, Balanced Budget*, <http://article5library.org/analyze.php?topic=Balanced+budget&res=1&gen=0&ylimit=0>.

⁵² The Mississippi application, adopted in 1979, is available at <http://article5library.org/gettext.php?doc=1184>. It reads in part as follows:

Now Therefore, Be it Resolved by the House of Representatives of the State of Mississippi, the Senate Concurring Therein. That we do hereby, pursuant to Article V of the Constitution of the United States, make application to the Congress of the United States to call a convention of the several states for the proposing of the following amendment to the Constitution of the United States: [proposed amendment language]

Modern scholarly opinion is split on whether prescribed language applications are valid; I am inclined to believe they are not, based both on Founding-Era practice and on subsequent case law. Guide, *supra* note 2, at 38-39. *Cf. Caplan*, *supra* note 2, at 107 (pointing out that there is no Founding-Era precedent for applications that "recite the text of an amendment and require the convention to adopt that language only."). Two commentaries arguing to the contrary are *Rappaport*, *supra* note 6, and *Stern*, *supra* note 6.

language seems to render it inconsistent with the other 27. Those 27 differ in various ways, but none of them is really crucial. Pre-convention documents issued by separate states always have varied somewhat, but that has not prevented conventions from meeting successfully.⁵³

The *Article V Library* lists 16 states with unrescinded plenary applications.⁵⁴ Nine of those states⁵⁵ have BBA applications as well, so only 7 states have plenary applications but no BBA applications: Illinois, Kentucky, New Jersey, New York, Oregon, South Carolina, and Washington. But just as we eliminated Mississippi from the BBA list, we must scratch South Carolina from the plenary list. The operative resolution of its legislature's 1832 resolution is as follows:

Resolved, That it is expedient that a Convention of the States be called as early as practicable, to consider and determine such questions of disputed power as have arisen between the States of this confederacy and the General Government.

Resolved, That the Governor be requested to transmit copies of this preamble and resolutions to the Governors of the several States, with a request that the same may be laid before the Legislatures of their respective States, and also to our Senator's [sic] and Representatives in Congress, to be by them laid before Congress for consideration.⁵⁶

Although this resolution qualifies as a call for a convention of the states, it does not qualify as an Article V application. It is not addressed to Congress, and it does not call for a convention for proposing amendments. Moreover, it is not plenary. The convention subject matter is identified as "such questions of disputed power as have arisen between the States of this confederacy and the General Government." A balanced budget amendment is not within the scope of that topic; nor are term limits nor several other subjects of modern interest. This leaves six plenary applications from states that have no BBA application outstanding, each of which is addressed below.

A. Illinois

Illinois has two valid plenary applications extant. The first dates from 1861. Its relevant language reads:

WHEREAS, although the people of the State of Illinois do not desire any change in our Federal constitution, yet as several of our sister States have indicated that they deem it necessary that some amendment should be made thereto; and whereas, in and by the fifth article of the constitution of the United States, provision is made for proposing amendments to that instrument, either by congress or by a convention; and whereas a desire has been expressed,

in various parts of the United States, for a convention to propose amendments to the constitution; therefore,

Be it resolved by the General Assembly of the State of Illinois, That if application shall be made to Congress, by any of the States deeming themselves aggrieved, to call a convention, in accordance with the constitutional provision aforesaid, to propose amendments to the constitution of the United States, that the Legislature of the State of Illinois will and does hereby concur in making such application.

Essentially, this resolution expresses the Illinois state legislature's decision to join other states' applications, either in 1861 or in the future. It authorizes Congress to add Illinois to any other application lists.

The other extant Illinois application was adopted in 1903, during the campaign for direct election of Senators. Its relevant language is:

Whereas by direct vote of the people of the State of Illinois at a general election held in said State on the 4th day of November, A.D. 1902, it was voted that this general assembly take the necessary steps under Article V of the Constitution of the United States to bring about the election of United States Senators by direct vote of the people; and

Whereas Article V of the Constitution of the United States provides that on the application of the legislatures of two-thirds of the several States the Congress of the United States shall call a convention for proposing amendments:

Now, therefore, in obedience to the expressed will of the people as expressed at the said election, be it

Resolved by the senate (the house of representatives concurring herein), That application be, and is hereby, made to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States, as provided for in said Article V . . .

The preamble explains the motivating force for the resolution, but the operative words apply for a plenary convention. It is a basic rule of legal interpretation that when there are apparent inconsistencies between a preamble and operative words, if the operative words are clear (as they are here), they prevail. In this case, moreover, there really is no inconsistency because a legislative body may be motivated by an issue without necessarily limiting its response to that issue. Significantly, the Illinois legislature left this resolution in effect after adoption of the Seventeenth Amendment and has retained it to this day. Congress can therefore count Illinois among those states applying for a convention on any topic.

B. Kentucky

Kentucky adopted its application in 1861. The *Article V Library* contains only an announcement of the application from the Senate's presiding officer. It indicates that the application is not limited, but merely asks for a convention for proposing amendments. William Pullen's 1951 study of the application process reproduces the actual wording:

Whereas the people of some states feel themselves deeply aggrieved by the policy and measures which have been

⁵³ See generally *Founding-Era Conventions*, *supra* note 2.

⁵⁴ The *Article V Library* uses the misnomer "general" for plenary. See *supra* note 33 and accompanying text.

⁵⁵ Indiana, Ohio, Texas, Colorado, Iowa, Kansas, Missouri, Nebraska, and Wisconsin.

⁵⁶ This and the plenary applications discussed below are available at <http://article5library.org/analyze.php?topic=General&res=1&gen=1&ylimit=0>.

adopted by the people of some other states; and whereas an amendment of the Constitution of the United States is deemed indispensably necessary to secure them against similar grievances in the future: therefore –

Resolved, . . . That application to Congress to call a convention for proposing amendments to the Constitution of the United States, pursuant to the fifth article, thereof, be, and the same is hereby now made by this general assembly of Kentucky; and we hereby invite our sister States to unite with us without delay, in similar application to Congress.

* * * *

Resolved, If the convention be called in accordance with the provisions of the foregoing resolutions, the legislature of the Commonwealth of Kentucky suggests for the consideration of that convention, as a basis for settling existing difficulties, the adoption, by way of amendments to the Constitution, of the resolutions offered in the Senate of the United States by the Hon. John J. Crittenden.⁵⁷

This language is plenary. It recites its motivation (resolution of present and future grievances) and adds a suggested amendment, but its operative words are unlimited. Because of the recital of future grievances, the Kentucky application, like that of Illinois, looks forward to consideration of future topics.

C. New Jersey

The 1861 New Jersey application was motivated by impending civil war, as its lengthy text makes clear. However, the operative language of the resolution applies for a plenary convention:

And be it resolved, That as the Union of these States is in imminent danger unless the remedies before suggested be speedily adopted, then, as a last resort, the State of New Jersey hereby makes application, according to the terms of the Constitution, of the Congress of the United States, to call a convention (of the States) to propose amendments to said Constitution.

As in the case of Illinois and Kentucky, New Jersey's grant of authority to Congress has never been rescinded.

D. New York

The operative language of New York's 1789 application seeks a convention:

[W]ith full powers to take the said Constitution into their consideration, and propose such amendments thereto, as they shall find best calculated to promote our common interests, and secure to ourselves and our latest [i.e.,

ultimate] posterity, the great and inalienable rights of mankind.⁵⁸

This application is clearly plenary.

E. Oregon

Oregon's 1901 application, like the 1903 application of Illinois, arose out of the campaign for direct election of Senators. The preamble recites direct election as its motivation, but the operative language is unlimited:

Whereas, under the present method of the election of United States Senators by the legislatures of the several states, protracted contests frequently result in no election at all, and in all cases interfering with needed state legislation; and

Whereas, Oregon in common with many of the other states has asked congress to adopt an amendment to the Constitution of the United States providing for the election of United States Senators by direct vote of the people, and said amendment has passed the House of Representatives on several occasions, but the Senate of the United States has continually refused to adopt said amendment; therefore be it

Resolved by the House of Representatives of the State of Oregon, the Senate concurring:

That the Congress of the United States is hereby asked, and urgently requested, to call a constitutional convention for proposing amendments to the Constitution of the United States, as provided in Article V of the said Constitution of the United States.

Resolved, That we hereby ask, and urgently request, that the legislative assembly of each of the other states in the union unite with us in asking and urgently requesting the Congress of the United States to call a constitutional convention for the purpose of proposing amendments to the Constitution of the United States.

F. Washington

Two Washington State applications remain in effect, both dating from the direct election of Senators campaign. The 1901 application contains no preamble or other recitals. Aside from transmittal directions, it states merely:

That application be and the same is hereby made to the Congress of the United States of America to call a convention for proposing amendments to the constitution

⁵⁷ William Russell Pullen, *The Application Clause of the Amending Provision of the Constitution 79-80* (Univ. of NC Ph.D. thesis, 1951).

⁵⁸ 1 *Annals of Congress* 29-30 (May 5, 1789). The application was dated Feb. 5, 1789.

of the United States of America as authorized by Article V of the Constitution of the United States of America.

The 1903 application is similar, except that it recites a motivation:

Whereas the present method of electing a United States Senators is expensive and conducive of unnecessary delay in the passage of useful legislation; and

Whereas the will of the people can best be ascertained by direct vote of the people: Therefore,

Be it enacted by the legislature of the State of Washington,

That application be, and the same is hereby, made to the Congress of the United States of America to call a convention for proposing amendments to the Constitution of the United States of America.

The language of each is plenary.

VI. Aggregating Plenary with Limited Applications

We now arrive at the issue of whether a plenary application may be aggregated with narrower applications. There are two questions here. The first is, “May applications limited to one or more subjects be aggregated with plenary applications to authorize a plenary convention?” The second is “May plenary applications be aggregated with those limited to one or more subjects to authorize a limited convention?”

The first question need not detain us, for the answer is a straightforward “no.” There is no historical precedent for such a result, and as Russell Caplan observes, “a state desiring a federal balanced budget may not, and likely does not, want the Constitution changed in any other respect.”⁵⁹ Today, in fact, while there is widespread current interest in a limited convention, there is little desire for a plenary one. For Congress as the agent for the state legislatures to call a plenary convention in these circumstances would violate its fiduciary duties to legislatures seeking to limit the convention’s scope.

At initial inspection, answering the question of whether plenary applications may be aggregated toward a limited convention appears difficult because obvious precedent seems lacking. In pre-constitutional practice, states almost never issued plenary applications or calls. They almost universally specified the subjects a proposed convention was to consider, although those subjects sometimes were very broad. Hence there was no occasion when states aggregated plenary calls with more limited ones. Even the post-constitutional years have seen relatively few plenary applications. The first was issued in 1789 by New York⁶⁰ and the last in 1929 by Wisconsin, and in the intervening centuries

there were fewer than twenty.⁶¹ A closer look at historical practice, however, reveals some promising clues.

A. Founding-Era Practice

The Founders’ understanding of the word “application,” as we have seen, included requests for conventions (as in Article V), calls, commissions, and instructions.⁶² An Article V application is essentially a conditional commission and instruction: It directs Congress to call a convention on the topics listed in the application once a sufficient number of other legislatures agree, and it necessarily grants Congress authority to do so.⁶³ Like other Founding-Era applications, commissions and instructions could be narrow, wider but still limited, or plenary. Consistently with the legal maxim, “The greater includes the lesser,”⁶⁴ a commissioner with wider authority could participate fully in meetings restricted to subjects narrower than, but included within, the scope of his wider authority.

One relevant instance arose out of the convention known to history as the First Continental Congress (1774). The convention call appeared in a circular letter drafted by John Jay on behalf of the New York Committee of Correspondence. It read in part as follows:

Upon these reasons we conclude, that a Congress of Deputies from the colonies in general is of the utmost moment; that it ought to be assembled without delay, and some unanimous resolutions formed in this fatal emergency, not only respecting your [Boston’s] deplorable circumstances, but for the security of our common rights.⁶⁵

This charge is very broad⁶⁶ – perhaps as close to a plenary call as any convention of states or colonies has come. Yet it is not quite plenary, because it focuses on Boston’s “deplorable circumstances” and “the security of our common rights” against Great Britain. It does not authorize discussion of, for example, colonial religious establishments or local business licensing. In response, several colonies sent commissioners to the First Continental Congress who enjoyed plenipotentiary authority – that is, they were empowered to discuss, and even to agree to, anything.⁶⁷ The record reveals no doubt that the grant of plenipotentiary

61 The Article V Library lists 21 plenary (which it calls “general”) applications from 1788 to 1929. The first – Virginia’s 1788 application – probably does not qualify. Although it is very broad, it is limited to amendments proposed by the state ratifying conventions. Also listed is South Carolina’s 1832 resolution, but as explained above that was not an Article V application.

62 *Supra* notes 19-29 and accompanying text.

63 Cf. Caplan, *supra* note 2, at 97 (“The applications submitted under article V, therefore, are the descendants of the pre-1787 convention commissions.”).

64 The original form is *Omne majus continet in se minus*, Duhaime’s Law Dictionary, <http://www.duhaime.org/LegalDictionary/O/OmneMajusContinetInSeMinus.aspx>.

65 *First Continental Congress*, United States History, <http://www.u-s-history.com/pages/h650.html>.

66 Cf. *Founding-Era Conventions*, *supra* note 2, at 637.

67 *Id.* at 638.

59 Caplan, *supra* note 2, at 108.

60 See *infra* notes 72 & 73 and accompanying text for discussion.

authority authorized commissioners to participate in a more limited convention.

Another illustration arose from the assembly in 1777 at Springfield, Massachusetts. The scope of the call included paper money, laws to prevent monopoly and economic oppression, interstate trade barriers, and “such other matters as particularly [c]oncern the immediate [w]elfare” of the participating states, but it was restricted to matters “not repugnant to or interfering with the powers and authorities of the Continental Congress.”⁶⁸ Connecticut, however, granted its commissioners plentipotentary authority, omitting the restriction in the call.⁶⁹ No one seems to have doubted the right of the Connecticut commissioners to participate in the convention despite their broader authority.

Similarly, the documents leading up to the 1780 Boston Convention show that it was targeted at immediate war needs.

Yet New Hampshire empowered its commissioners with plenipotentary authority to consult “on any other matters that may be thought advisable for the public good,” and they participated fully.⁷⁰

Even more on point are the first two Article V applications ever issued. The 1788 Virginia application petitioned Congress to call a convention “to take into their consideration the defects of this Constitution *that have been suggested by the State Conventions.*”⁷¹ This application was therefore limited. On the other hand, the 1789 New York application was plenary: It sought a convention “with full powers to take the said Constitution into their consideration, and propose such amendments thereto, as they shall find best calculated to promote our common interests, and secure to ourselves and our latest [i.e., ultimate] posterity, the great and inalienable rights of mankind.”⁷² The New York assembly surely intended its plenary application to aggregate with Virginia’s limited one, for the two applications were part of the same campaign for a second general convention.⁷³ Moreover, the New York legislature was justified in so intending. When a state legislature applies to Congress for a limited convention, it grants Congress its authorization to call a convention on that topic. When a state legislature applies for a plenary convention, it grants Congress authority to call a convention to consider any amendments to the current Constitution. The plenary application says, in effect, “We’ll meet with commissioners from the other states any time to talk about whatever amendments the commissioners might think helpful.” Thus, Founding-Era practice

supports the conclusion that a state issuing a plenary application thereby adds to the count for a more limited one.

B. Post-Constitutional Practice

Post-constitutional practice impels one to the same conclusion. The 1861 Washington Conference Convention was a close analogue of an Article V convention for proposing amendments: Virginia called it to propose amendments that might avert civil war. The call fixed the convention’s wide, but still limited, scope this way:

[T]o adjust the present unhappy controversies, in the spirit in which the Constitution was originally formed, and consistently with its principles, so as to afford the people of the slaveholding States adequate guarantees for the security of their rights . . . to consider, and if practicable, agree upon some suitable adjustment.⁷⁴

Thus, the call provided that the subject was to (1) “adjust present . . . controversies,” *provided that* (2) the result was consistent with guaranteeing the “rights” of slaveholders.

The convention proceedings do not contain all of the commissioners’ credentials, but they do reproduce those issued by twelve states.⁷⁵ At least ten of the twelve granted authority in excess of the scope of the call.⁷⁶ Ohio, Indiana, Delaware, Pennsylvania, Rhode Island, and Missouri all authorized their commissioners to agree to “adjustments,” but without limiting their representatives to the call’s pro-slavery proviso. The four remaining states granted their commissioners authority to confer on anything:

- Illinois empowered its commissioners “to confer and consult with the Commissioners of other States who shall meet at Washington.”⁷⁷
- New Jersey ordered its delegates “to confer with Congress and our sister states and urge upon them the importance of carrying into effect” certain additional statements of principle.⁷⁸
- New York authorized its delegates to “confer” with those from other states “upon the complaints of any part of

⁶⁸ *Id.* at 647.

⁶⁹ 1 Public Records of the State of Connecticut 601-02 (Charley Hoadley ed., 1894).

⁷⁰ 3 Public Records of the State of Connecticut 560-61 (Charles Hoadley, ed. 1922).

⁷¹ 1 Annals of Congress 28 (May 5, 1789). The application was dated Nov. 14, 1788.

⁷² *Id.* at 29-30. The application was dated Feb. 5, 1789.

⁷³ See Caplan, *supra* note 2, at 32-40.

⁷⁴ A Report of the Debates and Proceedings in the Secret Sessions of the Conference Convention for Proposing Amendments to the Constitution of the United States 9 (L.E. Chittenden ed., 1864).

⁷⁵ *Id.* at 454-64.

⁷⁶ Kentucky’s credentials granted authority equal to the scope of the call. *Id.* at 457. Tennessee’s credentials technically authorized only participation in a convention of the slaveholding states. *Id.* at 454-56.

⁷⁷ *Id.* at 459.

⁷⁸ *Id.* at 461.

the country, and to suggest such remedies therefor as to them shall seem fit and proper.”⁷⁹

- Massachusetts authorized its agents to “confer with the General Government, or with the separate States, or with any association of delegates from such States . . .”⁸⁰

These grants of broader power clearly were designed to commit the states to participating in a convention whose subject matter was contained within their broad grants of authority.

Still another illustration arises from the state legislatures’ campaign for direct election of U.S. Senators. The campaign ran from 1899 to 1913. During that period, many legislatures adopted applications limited to the single subject of a direct election amendment.⁸¹ Others passed plenary applications while reciting in preambles that their motivation was to obtain a direct election amendment. Three examples of such applications were discussed above in section V — those of Oregon (1901), Illinois (1903), and Washington State (1903). As in the case of the 1789 New York application, the legislatures apparently assumed that plenary applications could be aggregated with those limited to a single subject, since they issued plenary applications as vehicles for addressing a particular issue.

VII. Three Objections Answered

Article V provides that “The Congress . . . on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments.” As the text indicates, this duty is ministerial and mandatory.⁸² Yet even ministerial duties may have some discretionary component.⁸³ Accordingly, some may object to Congress exercising its discretion to call a convention. The first possible objection may be stated in this way:

When a legislature applies for a plenary convention, it is not announcing its willingness to discuss only narrower issues. Rather, it is asserting, “We’ll attend a convention, but only if all constitutional amendments may be considered.” Thus, a plenary application should not be taken as an application for a narrower subject.

The problem with this objection is a lack of precedent to support it. In all the history of conventions of states, I am unaware of any state that ever took this “all or nothing” position. Certainly no Article V application has ever expressed it. On the contrary, the 1789 plenary New York application and the plenary applications promoting direct election of Senators argue for the contrary.⁸⁴ A legislature certainly has the prerogative of taking an

“all-or-nothing” position. In view of the lack of precedent, though, a legislature wishing to do so should express its position in clear language.

The second objection to aggregation may be summarized as follows:

Plenary resolutions should be scrutinized before aggregating them to see if their language is sufficiently inclusive to justify aggregation with BBA applications. If not sufficiently inclusive, they should be deemed a separate category. Thus, a plenary application that, like the 1861 Illinois resolution, looks to the future perhaps should be aggregated; but others should not be. Similarly, if an application recites a motivation other than desire for a BBA, such as direct election of Senators, then it should not be aggregated with BBA applications.

Congress (and, if need be, the courts) should reject this contention for several reasons. The initial reason involves the text and associated history. Article V provides that Congress shall call a convention “on the Application of the Legislatures of two thirds of the several States.” Running separate lists by subject is inferred from Founding-Era convention practice, not from the constitutional text. In this instance, however, there is no Founding-Era practice suggesting that the text should be read otherwise than in the most straightforward manner; an inferred exception should not be wider than the custom that implies it. This conclusion is reinforced by the Constitution’s use of the imperative: “Congress . . . shall call” and by the Founding-Era practice of treating applications in a forgiving manner.

Another reason for restraining Congress’s discretion as to which plenary applications to aggregate is the nature of Congress’ role in the convention process. When aggregating applications and issuing the call, Congress acts as an executive agent for the state legislatures. Because a primary purpose of the convention procedure is to check Congress, when it aggregates applications it does so in a conflict of interest situation. Fiduciary principles argue against allowing Congress to avoid a convention by interpretive logic chopping.

Still another reason for rejecting this second objection arises from the purpose of the convention procedure. The Founders inserted it as an important safeguard for constitutional government and for personal liberty⁸⁵ — much like the Bill of Rights and other important constitutional checks. Just as the courts enforce most of the Bill of Rights rigorously through the use of “heightened scrutiny,” so Congress and the courts should apply heightened scrutiny to efforts to block a convention.

The third objection to aggregating plenary applications with limited applications may be stated this way:

Plenary applications should be aggregated with limited applications that already existed before the plenary applications, but not with future ones. A legislature issuing a plenary application may be on notice of previous limited applications.

⁷⁹ *Id.* at 462.

⁸⁰ *Id.* at 463–64.

⁸¹ Article V Convention Application Analysis, *Direct Election of Senators*, <http://article5library.org/analyze.php?topic=Direct+election+of+Senators&res=1&gen=0&ylimit=0>.

⁸² *Supra* note 30.

⁸³ *Roberts v. United States*, 176 U.S. 222, 231 (1900) (holding that a duty can be ministerial even though its performance requires statutory construction by the officer charged with performing it).

⁸⁴ See *supra* notes 71–73 & 81 and accompanying text.

⁸⁵ Advocates of the Constitution relied heavily on the availability of the amendments convention process as a way of inducing the public to support the Constitution. *Founding-Era Conventions*, *supra* note 2, at 622–24.

But it is unreasonable to assume a legislature intended to seek a convention on unknown future subjects.

This argument is stronger than the second because it offers less opportunity for Congress to block a convention by sophistic word-parsing. However, a rule that a plenary application aggregates with some limited applications but not others would insert in the plenary application a condition the legislature could have added, but chose not to. Such a rule would render plenary applications relevant for issues long past – such as a convention to address state nullification⁸⁶ – but irrelevant for constitutional crises that might arise in the future.

The third objection also suffers from the same lack of justification from text or precedent that attended the previous two objections. Indeed, the precedent of the Constitutional Convention cuts in the opposite direction. The Constitutional Convention was called by the Virginia general assembly in late 1786, not by Congress in February 1787 as is often claimed.⁸⁷ The call recited as the subject matter a general overhaul of the political system.⁸⁸ Over the next few months, state after state granted their commissioners authority to match the scope of the call.⁸⁹ After seven states – a majority – had done so, the New York legislature restricted its commissioners to considering only amendments to the Articles of Confederation. Massachusetts imposed a similar limit even later in the process. Yet as far as we know, no one suggested the later narrow commissions abrogated the earlier broad ones. Even if the last seven states had adopted such restrictions, thereby imposing them on the convention, the earlier states' wider grants of authority (if not formally rescinded) would have continued those states' commitment to the convention. The gathering would have been constrained to the narrower limits, it is true; but the commissioners with wider authority still would have been empowered and expected to participate to the extent of the convention's scope.

A final point: In assessing all three of these objections, one must remember that if a legislature with a plenary application is

dissatisfied with having that application aggregate toward a limited convention, it has several remedies:

- It may rescind or amend its application before the thirty-four state threshold is reached;
- It may join at the convention with the non-applying states in voting against any proposal; and
- It may join with non-applying states in refusing to ratify.⁹⁰

VIII. Conclusion

When counting applications toward a convention for proposing a balanced budget amendment – or, indeed, toward a convention for proposing any other kind of amendment – Congress should add to the count any extant plenary applications. Currently, this count gives us 33 applications for a convention to propose a balanced budget amendment – only one short of the 34 needed to require Congress to call a convention.

⁸⁶ Cf. the 1832 Georgia application.

⁸⁷ See generally Michael Farris, *Defying Conventional Wisdom: The Constitution Was Not the Product of a Runaway Convention*, 40 Harvard J. L. Pub. Pol. 61 (2017).

⁸⁸ *Id.*

⁸⁹ For the credentials of the delegates to the 1787 convention, see 3 Records of the Federal Convention 559-86 (Max Farrand ed., 1937).

⁹⁰ Guide, *supra* note 2, at 58.



States with Active Article V Balanced Budget Amendment Applications and Aggregable “Any-Subject” Applications

	State	Year Passed	Resolution Number
1.	Alabama	2011	SJR 100
2.	Alaska	1982	HJR 17
3.	Arizona	2017	HCR 2013
4.	Arkansas	1979	HJR 1
5.	Colorado	1978	SJM 1
6.	Florida	2010/2014	SCR 10/SM 476
7.	Georgia	2014	SR 371
8.	Illinois	1903	Joint Resolutions on Federal Relations
9.	Indiana	1957/1976	HCR 9/SJR 8
10.	Iowa	1979	SJR 1
11.	Kansas	1979	SCR 1661
12.	Kentucky	1861	U.S.H.J.
13.	Louisiana	2014	HCR 70
14.	Michigan	2014	SJR V
15.	Missouri	1983	SCR 3
16.	Nebraska	1979/2010	LR 106/LR 538

States with Active Article V Balanced Budget Amendment Applications and Aggregable “Any-Subject” Applications

	State	Year Passed	Resolution Number
17.	New Hampshire	2012	HCR 40
18.	New Jersey	1861	Joint Resolutions on the state of the Union
19.	New York	1789	House of Representatives J. 36
20.	North Carolina	1979	SJR 1
21.	North Dakota	2015	HCR 3015
22.	Ohio	2013	SJR 5
23.	Oklahoma	2016	SJR 4
24.	Oregon	1901	HJR 4
25.	Pennsylvania	1976	R 236
26.	South Dakota	2015	HJR 1001
27.	Tennessee	2014	HJR548
28.	Texas	1979	HCR 31
29.	Washington	1901/1903	HB 90/HB 207
30.	Utah	2015	HJR 7
31.	West Virginia	2016	HCR 36
32.	Wyoming	2017	HJR 2
33.	Wisconsin	2017	AJR 21

1. Alabama's SJR 100

Document ID: 1455

State: Alabama

Type: Application

State Action: Senate Joint Resolution No 100

Date of state action: June 1, 2011

Citation: 158 Cong. Rec. H5147-49 (daily ed. July 18, 2011).

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations:

Notes: Act No. 2011-400 (Ala. 2011). Also cited at 160 Cong. Rec. S3666-7 (daily ed., June 12, 2014) (POM-251)

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ENROLLED, SJR100, URGING CONGRESS TO PROPOSE
A FEDERAL BALANCED BUDGET AMENDMENT.

WHEREAS, the reluctance of the federal government to incur debt and other obligations was established early in American history, with deficits occurring only in relation to extraordinary circumstances such as war; yet for much of the 20th century and into the 21st, the United States has operated on a budget deficit, including the 2010 budget year, which surpassed an astounding \$1,300,000,000,000, an annual deficit that exceeded the entire gross state product of many of the states; and

WHEREAS, an exception to this pattern was at the turn of the 21st century; in FY 2001, America enjoyed a \$128 billion budget surplus; and

WHEREAS, since FY 2001, America has been burdened with 10 consecutive years of deficits, to-wit:

FY 2002: \$158 billion deficit

FY 2003: \$377 billion deficit

FY 2004: \$413 billion deficit

FY 2005: \$318 billion deficit

FY 2006: \$248 billion deficit

FY 2007: \$161 billion deficit

FY 2008: \$459 billion deficit

FY 2009: \$1.4 trillion deficit

FY 2010: \$1.3 trillion deficit

FY 2011: \$1.5 trillion deficit (estimated); and WHEREAS, as of January 2011, America's accumulated national debt exceeded \$12 trillion now estimated at over \$13 trillion; and

WHEREAS, the Congressional Budget Office projects that, if current trends continue under the White House's proposed budget, each of the next 10 years has a projected deficit exceeding \$600 billion; and

WHEREAS, the budget deficits of the United States of America are unsustainable and constitute a substantial threat to the solvency of the federal government as evidenced by the comments of Standard and Poor's on April 18, 2011, regarding the longer term credit outlook for the United States; and

WHEREAS, Congress has been unwilling or unable to address the persistent problem of overspending and has recently increased the statutory limit on the public debt and enacted a variety of legislation that will ultimately cause the federal government to incur additional debt; and

WHEREAS, the National Commission on Fiscal Responsibility and Reform in its report The Moment of Truth includes recommendations to reduce the federal deficit that have not been considered by the United States Congress; and

WHEREAS, the consequences of current spending policies are far-reaching; United States indebtedness to governments of foreign nations continues to rise; costly federal programs that are essentially unfunded or underfunded; mandates to states threaten the ability of state and local governments to continue to balance their budgets; moreover, future generations of Americans inevitably face increased taxation and a weakened economy as a direct result of the bloated debt; and

WHEREAS, many states have previously requested that Congress propose a constitutional amendment requiring a balanced budget, but Congress has proven to be unresponsive; anticipating situations in which Congress at times could fail to act, the drafters of the United States Constitution had the foresight to adopt the language in **Article V** that establishes that on application of the Legislatures of two-thirds of the several states, Congress shall call a **convention** for proposing amendments; and

WHEREAS, in prior years the Alabama Legislature has called on Congress to pass a Balanced Budget Constitutional Amendment, many other states have done the same, all to no avail; and

WHEREAS, a balanced budget amendment would require the government not to spend more than it receives in revenue and compel lawmakers to carefully consider choices about spending and taxes; by encouraging spending control and discouraging deficit spending, a balanced budget amendment will help put the nation on the path to lasting prosperity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of the State of Alabama hereby respectfully urges the Congress of the United States to propose and submit to the states for

ratification a federal balanced budget amendment to the United States Constitution.

BE IT FURTHER RESOLVED, That, in the event that Congress does not submit a balanced budget amendment to the states for ratification on or before December 31, 2011, the Alabama Legislature hereby makes application to the United States Congress to call a **convention** under **Article V** of the United States Constitution for the specific and **exclusive purpose of proposing** an amendment to that Constitution requiring that, in the absence of a national emergency (as determined by the positive vote of such members of each house of Congress as the amendment shall require), the total of all federal appropriations made by Congress for any fiscal year not exceed the total of all

federal revenue for that fiscal year.

BE IT FURTHER RESOLVED, That, unless rescinded by a succeeding Legislature, this application by the Alabama Legislature constitutes a continuing application in accordance with Article V of the United States Constitution until at least two-thirds of the Legislatures of the several states have made application for a convention to provide for a balanced budget.

BE IT FURTHER RESOLVED, That, in the event that Congress does not submit a balanced budget amendment to the states for ratification on or before December 31, 2011, the Alabama Legislature hereby requests that the legislatures of each of the several states that compose the United States apply to Congress requesting Congress to call a convention to propose such an amendment to the United States Constitution.

BE IT FURTHER RESOLVED, That this application is rescinded in the event that a convention to propose amendments to the United States Constitution includes purposes other than providing for a balanced federal budget.

BE IT FURTHER RESOLVED, That the copies of this resolution be provided to the following officials:

1. The President of the United States.
2. The Speaker of the United States House of Representatives.
3. The President of the United States Senate.
4. All members of the Alabama Delegation to Congress with the request that this resolution be officially entered in the Congressional Record as an application to the Congress of the United States of America for a convention to propose an amendment to provide for a federal balanced budget in the event that Congress does not submit such an amendment to the states for ratification on or before December 31, 2011.

BE IT FURTHER RESOLVED, That copies of this resolution be provided to the Secretaries of State and to the presiding officers of the Legislatures of the other states.

President and Presiding Officer of the Senate

Speaker of the House of Representatives

Senate 26-APR-11

I hereby certify that the within Senate Joint Resolution originated in and was adopted by the Senate.

Patrick Harris

Secretary

House of Representatives

Adopted: 01-JUN-11

2. Alaska's HJR 17



Document ID: 1012

State: Alaska

Type: Application

State Action: Date of state action: Jan. 31, 1982

Citation: 128 Cong. Rec. 5643 (1982)

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations: 128 Cong. Rec. 798 (1982) (mentioned)

Notes: CRS, FN50: See generally, Congressional Quarterly, vol. 40, no. 13, March 27, 1982, at 659; see also N. Y. Times, Jan. 19, 1982 at A18; and see 125 [sic] Cong. Rec. H. 200 (daily ed., Feb. 3, 1982).

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

POM-706. A joint resolution adopted by the Legislature of the State of Alaska: Judiciary on that day.)

"RESOLUTION

"Be it resolved by the Legislature of the State of Alaska:

"Whereas annually the United States moves more deeply into debt as its expenditures exceed its available revenues and the Public debt now exceeds hundreds of billions of dollars; and

"Whereas annually the federal budget demonstrates the unwillingness or inability of the federal government to spend in conformity with available revenues; and

"Whereas proper planning, fiscal prudence, and plain good sense require that the federal budget be in balance absent national emergency; and

"Whereas a continuously unbalanced federal budget except in a national emergency causes continuous and damaging inflation and consequently a severe threat to the political and economic stability of the United States; and

"Whereas, under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by Congress or, on the application of the legislatures of two-thirds of the states, Congress shall call a constitutional convention for the purpose of proposing amendments;

"Be it resolved by the Alaska State Legislature that the Congress of the United States is requested to propose and submit to the states an amendment to the Constitution of the United States which would require that within four years after its ratification by the various states, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

"Further resolved that, alternatively, this body makes application and requests that the Congress of the United States call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which would require that, In the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

"Further resolved that if Congress proposes such an amendment to the Constitution this application shall no longer be of any force or effect; and be it

"Further resolved that this application and request shall no longer be of any force or effect if the convention is not limited to the exclusive purpose specified by this resolution."

(The foregoing resolution was received in the Senate of February 24, 1982, and was referred to the Committee on the

3. Arizona's HCR 2013

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. That, pursuant to Article V of the Constitution of the United
4 States, the Legislature of the State of Arizona formally applies to the
5 Congress of the United States to call a convention of the states only for
6 the purpose of proposing an amendment to the Constitution of the United
7 States requiring that, in the absence of a national emergency, the total
8 of all federal appropriations made by the Congress for any fiscal year may
9 not exceed the total of all estimated federal revenue for that fiscal
10 year, together with any related and appropriate fiscal restraints.

11 2. That this application is to be considered as covering the same
12 subject matter as the currently outstanding balanced budget applications
13 from Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Indiana, Iowa,
14 Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska,
15 Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio,
16 Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah and West
17 Virginia and shall be aggregated with those applications for the purpose
18 of attaining the two-thirds of the states necessary to require the calling
19 of a convention, but may not be aggregated with any applications on any
20 other subjects.

21 3. That this application constitutes a continuing application in
22 accordance with Article V of the Constitution of the United States until
23 at least two-thirds of the legislatures of the several states have made
24 application on the same subject, and supersedes all previous applications
25 by this Legislature on the same subject.

26 4. That the Secretary of State of the State of Arizona transmit a
27 copy of this Resolution to the President and Secretary of the United
28 States Senate, the Speaker and Clerk of the United States House of
29 Representatives, each Member of Congress from the State of Arizona and the
30 presiding officers of each house of the several state legislatures.

PASSED BY THE HOUSE FEBRUARY 9, 2017.

PASSED BY THE SENATE MARCH 27, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 28, 2017.

4. Arkansas' HJR1

Document ID: 1020 **State:** Arkansas **Type:** Application
State Action: House Joint Resolution 1 **Date of state action:**
Citation: 125 Cong. Rec. 4372 (1979) **Status:** Limited **Limited:** Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations: 125 Cong. Rec. 3906 (1979) (mentioned)

Notes: In 1979, the State of Arkansas inadvertently sent to Congress an application for a constitutional convention that was passed by only one house of the legislature; however, later in 1979, Arkansas renewed its application for a constitutional convention with the approval of both houses of the legislature. See D. Huckabee, Constitutional Convention Applications: Addressing The Controversy Of Counting State Applications Relating To A Deficit Spending Amendment, Library of Congress, Congressional Research Service Report, April 27, 1979 at 5, 7, and 8.

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

POM-78. A joint resolution adopted by the Legislature of the State of Arkansas; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 1

"Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

"Whereas, the annual Federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues; and

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget not subject to the legal public debt limit; and

"Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all Federal spending and be in balance; and

"Whereas, believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, under **Article V** of the Constitution of the United States, Amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional **convention** for the purpose of proposing amendments. We believe such action vital;

"Now, therefore, be it resolved by the seventy-second General Assembly of the State of Arkansas:

"That this Body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the General Assembly of the State of Arkansas requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and

"Be it further resolved:

"That, alternatively, this Body makes application and requests that the Congress of the United States call a constitutional **convention** for the specific and **exclusive purpose** of proposing an

amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal[sic] year; and

"Be it further resolved:

"That this Body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution, or requiring the Congress to call a constitutional **convention** for proposing such an amendment to the Federal Constitution; and

"Be it further resolved:

"That copies of this Resolution be sent by the Secretary of State to the Arkansas Congressional Delegation; and

"Be it further resolved:

"That the Secretary of the State of Arkansas is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the Legislature of each of the other States in the Union, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D. C.

5. Colorado's SJM 1



Document ID: 1040

State: Colorado

Type: Application

State Action: SENATE JOINT MEMORIAL NO. 1

Date of state action:

Citation: 124 Cong. Rec. 8778 (1978)

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations: 125 Cong. Rec. 2109 (1979) (mentioned)

Notes: Was 125 Cong. Rec. 2109 (1979)

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

POM-579. A joint memorial adopted by the Legislature of the State of Colorado; to the Committee on the Judiciary:

"SENATE JOINT MEMORIAL No. 1

"Whereas, With each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars; and

"Whereas, The annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

"Whereas, Convinced that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is vital to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, under **article V** of the constitution of the United States, amendments to the federal constitution may be proposed by the congress whenever two-thirds of both houses deem it necessary or on the application of the legislatures of two-thirds of the several states that the congress shall call a constitutional **convention** for the purpose of proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths of the several states; now, therefore,

"Be It Resolved by the Senate of the Fifty-first General Assembly of the State of Colorado, the House of Representatives concurring herein:

"That the Congress of the United States Is hereby memorialized to call a constitutional **convention** pursuant to **article V** of the constitution of the United States for the specific and **exclusive purpose** of proposing an amendment to the federal constitution prohibiting deficit spending except under conditions specified in such amendment.

"Be It Further Resolved, That this application and request be deemed null and void, **rescinded**, and of no effect in the event that such **convention not be limited** to such specific and **exclusive purpose**.

"Be It Further Resolved, That copies of this memorial be sent to the secretary of state and presiding officers of both houses of the legislatures of each of the several states in the union, the clerk of the United States house of representatives, the secretary of the United States senate, and to each member of the Colorado congressional delegation."

6. Florida's SCR 10

Document ID: 1443

State: Florida

Type: Application

State Action: Senate Concurrent Resolution 10

Date of state action: Apr. 21, 2010

Citation: SCR 10

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations:

Notes:

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ENROLLED

2010 Legislature SCR 10

201010er

Page 1 of 5

CODING: Words stricken are deletions; words underlined are additions.

1

2 A concurrent resolution urging Congress to call a

3 convention for the purpose of proposing amendments to

4 the Constitution of the United States to provide for a

5 balanced federal budget and limit the ability of

6 Congress to dictate to states requirements for the

7 expenditure of federal funds.

8

9 WHEREAS, fiscal discipline and economic integrity have been

10 core principles of American governance, and

11 WHEREAS, the American people have historically demanded the

12 same prudent, responsible, and intellectually honest financial

13 behavior from their elected representatives as ultimately

14 compels individual behavior, and

15 WHEREAS, it is the firm conviction of the Legislature of

16 the State of Florida that it is wrong to fund the prosperity of

17 the present generation by robbing future Americans of their own,

18 and

19 WHEREAS, mortgaging the birthright of our children and

20 grandchildren is a dangerous departure from traditional American

21 values which threatens to permanently undermine the strength of

22 our nation, and

23 WHEREAS, the national debt has nearly doubled over the past

24 8 years and Floridas share of that debt is \$727 billion, more

25 than all Floridians make in wages and salaries in 2 years, and

26 WHEREAS, for the nation to pay off the entire federal debt

27 by 2015, Congress would have to triple the federal income

taxes

28 of every American and devote the increase exclusively to debt

29 payments, and

ENROLLED

2010 Legislature SCR 10

201010er

Page 2 of 5

CODING: Words stricken are deletions; words underlined are additions.

30 WHEREAS, our debt is increasingly owed to the governments

31 of foreign nations, not to the citizens of the United States;

32 therefore, our wealth is transferred to others and will not be

33 available to supply the means for Americas future growth and

34 prosperity, and

35 WHEREAS, this generation will bequeath to its children one

36 of the worlds most indebted industrial democracies, and

37 WHEREAS, high federal deficits cause increasingly high

38 payments for debt interest in the future, make future borrowing

39 more costly, reduce investment activity, and thus reduce the

40 size of the future economy, and

41 WHEREAS, the people of Florida recognized the wisdom of

42 fiscal discipline and enshrined in its State Constitution the

43 requirement for a balanced budget to place a prudent limit on

44 the tendencies of government, and

45 WHEREAS, the Florida Legislature has made fiscally

46 responsible decisions, maintaining a balanced budget and saving

47 the citizens of this State from crippling deficits, massive debt

48 burdens, and bankruptcy, and

49 WHEREAS, we the Legislature of the State of Florida call

50 for the Constitution of the United States to be amended to

51 require the Federal Government to operate with fiscal

52 responsibility, common sense, and the revenues granted to it by



2010 Legislature SCR 10

201010er

Page 5 of 5

CODING: Words stricken are deletions; words underlined are additions.

117 convention or used in support of conducting a convention
to

118 amend the Constitution of the United States for any
purpose

119 other than requiring a balanced federal budget or limiting
the

120 ability of the Federal Government to require states to spend

121 money.

122 BE IT FURTHER RESOLVED that a copy of this
concurrent

123 resolution be dispatched to the President of the United
States

124 Senate, to the Speaker of the United States House of

125 Representatives, to each member of the Florida delegation
to the

126 United States Congress, and to the presiding officers of
each

127 house of the several state legislatures.

Document ID: 1464

State: Florida

Type: Application

State Action: Senate Memorial No. 476

Date of state action: Apr. 21, 2014

Citation: 160 Cong. Rec. S4332 (daily ed. July 9, 2014)

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget, Coercive use of federal funds, Congressional term limits, Federal preemption of state law, Federal regulations and rules, Federal taxing power, Federal/National debt limit, Funding of federally mandated state programs, Judicial authority, Limit presidential tenure, Preservation of states' rights, Repeal Sixteenth Amendment, Selection and tenure of federal judges, State control of public education, Prohibit federal commercial enterprises

Related Citations:

Notes:

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

SENATE MEMORIAL 476

Whereas, the Founders of the United States of America provided in the Constitution of the United States for a limited Federal Government of express enumerated powers, and

Whereas, the Tenth Amendment to the Constitution specifically provides that all powers not delegated to the Federal Government nor prohibited by the Constitution to the states are reserved to the states, respectively, or to the people, and

Whereas, for many decades, this balance of power was generally respected and followed by those occupying positions of authority in the Federal Government, and

Whereas, as federal power has expanded over the past decades, federal spending has exponentially increased to the extent that it is now decidedly out of balance in relation to actual revenues or when comparing the ratio of accumulated public debt to the nations gross domestic product, and

Whereas, in 2013, the Federal Governments accumulated public debt exceeded \$17 trillion, which is more than double that in 2006, and

Whereas, projections of federal deficit spending in the coming decades demonstrate that this power shift and its fiscal impacts are continuing and pose serious threats to the freedom and financial security of the American people and future generations, and

Whereas, the Founders of the United States of America provided a procedure in **Article V** of the Constitution to amend the Constitution on application of two-thirds of the several states, calling a **convention** for proposing amendments that will be valid to

all intents and purposes if ratified by the legislatures of three-fourths of the several states, or by **conventions** in three-fourths thereof, as one or the other mode of ratification may be proposed by Congress, and

Whereas, it is a fundamental duty of state legislatures to support, protect, and defend the liberty of the American people, including generations yet to come, by asserting their solemn duty and responsibility under the Constitution to call for a **convention** under **Article V** for proposing amendments to the Constitution to reverse and correct the ominous path that the country is now on and to restrain future expansions and abuses of federal power: Now, therefore, be it

Resolved by the Legislature of the State of Florida:

(1) That the Legislature of the State of Florida does hereby make application to Congress pursuant to **Article V** of the Constitution of the United States to call an Article V **convention** for the **sole purpose** of proposing amendments to the Constitution of the United States which:

(a) Impose fiscal restraints on the Federal Government.

(b) Limit the power and jurisdiction of the Federal Government.

(c) Limit the terms of office for federal officials and members of Congress.

(2) That these three proposed amendment categories are severable from one another and may be counted individually toward the required two-thirds number of applications made by the state legislatures for the calling of an **Article V convention**.

(3) That this memorial is revoked and withdrawn, nullified, and superseded to the

same effect as if it had never been passed, and retroactive to the date of passage, if it is used for the purpose of calling a convention or used in support of conducting a convention to amend the Constitution of the United States for any purpose other than imposing fiscal restraints on the Federal Government, limiting the power and jurisdiction of the Federal Government, or limiting the terms of office for federal officials and members of Congress.

(4) That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least twothirds of the several states have made applications on one or more of the three proposed amendment categories listed above. Be it further resolved That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

7. Georgia's SR 371

Document ID: 1460

State: Georgia

Type: Application

State Action: Senate Resolution No. 371

Date of state action: Feb. 20, 2014

Citation: 160 Cong. rec. S3667 (daily ed. June 12, 2014)

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations:

Notes: Expires January 1, 2020. Also cited at 160 Cong. Rec S4331 (daily ed. July 9, 2014) as POM-287.

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

Judiciary.

SENATE RESOLUTION 371

Whereas, in 1976, by House Resolution 469 1267, Resolution Act No. 93 (Ga. L. 1976, p. 184), the Georgia General Assembly applied to the Congress to call a **convention** for the specific and **exclusive purpose** of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto; and

Whereas, in 2004, by House Resolution No. 1343, Act No. 802 (Ga. L. 2004, p. 1081), the Georgia General Assembly **rescinded** and repealed all prior applications for constitutional **conventions**, including but not limited to said 1976 application; and

Whereas, the need for such a balanced budget amendment remains and has become far more apparent and urgent: Now, therefore, be it

Resolved by the General Assembly of Georgia That this body hereby applies again to Congress, under the provisions of **Article V** of the Constitution of the United States, for the calling of a **convention** for proposing an amendment to the Constitution of the United States and recommends that the **convention** be limited to consideration and proposal of an amendment requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and be it further

Resolved That the Secretary of the Senate is authorized and directed to transmit appropriate copies of this application to the President and Secretary of the United States Senate, the Speaker and Clerk of the United

States House of Representatives, and members of the Georgia congressional delegation and to transmit appropriate copies also to the presiding officers of each of the legislative houses of the several states, requesting their cooperation; and be it further

Resolved That this application is to be considered as covering the same subject matter as the presently-outstanding balanced budget applications from other states, including but not limited to previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Indiana, Iowa, Kansas, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Pennsylvania, and Texas, and this application should be aggregated with same for the purpose of reaching the two-thirds of states necessary to require the calling of a **convention**, but should not be aggregated with any applications on any other subject; and be it further

Resolved That this application shall constitute a continuing application in accordance with **Article V** of the Constitution of the United States until:

- (1) The legislatures of at least two-thirds of the several states have made applications on the same subject and Congress has called for a **convention** for proposing an amendment to the Constitution of the United States;
- (2) The Congress of the United States has in accordance with **Article V** of the Constitution of the United States proposed an amendment to said Constitution which is consistent with the balanced budget amendment referenced in this application; or
- (3) January 1, 2020, whichever first occurs.

8. Illinois' Joint Resolutions on Federal Relations

Document ID: 1098 **State:** Illinois **Type:** Application
State Action: **Date of state action:** Mar. 14, 1861
Citation: 1861 Ill. Laws 281-82 **Status:** In force **Limited:** No
Subsequent History:
Subject Matter: Plenary
Related Citations:
Notes:

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

JOINT RESOLUTIONS on Federal Relations.

WHEREAS, although the people of the State of Illinois do not desire any change in our Federal constitution, yet as several of our sister States have indicated that they deem it necessary that some amendment should be made thereto; and whereas, in and by the **fifth article** of the constitution of the United States, provision is made for proposing [*282] mendments to that instrument, either by congress or by a **convention**; and whereas a desire has been expressed, in various parts of the United States, for a **convention** to propose amendments to the constitution ; therefore,

Be it resolved by the General Assembly of the State of Illinois, That if application shall be made to Congress, by any of the States deeming themselves aggrieved, to call a **convention**, in accordance with the constitutional provision aforesaid, to propose amendments to the constitution of the United States, that the Legislature of the State of Illinois will and does hereby concur in making such application.

Resolved, That, until the people of these United States shall otherwise direct, the present Federal Union must be preserved as it is, and the present constitution and laws must be administered as they are ; and, to this end, in conformity with that constitution and the laws, the whole resources of the State of Illinois are hereby pledged to the Federal authorities.

Resolved, That copies of the above preamble and resolutions be sent to each of our Representatives and Senators in Congress and to the executives of the several States.

DEPARTMENT OF STATE, Springfield, March 14, 1861.

I, O. M. Hatch, Secretary of State of the State of Illinois, do hereby certify that the foregoing, except the words printed in brackets thus, [] (which are inserted for the purpose of correction and explanation,) are true and perfect copies of the enrolled laws and joint resolutions on file in my office.

In testimony whereof I have hereunto set my hand, the day and year aforesaid O. M. HATCH, Secretary of State.

Document ID: 1103

State: Indiana

Type: Application

State Action: House Enrolled Concurrent Resolution 9

Date of state action: Mar. 12, 1957

Citation: 103 Cong. Rec. 6475-76 (1957)

Status: In force

Limited: Yes

Subsequent History:**Subject Matter:** Balanced budget**Related Citations:****Notes:**

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

"House Enrolled Concurrent Resolution 9

"A concurrent resolution making application to the Congress of the United States pursuant to **article V** of the Constitution of the United States for a **convention** proposing an amendment to the Constitution of the United States

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana (the Senate concurring)

"SECTION 1. The General Assembly of the State of Indiana, pursuant to **article V** of the Constitution of the United States, hereby makes application to the Congress of the United States to call a **convention** for proposing the following article as an amendment to the Constitution of the United States:

'ARTICLE

"SECTION 1. On or before the 15th day after the beginning of each regular session of the Congress, the President shall transmit to the Congress a budget which shall set forth his estimates of the receipts of the Government, other than trust funds, during the ensuing fiscal year under the laws then existing and his recommendations with respect to expenditures to be made from funds other than trust funds during such ensuing fiscal year, which shall not exceed such estimate of receipts. If the Congress shall authorize expenditures to be made during such ensuing fiscal year in excess of such estimated receipts, it shall not adjourn for more than 3 days at a time until action has been taken necessary to balance the budget for such ensuing fiscal year. In case of war or other grave national emergency, if the President shall so recommend, the Congress by a vote of three-fourths of all the Members of each House may suspend the foregoing provisions for balancing the budget for periods, either successive or otherwise, not exceeding 1 year each.

"SEC. 2. This article shall take effect on the first day of the calendar year next following the ratification of this article.'

"SEC. 2. The State of Indiana requests that such amendment shall be valid to all intents and purposes as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several States.

"SEC. 3. For the reason that the power of the sovereign States to propose amendments to the Constitution of the United States by **convention** under **article V** has never been exercised and no precedent exists for the calling or holding of such **convention**, the State of Indiana hereby declares the following basic principles with respect thereto: That the power of the sovereign States to amend the Constitution of the United States under **article V** is absolute; that the power of the sovereign States to propose amendments to the Constitution by **convention** under **article V** is absolute; that the power of the sovereign States extends over such **convention** and the scope and control thereof and that it is within their sovereign power to prescribe whether such **convention** shall

be general or shall be **limited to the proposal** of a specified amendment or of amendments in a specified field; that the exercise by the sovereign States of their power to require the calling of such **convention** contemplates that the applications of the several States for such **convention** shall prescribe the scope thereof and the essential provisions for holding the same; that the scope of such **convention** and the provisions for holding the same are established in and by the applications therefor by the legislatures of the two-thirds majority of the several States required by **article V** to call the same, and that it is the duty of the Congress to call such **convention** in conformity therewith; that such **convention** is without power to transcend, and the delegates to such **convention** are without power to act except within, the limitations and provisions so' prescribed.

"Sac. 4. The State of Indiana requests that such **convention** shall be called and held in conformity with the following limitations and provisions, and that the Congress, in the call for such **convention**, hereby is requested to and shall prescribe:

"1. That such **convention** shall be held in the city of Philadelphia, in the State of Pennsylvania, on the first Monday of the first December following transmission to the Senate and the House of Representatives of the Congress of the United States of applications for such **convention** by the legislatures of two-thirds of the several States and, in honor of the Nation's founders and for invocation, shall convene at Constitution Hall, at Independence Square, at the hour of 10 o'clock in the morning of such day, and thereupon adjourn to more commodious quarters within said city for session as the **convention** shall determine;

"2. That the several States shall have equal suffrage at such **convention**; that each of the several States shall be entitled to 3 delegates thereat and that each of such delegates shall be entitled to 1 vote; that the delegates to such **convention** from the several States shall be the highest officer of the senate and the highest officer of the house of representatives of their respective legislatures at the time of such **convention**, except that in States where the lieutenant governor is president of the senate, the president of the senate pro tempore or other highest officer from the membership of the senate shall be such delegate from the senate and in States having a unicameral legislature the 2 highest officers of its legislature shall be such delegates, which 2 delegates in each of the several States shall jointly designate a citizen of such State at large who shall be the third delegate from such State to such **convention**; that in case of a vacancy in the office of any delegate during such **convention**, not otherwise filled pursuant to law or by legislative act or as herein provided, such vacancy shall be filled by the Governor of such State from the senate or house of Its legislature or the State at large, respectively, as the case may be; that during such vacancy and during the absence of a delegate from the floor of the **convention** the

delegates present from such State shall be empowered to exercise the vote of the absent delegate or delegates from such State; that the legislature of any State may choose its delegates to such **convention**, other than hereinabove designated, in which case the delegates so chosen shall be certified to the **convention** by the secretary of state of such State and shall constitute the delegates of such State at such **convention**. In lieu of the delegates otherwise hereinabove designated;

3. That such **convention shall be limited** and restricted specifically to the consideration and proposal of this amendment or such other amendments as may be proposed by the several States of these United States; the choosing of officers and adoption of rules of procedure for the conduct of such **convention** and the maintenance of order [*6476] thereat, the determination of any issue respecting the seating of delegates, adjournment from day to day and to a day certain and from place to place within said city as may be convenient, and adjournment sine die; and such **convention** shall not be held for any other purpose nor have any other power, and the delegates thereto shall have no power other than within the limitations herein prescribed;

4. That a permanent record shall be made of the proceedings of such **convention**, which shall be certified by the secretary of the **convention**, the original of which shall be placed in the Library of Congress and printed copies of which shall be transmitted to the Senate and the House of Representatives of the Congress, to the Secretary of State of the United States, and to each house of the legislature and to the secretary of state of each of the several States;

5. That the powers of such **convention** shall be exercisable by the States, represented at such **convention** by duly constituted delegates thereat, by majority vote of the States present and voting on such proposal, and not otherwise.

Sec. 5. The State of Indiana requests that this application shall constitute a continuing application for such **convention** under **article V** of the Constitution of the United States until the legislatures of two-thirds of the several States shall have made like applications and such **convention** shall have been called and held in conformity therewith, unless the Congress itself propose such amendment, within the time and the manner herein provided.

Sec. 6. The State of Indiana requests that proposal of such amendment by the Congress and its submission for ratification to the legislatures of the several States in the form of the article hereinabove specifically set forth, at any time prior to 60 days after the legislatures of two-thirds of the several States shall have made application for such **convention**, shall render such **convention** unnecessary and the same shall not be held; otherwise such **convention** shall be called and held in conformity with such applications.

Sec. 7. The State of Indiana requests that as this application under **article V** of the Constitution of the United States is the exercise of a fundamental power of the sovereign States under the Constitution of the United States, a receipt of this application by the Senate and the House of Representatives of the Congress of the United States be officially noted and duly entered upon their respective records, and that the full context of this resolution be published in the official publication of both the Senate and the House of Representatives of the Congress.

Sec. 8. Certified copies of this resolution shall be transmitted

forthwith to the Senate and the House of Representatives of the Congress of the United States, to each Senator and Representative in the Congress from this State, and to the Secretary of State of the United States, and to each house of the legislature and to the secretary of state of each of the several States, attesting the adoption of this resolution by the legislature of this State.

CRAWFORD F. PARKER, "President of Senate.

GEORGE S. DIENER, "Speaker of House of Representatives.

Approved: March 12, 1957.

HAROLD W. HANDLEY, "Governor of the State of Indiana.

Filed March 12, 1957.

FRANK A. LENNING, "Secretary of State of Indiana."

Indiana's Second Resolution: SJR 8

Document ID: 1099 **State:** Indiana **Type:** Application
State Action: Senate Enrolled Joint Resolution No. 8 **Date of state action:**
Citation: 125 Cong. Rec. 9188 (1979) **Status:** Limited **Limited:** Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations: 125 Cong. Rec. 9368 (1979) (mentioned)

Notes: A 1979 application from Indiana for a constitutional convention to balance the budget was passed by only one house of the legislature and was inadvertently sent to Congress, however, in March of 1979, both houses enacted the application, even though a 1957 application for such a constitutional convention was still pending. 125 Cong. Rec. S. 3231 (daily ed. March 22, 1979). See D. Huckabee, Constitutional Convention Applications: Addressing The Controversy Of Counting State Applications Relating To A Deficit Spending Amendment, Library of Congress, Congressional Research Service Report, April 27, 1979 at 5, 7, and 8.

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

POM-192. A joint resolution adopted by the Legislature of the State of Indiana; to the Committee on the Judiciary:

"SENATE ENROLLED JOINT RESOLUTION No. 8

"Be it resolved by the General Assembly of the State of Indiana:

"Section 1. The General Assembly of the State of Indiana makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the Constitution to the effect that, in the absence of a national emergency, the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year.

"Section 2. The Secretary of the Senate is instructed to transmit a certified copy of this joint resolution to the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, the presiding officer of each chamber of each state legislature in the United States, and each member of the Indiana congressional delegation."

Document ID: 1111

State: Iowa

Type: Application

State Action: Senate Joint Resolution 1

Date of state action:

Citation: 125 Cong. Rec. 15,227 (1979)

Status: Limited

Limited: Yes

Subsequent History:**Subject Matter:** Balanced budget**Related Citations:** 125 Cong. Rec. 15,792 (1979) (mentioned), 125 Cong. Rec. 16,351 (1979) (mentioned)**Notes:**

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

POM-301. A joint resolution adopted by the Legislature of the State of Iowa; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION 1

"Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

"Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

"Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

"Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is one of the greatest threats which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, under Article five (V) of the Constitution of the United States, amendments to the federal Constitution may be proposed by the congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid to all intents and purposes when ratified by three-fourths of the several states, and we believe such action is vital; Now therefore,

"Be it resolved by the General Assembly of the State of Iowa:

"Section 1. The Iowa general assembly proposes to the congress of the United States that procedures be instituted in the congress to propose and submit to the several states before July 1, 1980, an amendment to the Constitution of the United States requiring that the federal budget be balanced in the absence of a national emergency.

"Sec. 2. Alternatively, effective July 1, 1980, if the Congress of the United States has not proposed and submitted to the several states an amendment as provided in section one (1) of this resolution, the Iowa general assembly respectfully makes application to and petitions the congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

"Sec. 3. Effective July 1, 1980, this application by the Iowa general assembly constitutes a continuing application in accordance with Article five (V) of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made similar applications pursuant to Article five (V), but if the congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution, or if before July 1, 1980, the general assembly repeals this application to call a constitutional convention, then this application and petition for a constitutional convention shall no longer be of any force or effect.

"Sec. 4. This application and petition shall be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose.

"Sec. 5. The Iowa general assembly also proposes that the legislatures of each of the several states comprising the United States apply to the congress requesting the enactment of an appropriate amendment to the federal Constitution, or requiring the congress to call a constitutional convention for proposing such an amendment to the federal Constitution if the Congress of the United States has not proposed and submitted to the several states an amendment as provided in section one (1) of this resolution before July 1, 1980.

"Sec. 6. The secretary of state of Iowa is directed to send copies of this resolution to the secretary of state and presiding officers of both houses of the legislatures of each of the several states in the union, the speaker and the clerk of the United States house of representatives, the president and the secretary of the United States senate, and each member of the Iowa congressional delegation."

11. Kansas' SCR 1661

Document ID: 1120

State: Kansas

Type: Application

State Action: Senate Concurrent Resolution No. 1661

Date of state action:

Citation: 125 Cong. Rec. 2110 (1979)

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations:

Notes:

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

SENATE CONCURRENT RESOLUTION No. 1661

(Kansas)

A CONCURRENT RESOLUTION requesting and applying to the Congress of the United States to propose, or to call a **convention** for the purpose of proposing, an amendment to the Constitution of the United States which would require that, in the absence of a statutorily defined national emergency, total federal appropriations shall not exceed total estimated federal revenues in a fiscal year.

Whereas, Annually the United States moves more deeply in debt as its expenditures exceed its available revenues and the public debt now exceeds hundreds of billions of dollars; and

Whereas, Annually the federal budget demonstrates the unwillingness or inability of the federal government to spend in conformity with available revenues; and

Whereas, Proper planning, fiscal prudence and plain good sense require that the federal budget be in balance absent national emergency; and

Whereas, A continuously unbalanced federal budget except in a national emergency causes continuous and damaging inflation and consequently a severe threat to the political and economic stability of the United States; and

Whereas, Under **Article V** of the Constitution of the United States, amendments to the Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary or, on the application of the legislatures of two-thirds of the states, the Congress shall call a constitutional **convention** for the purpose of proposing amendments: Now, therefore,

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein: That the Congress of the United States is hereby requested to propose and submit to the states an amendment to the Constitution of the United States which would require that within five years after its ratification by the various states, in the absence of a national emergency, the total of all appropriations made by the Congress for a fiscal year shall not exceed the total of all estimated federal revenues for such fiscal year; and

Be it further resolved: That, alternatively, the Legislature of the State of Kansas hereby makes application to the Congress of the United States to call a **convention** for the **sole and exclusive purpose** of proposing an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the total of all appropriations made by the Congress for a fiscal year shall not exceed the total of all estimated federal revenues for such fiscal year. If the Congress shall propose such an amendment to the Constitution, this application shall no longer be of any force or effect: and

Be it further resolved: That the legislature of each of the other states in the Union is hereby urged to request and apply to the Congress to propose, or to call a **convention** for the **sole and exclusive purpose** of proposing, such an amendment to the Constitution.

12. Kentucky's USHJ



Document ID: 1135 State: Kentucky Type: Application

State Action: Date of state action: Jan. 24, 1861

Citation: Cong. Globe, 36th Cong., 2d Sess. 751 (S., Feb. 5, 1861)

Status: In force

Limited: No

Subsequent History:

Subject Matter: Plenary

Related Citations: Cong. Globe, 36th Cong., 2d Sess. 751 (S., Feb. 6, 1861)

Notes: Cited by Pullen as U.S.H.J. (36th Cong., 2nd sess.) p. 276; U.S.S.J. (36th Cong., 2nd sess.) p. 189.

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

RESOLUTIONS OF KENTUCKY.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

To the Senate and House of Representatives:

I have received from the Governor of Kentucky certain resolutions adopted by the General Assembly of that Commonwealth, containing an application to Congress for the call of a **convention** for proposing amendments to the Constitution of the United States, with a request that I should immediately place the same before that body. It affords me great satisfaction to perform this duty; and I feel quite confident that Congress will bestow upon these resolutions the careful consideration to which they are eminently entitled, on account of the distinguished and patriotic source from which they proceed, as well as the great importance of the subject which they involve.

JAMES BUCHANAN.

WASHINGTON. February 5, 1861.

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Text obtained from Pullen, pp. 78-80.
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Whereas the people of some States feel themselves deeply aggrieved by the policy and measures which have been adopted by
the people of some other States; and whereas an amendment of the Constitution of the United States is deemed indispensably necessary to secure them against similar grievances in the future: therefore--

Resolved, . . . That application to Congress to call a **convention** for proposing amendments to the Constitution of the United States, pursuant to the **fifth article**, thereof, be, and the same is hereby, now made by this general assembly of Kentucky; and we
hereby invite our sister States to unite with us without delay, in similar applications to Congress.

Resolved, That the governor of this State forthwith communicate
the foregoing resolution to the President of the United States, with request that he immediately place the same before Congress
and the executives of the several States, with a request that they
lay them before their respective legislatures.

Resolved, If the **convention** be called in accordance with the provisions of the foregoing resolutions, the legislature of the Commonwealth of Kentucky suggests for the consideration of that
convention, as a basis for settling existing difficulties, the adoption, by way of amendments to the Constitution, of the resolutions offered in the Senate of the United States by the Hon. John J. Crittenden.

13. Louisiana's HCR 70



Document ID: 1468

State: Louisiana

Type: Application

State Action: House Concurrent Resolution No. 70

Date of state action: May 15, 2014

Citation: 160 Cong. Rec. S5563 (daily ed. Sep. 11, 2014)

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations:

Notes:

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

HOUSE CONCURRENT RESOLUTION NO. 70

Whereas, the failure of the federal budget process has produced an enormous federal budget deficit, and growing national debt presently burdens the American people and threatens to burden their descendants for generations to come; and

Whereas, the congressional practice of deficit spending and repeated raising of the ceiling on the federal debt has had the effect of endangering the jobs, incomes, retirement security, welfare, and future of American citizens; and

Whereas, such debt diverts scarce resources from crucial programs to pay interest on the national debt, constricts the ability of the federal government to address long-standing national problems and to respond to new needs, and increases pressures to raise taxes on the American people; and

Whereas, **Article V** of the Constitution of the United States provides that an amendment to the constitution may be proposed by congress, or on the application of the legislatures of two-thirds of the states, congress is required to call a constitutional **convention** for the purpose of proposing an amendment, which, in either case, shall become part of the constitution when ratified by threefourths of the several states: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby make application to the Congress of the United States to call a **convention** pursuant to **Article V** of the Constitution of the United States of America for the specific and **exclusive purpose** of proposing an amendment to the Constitution of the United States, for submission to the states for ratification, to require that in the absence

of a national emergency the total of all federal outlays made by congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and be it further

Resolved, That this application is to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states, including but not limited to previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Maryland, Mississippi, Missouri, Nebraska, Ohio, Nevada, New Hampshire, New Mexico, North Carolina, Pennsylvania, Tennessee, and Texas; and that this application shall be aggregated with such applications for the purpose of attaining the two-thirds of states necessary to require the calling of a **convention** but shall not be aggregated with applications on any other subject; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted by the secretary of state to the president and the secretary of the United States Senate, to the speaker and clerk of the United States House of Representatives, to each member of this states delegation to the congress, and to the presiding officer of each house of each state legislature in the United States, requesting their cooperation; and be it further

Resolved, That this application by this legislature supersedes all previous applications by this legislature on this same subject matter and that this application constitutes a continuing application in accordance with **Article V** of the Constitution of the United States until the legislatures of at least twothirds



of the several states have made application
for a similar convention pursuant to
Article V.

14. Michigan's SJR V



Document ID: 1461

State: Michigan

Type: Application

State Action: Senate Journal Resolution V

Date of state action: Mar. 26, 2014

Citation: 160 Cong. Rec. H7887 (daily ed. Sep. 18, 2014)

Status: In force

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations:

Notes:

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

ESJR V

STATE OF MICHIGAN

97TH LEGISLATURE

REGULAR SESSION OF 2014

Introduced by Senators Green, Jones, Colbeck, Pappageorge, Proos, Robertson, Marleau, Booher, Jansen, Brandenburg, Casperson, Caswell, Emmons, Hansen, Hildenbrand, Hune, Kahn, Kowall, Meekhof, Moolenaar, Nofs, Pavlov, Richardville, Rocca, Schuitmaker and Walker

ENROLLED SENATE

JOINT RESOLUTION V

A JOINT RESOLUTION to petition the congress of the United States to call a **convention** to propose amendments to the constitution of the United States to require a balanced federal budget.

Resolved by the Senate and House of Representatives of the state of Michigan, That pursuant to **article V** of the constitution of the United States, the legislature of the state of Michigan petitions the congress of the United States of America, at its session, to call a **convention of the states limited** to proposing an amendment to the constitution of the United States requiring that in the absence of a national emergency, including, but not limited to, an attack by a foreign nation or terrorist organization within the United States of America, the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints.

Resolved further, That this application is to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from other states, including, but not limited to, previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Florida, Indiana, Iowa, Kansas, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Pennsylvania, and Texas; and this application shall be aggregated with those applications for the purpose of attaining the two-thirds of states necessary to require the calling of a **convention** for proposing a balanced budget amendment, but shall not be aggregated with any applications on any other subject.

Resolved further, That this application constitutes a continuing application in accordance with **article V** of the constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject. It supersedes all previous applications by this legislature on the same subject.

Resolved further, That certified copies of this joint resolution be transmitted by the secretary of state to the president of the

United States Senate, to the speaker of the United States House of Representatives, and to each member of this states delegation to the congress and that printed copies be sent to each house of each state legislature in the United States.

(46)

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ESJR V

I hereby certify that on the twenty-sixth day of March, two thousand fourteen, the foregoing joint resolution was

agreed to by the Senate, by a majority vote of the Senators elected and serving.

Secretary of the Senate

I hereby certify that on the twentieth day of March, two thousand fourteen, the foregoing joint resolution was

agreed to by the House of Representatives, by a majority vote of the Representatives elected and serving.

Clerk of the House of Representatives

15. Missouri's SCR 3

Document ID: 1193

State: Missouri

Type: Application

State Action: Senate Concurrent Resolution No.3

Date of state action:

Citation: 129 Cong. Rec. 20,352 (1983)

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations: 129 Cong. Rec. 18,473 (1983) (mentioned)

Notes:

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

POM-323. A concurrent resolution adopted by the General Assembly of the State of Missouri: to the Committee on the Judiciary:

"Senate Concurrent Resolution No. 3

"Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds one trillion dollars; and

"Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to limit the growth of federal spending and taxes and balance the budget; and

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget; and

"Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance on a regular basis; and

"Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, the federal deficit in Fiscal Year 1982 was \$110.7 billion, nearly double the deficit in Fiscal Year 1981: and

"Whereas, the Congressional Budget Office projects a deficit for Fiscal Years 1983 and 1984 of \$165 billion and \$200 billion, respectively; and

"Whereas, the United States Senate approved a proposed balance budget amendment in response to the efforts of the thirty-one state legislatures which have requested a **limited convention** on this subject, and its conviction about the needs for a constitutional restraint upon Congress fiscal authority; and

"Whereas, the Reagan Administration has indicated that the budget will not be balanced by 1984; and

"Whereas, under **Article V** of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the Congress shall call a constitutional **convention** for the purpose of proposing amendments which shall be valid for all intents and purposes when ratified by three-fourths of the several states, believing such action to be vital,

"Now, therefore, be it resolved by the Senate of the Eighty-second General Assembly of the State of Missouri, the House of Representatives concurring therein, that the Missouri General Assembly proposes to the Congress of the United States

that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the Missouri General Assembly requests the Congress to prepare and submit to the several states before January 1, 1984, an amendment to the Constitution of the United States, requiring a balanced federal budget and to make certain exceptions with respect thereto; and

"Be it further resolved that if, by January 1, 1984, the Congress has not proposed and submitted to the several states such an amendment, this body respectfully makes application to the Congress of the United States for a **convention** to be called under **Article V** of the Constitution of the United States for the specific and **exclusive purpose** of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto; and

"Be it further resolved that effective January 1, 1984, this application constitutes a continuing application in accordance with **Article V** of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made similar applications pursuant to **Article V**, but if the Congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution, then this application and petition for a constitutional **convention** shall no longer be of any force or effect; and

"Be it further resolved that this application shall be deemed null and void, **rescinded** and of no effect in the event that such **convention not be limited** to such specific and **exclusive purpose**; and

"Be it further resolved that this body also proposes that the legislatures of each of the several states comprising the United States which have not yet made similar applications apply to the Congress requesting the enactment of an appropriate amendment to the federal constitution, and making application to the Congress to call a constitutional **convention** for the purpose of proposing such an amendment to the federal constitution; and

"Be it further resolved that copies of this resolution be sent by the Secretary of the Senate and the Chief Clerk of the House of Representatives to each member of Congress representing Missouri; and

"Be it further resolved that the Secretary of the Senate and the Chief Clerk of the House of Representatives of this state be directed to send copies of this resolution to the Secretary of State and presiding officers of both Houses of the Legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, Washington, D.C. and the Secretary of the United States Senate, Washington, D.C."

16. Nebraska's LR 106

Document ID: 1213 **State:** Nebraska **Type:** Application
State Action: Legislative Resolution 106 **Date of state action:**
Citation: 125 Cong. Rec. 2112 (1979) **Status:** Limited **Limited:** Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations: 125 Cong. Rec. 4152 (1979) (same text), 125 Cong. Rec. 4702 (1979) (mentioned)

Notes: One of 22 certified resolutions collected and inserted into the record by Virginia Senator Harry F. Byrd Jr. See also Nebraska Legislative Resolution 538 (2010) reaffirming this resolution.

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

LEGISLATIVE RESOLUTION 106

(Nebraska)

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenue, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenue; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under **article V** of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states, the Congress shall call a constitutional **convention** for the purpose of proposing amendments. We believe such action is vital.

Now, Therefore, be it resolved by the members of the eighty-fourth legislature of Nebraska, second session:

I. That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States and that the State of Nebraska requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

2. That, alternatively, this Legislature makes application and requests that the Congress of the United States call a constitutional **convention** for the specific and **exclusive purpose** of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

3. That this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal Constitution; or requiring the Congress to call a constitutional **convention** for proposing such an amendment to the federal Constitution.

4. That the Clerk of the Legislature transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska.

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 538

Introduced by Pirsch, 4.

Read first time March 29, 2010

Committee: Government, Military and Veterans Affairs

WHEREAS, in 1976 the Nebraska Legislature passed
Legislative Resolution 106 that read as follows:

"LEGISLATIVE RESOLUTION 106.

WHEREAS, with each passing year this nation becomes more
deeply in debt as its expenditures grossly and repeatedly exceed
available revenue, so that the public debt now exceeds hundreds of
billions of dollars; and

WHEREAS, the annual federal budget continually
demonstrates an unwillingness or inability of both the legislative
and executive branches of the federal government to curtail
spending to conform to available revenue; and

WHEREAS, unified budgets do not reflect actual spending
because of the exclusion of special outlays which are not included
in the budget nor subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence, and
plain good sense require that the budget reflect all federal
spending and be in balance; and

WHEREAS, believing that fiscal irresponsibility at the
federal level, with the inflation which results from this policy,

is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, under article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action is vital.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the State of Nebraska requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

2. That, alternatively, this Legislature makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal

revenue for that fiscal year.

3. That this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the federal Constitution.

4. That the Clerk of the Legislature transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska."; and

WHEREAS, the national debt has continued to grow and has generated concern from economists, legislators, and taxpayers across the country.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Legislature remains committed to seeking a federal balanced budget.

2. The Clerk of the Legislature shall transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska.

STATE OF NEW HAMPSHIRE
HOUSE CONCURRENT RESOLUTION 40

A RESOLUTION for the purpose of petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the states, to require, with certain exceptions, that the federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing a federal balanced budget amendment for submission to the states for ratification.

Whereas, with each passing year this nation becomes deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds \$12 trillion; and

Whereas, attempts to limit spending, including the impoundment of funds by the President of the United States, have resulted in strenuous assertions that the responsibility for appropriations is the constitutional duty of the Congress; and

Whereas, the annual federal budget repeatedly demonstrates the unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, the unified budget does not reflect actual spending because of the exclusion of special outlays which are not in the budget; and

Whereas, knowledgeable planning and fiscal prudence require that the budget reflect all federal spending and that the budget be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level is one of the greatest economic threats which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to reverse this trend; and

Whereas, the mounting debt level is putting our country not only at economic security risk, but it is opening our country up to a national security risk as our debt level restricts our capacity to act and shows weakness to our enemies; and

Whereas, under Article V of the Constitution of the United States, amendments to the United States Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire general court hereby petitions the Congress of the United States of America to adopt an amendment to the Constitution of the United States, for submission to the states for ratification, requiring, with certain exceptions, that for each fiscal year the president of the United States submit and the Congress of the United States adopt a balanced federal budget; or

"\

...

That pursuant to Article V of the Constitution of the United States, the New Hampshire general court makes application to the Congress of the United States of America to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States, for submission to the states for ratification, requiring, with certain exceptions, that for each fiscal year the president of the United States submit and the Congress of the United States adopt a balanced federal budget; and

That if Congress adopts, within 90 days after the legislatures of two-thirds of the states have made application for such convention, an amendment to the Constitution of the United States similar in subject matter to that contained in this resolution, then this application for a convention shall no longer be of any force or effect; and


That this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to the aforementioned specific and exclusive purpose of a Federal Balanced Budget Amendment; and

That this application shall be deemed null and void, rescinded, and of no effect in the event the United States Supreme Court rules that a convention cannot be limited to the subject stated in 34 such applications; and

That this application by the New Hampshire general court constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the Legislatures of the several states have made application for a similar convention pursuant to Article V or Congress has proposed an amendment to the Constitution of the United States similar in subject matter to that contained in this concurrent resolution; and

That certified copies of this concurrent resolution be transmitted by the house clerk to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the New Hampshire delegation to the Congress, and to the presiding officer of each house of each state legislature in the United States.

Approved May 16, 2012


Karen O. Wadsworth
Clerk of the House

18. New Jersey's Joint Resolutions on the state of the Union



Document ID: 1431

State: New Jersey

Type: Application

State Action: Date of state action:

Citation: Cong. Globe, 36th Cong., 2d Sess. 680 (S., Feb. 1, 1861)

Status: In force

Limited: No

Subsequent History:

Subject Matter: Plenary

Related Citations:

Notes: Also 36th Congress 2nd Session Cong. Globe 618 (1861) Also mentioned in list of states with pending applications, in Vol 52 S. J., p. 380 (1861) <http://memory.loc.gov/lls/j/052/0300/03800380.tif>

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

Joint Resolutions on the state of the Union, passed by the Legislature of New Jersey.

Whereas the people of New Jersey, conforming to the opinion of "the Father of his Country," consider the unity or the Government, which constitutes the people of the United States one people, a main pillar in the edifice of their Independence, the support of their tranquillity at home and peace abroad, of their prosperity, and of that liberty which they so highly prize; and properly estimating the immense value of their national Union to their Individual happiness, they cherish a cordial, habitual, and immovable attachment to it as the palladium of their political safety and prosperity: Therefore,

1. Be it resolved by the Senate and General Assembly of the State of New Jersey, That It is the duty of every good citizen, in all suitable and proper ways, to stand by and sustain the Union of the States as transmitted to us by our fathers.

2. And be it resolved, That the Government of the United States is a National Government, and the Union it was designed to perfect is not a mere compact or league; and that the Constitution was adapted in a spirit of mutual compromise and concession by the people of the United States and can only be preserved by the constant recognition of that spirit.

3. And be it resolved, That however undoubted may be the right of the General Government to maintain its authority and enforce its laws over all parts of the country, it is equally certain that forbearance and compromise are indispensable at this crisis to the perpetuity of the Union; and that it is the dictate of reason, wisdom, and patriotism, peacefully to adjust whatever differences exist between the different sections of our country.

4. And be it resolved, That the resolutions and propositions submitted to the Senate of the United States by JOHN J. CRITTENDEN, of Kentucky, for the compromise of the questions in dispute between the people of the northern and of the southern States, or any other constitutional method of settling the slave question permanently, will be acceptable to the people of the State of New Jersey, and the Senators and Representatives in Congress from New Jersey be requested, and earnestly urged, to support these resolutions and propositions.

5. And be it resolved, That as the Union of these States is in imminent danger unless the remedies before suggested be speedily adopted, then, as a last resort, the State of New Jersey hereby makes application, according to the terms of the Constitution, of the Congress of the United States, to call a **convention** (of the States) to propose amendments to said Constitution.

6. And be it resolved, That such of the States as have in force laws which interfere with the constitutional rights of citizens of the other States either as regard to their persons or property, or which militate against the just construction of that part of

the Constitution that provides that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, are earnestly urged and requested, for the sake of peace and the Union, to repeal all such laws.

7. And be it resolved, That his Excellency, Charles S. Olden, Peter D. Vroom Robert F. Stockton, Benjamin Williamson, Joseph F. Randolph; Frederick T. Frelinghuysen, Rodman M. Price, Thomas J. Stryker, and William C. Alexander be appointed commissioners to confer with Congress, our sister States, and urge upon them the importance of carrying into effect the principles and objects of the foregoing resolutions.

8. And be it resolved, That the commissioners above named, in addition to their other powers, be authorized to meet with those now or hereafter to be appointed by our sister State of Virginia, and such commissioners of other States as have been or may hereafter be appointed, to meet at Washington on the 4th day of February next.

9. And be it resolved, That copies of the foregoing resolutions be sent to the President of the Senate and Speaker of the House of Representatives of the United States, and to the Senators and Representatives in Congress from New Jersey, and to the Governors of the several States.

19. New York's HRJ 36



Document ID: 1256

State: New York

Type: Application

State Action: [untitled]

Date of state action: Feb. 7, 1789

Citation: H.R. Jour., 1st Cong., 1st Sess. 29-30 (May 6, 1789)

Status: In force

Limited: No

Subsequent History:

Subject Matter: Plenary

Related Citations:

Notes: Cited by Paulsen as "HOUSE OF REPRESENTATIVES J. 36 (1789)" which is the same citation used in S. Doc. 78, but this page of the House Journal from 1789 has nothing from New York. In the business of May 6, 1789, the House Journal has the text of the N.Y., application. Listed but not reprinted in S. Doc. 78. See also, Gordon DenBoer, "The Documentary History of the First Federal Elections 1788-1790" Volume 3, pp 404-11 (1986).. Also found at "American State Papers, House of Representatives, 1st Congress, 1st Session, Miscellaneous: Volume 1, Page 7, No. 5. Application of New York for a convention of the several states to report amendments to the Constitution. 1 American State Papers: Miscellaneous 7 (1834)

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

"State of New York,

In Assembly, February 5, 1789.

Resolved, If the honorable the Senate concur therein, that an application be made to the Congress of the United States of America, in the name and behalf of the Legislature of tins State, in the words following, to wit:

The People of the State of New York haying ratified the Constitution aged to on the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, by the **Convention** then assembled at Philadelphia, in the State of Pennsylvania, as explained by the said ratification, in the fullest confidence of obtaining a revision of the said Constitution by a General **Convention**; and in confidence rivet certain powers in and by the said Constitution granted, would not be exercised, until a **Convention** should have been called and convened for proposing amendments to the said Constitution: In compliance, therefore, with the unanimous sense of the **Convention** of this State, who all united in opinion that such a revision was necessary to recommend [*30] the said Constitution to the approbation and support of a numerous body of their constituents; and a majority of the members of which conceived several articles of the Constitution so exceptionable, that nothing but such confidence, and an invincible reluctance to separate from our sister States, could have prevailed upon a sufficient number to assent to it, without stipulating for previous amendments: And from a conviction that the apprehensions and discontents which those articles occasion, cannot be removed or allayed, unless an act to revise the said Constitution be among the first that Shall be passed by the new Congress: we, the Legislature of the State of New York, do, in behalf of our constituents, in the most earnest and solemn manner, make this application to the Congress, that a **Convention** of Deputies from the several States be called as early as possible, with full powers to take the said Constitution into their consideration, and to propose such amendments thereto, as they shall find best calculated to promote our common interests, and secure to ourselves and our latest posterity, the great and unalienable rights of mankind.

By order of the Assembly:

JOHN LANSING, Junior, Speaker.

In Senate, February 7, 1789.

By order of the Senate:

PIERRE VAN CORTLANDT, President."



Document ID: 1257

State: North Carolina

Type: Application

State Action: SENATE JOINT RESOLUTION 1

Date of state action: Jan. 29, 1979

Citation: 125 Cong. Rec. 3310-11 (1979)

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations: 125 Cong. Rec. 3007 (1979) (mentioned)

Notes:

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

[General Assembly of North Carolina, Session 1979, Ratified Bill Resolution 5]

SENATE JOINT RESOLUTION 1

A Joint resolution applying to the Congress of the United States to call a **convention** to propose an amendment to the Constitution of the United States to require a balanced Federal budget

Whereas, believing that inflation is the most serious problem facing the people of the United States, and the primary cause of inflation is unchecked federal spending; and

Whereas, the State of North Carolina is required by its Constitution to have a balanced budget, and has long operated on a sound fiscal basis which the federal government would be well-served to emulate; and

Whereas, under **Article V** of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the Congress shall call a Constitutional **Convention** for the purpose of proposing amendments which shall be valid when ratified by the legislatures of three-fourths of the several states or by **conventions** in three-fourths thereof;

Whereas, by Resolution 97 of the General Assembly, ratified July 1, 1977, the Congress was requested to submit an amendment to the states to require a balanced federal budget, but the Congress has failed to act; Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the Congress of the United States is requested to propose and submit to the states an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the federal budget be balanced each fiscal year within four years after the amendment is ratified by the various states.

SEC. 2. That, alternatively, this body respectfully petitions the Congress of the United States to call a **convention** for the **exclusive purpose** of proposing an amendment to the Constitution of the United States to require a balanced federal budget in the absence of a national emergency.

[*3311] SEC. 3. That this application constitutes a continuing application in accordance with **Article V** of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to **Article V**, or until this application is **rescinded** by the General Assembly of North Carolina; but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this joint resolution before January 1, 1980, this petition for a Constitutional **Convention** shall no longer be of any effect.

SEC. 4. That this application and request be deemed **rescinded** in the event that the **convention is not limited** to the subject matter of this application.

SEC. 5. That since this application under **Article V** of the Constitution of the United States is the exercise of a fundamental power of the sovereign states under the Constitution of the United States, it is requested that receipt of this application by the Senate and the House of Representatives of the United States Congress be officially noted and duly entered upon their respective records, and that the full context of this resolution be published in the official publication of both -the Senate and the House of Representatives of the Congress.

SEC. 6. That copies of this resolution be sent to the Secretaries of State, -presiding officers of all state legislatures in the Union, the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and each member of the North Carolina Congressional delegation.

SEC. 7. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of January, 1979.

21. North Dakota's HCR 3015



Document ID: 1474

State: North Dakota

Type: Application

State Action: House Concurrent Resolution No. 3015

Date of state action: Mar. 31, 2015

Citation: 161 Cong. Rec. S2399-400 (daily ed. April 23, 2015)

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations:

Notes:

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

POM-17. A concurrent resolution adopted by the Legislature of the State of North Dakota urging the United States Congress to call for a constitutional **convention** for the **sole purpose of proposing** an amendment to the Constitution of the United States which requires a balanced federal budget; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 3015

Whereas, **Article V** of the Constitution of the United States mandates that upon the application of the legislatures of two-thirds of the states, Congress shall call a **convention** for proposing amendments; and

Whereas, this application is to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from other states; and

Whereas, this application shall be aggregated for the purpose of attaining the two-thirds necessary to require the calling of a **convention** for proposing a balanced budget amendment, but shall not be aggregated with any applications on any other subject; and

Whereas, this application is a continuing application until the legislatures of at least two-thirds of the states have made applications on the same subject; and

Whereas, the North Dakota Legislative Assembly deems an amendment to the Constitution of the United States requiring a balanced federal budget to be necessary for the good of the American people: Now, therefore, be it

Resolved by the House of Representatives of North Dakota, the Senate concurring therein:

That the Sixty-fourth Legislative Assembly urges the Congress of the United States to call a **convention of the states limited** to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and be it further

Resolved, That the Secretary of State forward copies of this resolution to the President and Secretary of the Senate and the

Speaker and Clerk of the House of Representatives of the Congress, to each member of the United States Congressional Delegation, and also to transmit copies to the presiding officers of each of the legislative houses in the United States, requesting their cooperation.

Document ID: 1459**State:** Ohio**Type:** Application**State Action:** Senate Joint Resolution No. 5**Date of state action:** Nov. 20, 2013**Citation:** 160 Cong. Rec. S1174 (daily ed. Feb. 26, 2014)**Status:** Limited**Limited:** Yes**Subsequent History:****Subject Matter:** Balanced budget**Related Citations:****Notes:**

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

POM-197. A joint resolution adopted by the General Assembly of the State of Ohio urging the Congress of the United States to propose a balanced budget amendment to the United States Constitution and applying to the Congress, pursuant to **Article V** of the United States Constitution, to call a **convention** for proposing a balanced budget amendment; to the Committee on the Judiciary.

Joint Resolution No. 5

Be it resolved by the General Assembly of the State of Ohio:

The General Assembly of the State of Ohio urges the Congress of the United States to propose a balanced budget amendment to the United States Constitution and hereby applies to the Congress, under the provisions of **Article V** of the United States Constitution, for the calling of a **convention of the states limited** to proposing an amendment to the United States Constitution requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate Fiscal restraints; and

It is the intention of the General Assembly that matters shall not be considered at the **convention** that do not pertain to an amendment requiring that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and be it further

Resolved, The Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the Senate and to the Speaker and Clerk of the House of Representatives of the Congress, and copies to the members of the Senate and House of Representatives from the State of Ohio; also to transmit copies of this application to the presiding officers of each of the legislative houses of the several states, requesting their cooperation; and be it further

Resolved, This application is to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from other states, including previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Indiana, Iowa, Kansas, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Pennsylvania, and

Texas. This application shall be aggregated with those other applications for the purpose of attaining the two-thirds of states necessary to require the calling of a **convention** for proposing a balanced budget amendment, but shall not be aggregated with any applications on any other subject; and be it further

Resolved, If the **convention** called by the Congress is not limited to considering a balanced budget amendment, then any delegates, representatives, or participants from the State of Ohio asked to participate in the **convention** are authorized to debate and vote only on a proposed amendment or amendments to the United States Constitution requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and be it further

Resolved, This application constitutes a continuing application in accordance with **Article V** of the United States Constitution until the legislatures of at least two-thirds of the several states have made applications on the same subject or the Congress has proposed an amendment to the United States Constitution equivalent to the amendment proposed in this resolution. This application supersedes all previous applications by the General Assembly of the State of Ohio on the same subject.

Document ID: 1486**State:** Oklahoma**Type:** Application**State Action:** Senate Joint Resolution No. 4**Date of state action:** Apr. 27, 2016**Citation:** 162 Cong. Rec. S6354-55 (daily ed. Nov. 15, 2016)**Status:** Limited**Limited:** Yes**Subsequent History:**

Subject Matter: Balanced budget, Congressional term limits, Federal taxing power, Federal/National debt limit, Repeal Sixteenth Amendment, Selection and tenure of federal judges, Convention of States Project

Related Citations:

Notes: Purports to expire on December 31, 2023.

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

POM-213. A joint resolution adopted by the Legislature of the State of Oklahoma urging the Congress of the United States, pursuant to **Article V** of the United States Constitution, to call a **convention** of the states for the purpose of proposing amendments to the United States Constitution related to balancing the federal budget, imposing fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office for its officials and for members of Congress; to the Committee on the Judiciary.

Senate Joint Resolution No. 4

Whereas, the founders of the Constitution of the United States, through the enactment of **Article V**, empowered state legislators to be guardians of liberty against future abuses 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 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, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; 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 Constitution of the United States through a **convention** of the states under **Article V** of the United States Constitution to place clear restraints on these and related abuses of power; and

Whereas, the citizens of the State of Oklahoma believe that it is in the best interest of the people of the United States to amend the United States Constitution in order to adopt a balanced budget amendment and to address the areas of overreach of the federal government; and

Whereas, as early as 1976, the Thirty-fifth Oklahoma Legislature enacted House Joint Resolution No. 1049, calling for an **Article V Convention** for the purpose of preparing and submitting to the states an amendment ``requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year"; and

Whereas, the Thirty-fifth Oklahoma Legislature acknowledged in House Joint Resolution No. 1049 the critical need for a federal balanced budget amendment with the prophetic statement ``believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat

which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore fiscal responsibility"; and

Whereas, pursuant to the provisions of **Article V** of the Constitution of the United States, each state may request Congress to provide for a **convention** to propose amendments. Now, therefore, be it

Resolved by the Senate and the House of Representatives of the 2nd Session of the 55th Oklahoma Legislature:

Section 1. The Oklahoma Legislature hereby makes two separate applications to Congress, under the provisions of **Article V** of the Constitution of the United States. The first such application is set forth in Sections 2 through 5 of this resolution. The second such application is set forth in Sections 6 through 9 of this resolution.

Section 2. The Oklahoma Legislature hereby applies to Congress, under the provisions of **Article V** of the Constitution of the United States, for the calling of a **convention of the states limited** to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints.

Section 3. The Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives and members of the United States Senate and House of Representatives from this state; also to transmit copies hereof to the presiding officers of the legislative houses in several states, requesting their cooperation.

Section 4. This application is to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states, including, but not limited to, previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, Utah and West Virginia; and this application shall be aggregated with same for the purpose of attaining the two-thirds ($\frac{2}{3}$) of states necessary to require the calling of a **convention**, but shall not be aggregated with any applications on any other subject.

Section 5. This application constitutes a continuing application in accordance with **Article V** of the Constitution of the United States until the legislatures of at least two-thirds ($\frac{2}{3}$) of the several states have made applications on the same subject, or until December 31, 2023, whichever occurs earlier. It supersedes all

previous applications by this Legislature on the same subject.

Section 6. The Legislature of the State of Oklahoma hereby applies to Congress, under the provisions of **Article V** of the Constitution of the United States, for the calling of a **convention of the states 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.

Section 7. This application shall be aggregated with the applications of Georgia (SR736, 2014), Florida (SM476, 2014), Alaska (HJR22, 2014), Alabama (HJR112, 2015), Tennessee (SJR67, 2016) and Indiana (SJR14, 2016) together with any future applications for a **convention** for the specific and **exclusive purpose of proposing** amendments to the Constitution of the United States **limited to the purposes** stated herein.

Section 8. The Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, to transmit copies to the members of the United States Senate and United States House of Representatives from this state, and to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Section 9. This application constitutes a continuing application in accordance with **Article V** of the Constitution of the United States until the legislatures of at least two-thirds ($\frac{2}{3}$) of the several states have made applications on the same subject, or until December 31, 2023, whichever occurs earlier.

24. Oregon's HJR 4



Document ID: 1292

State: Oregon

Type: Application

State Action: House Joint Resolution No. 4

Date of state action: Jan. 25, 1901

Citation: 34 Cong. Rec. 2290 (1901)

Status: In force

Limited: No

Subsequent History:

Subject Matter: Direct election of Senators, Plenary

Related Citations:

Notes: Text at 1901 Or. Laws 477-78.

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

Mr. FRYE presented a joint resolution of the legislature of Oregon, favoring the adoption of an amendment to the Constitution providing for the election of Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

=====

Text from 1901 Or. Laws 477-78.

=====

HOUSE JOINT RESOLUTION NO. 4.

Whereas, under the present method of the election of United States Senators by the legislatures of the several states, protracted contests frequently result in no election at all, and in all cases interfering with needed state legislation; and

Whereas, Oregon in common with many of the other states has asked congress to adopt an amendment to the Constitution of the United States providing for the election of United States Senators by direct vote of the people, and said amendment has passed the House of Representatives on several occasions, but the Senate of the United States has continually refused to adopt said amendment; therefore be it

Resolved by the House of Representatives of the State of Oregon, the Senate concurring:

That the Congress of the United States is hereby asked, and urgently requested, to call a constitutional **convention** for proposing amendments to the Constitution of the United States, as provided in **Article V** of the said Constitution of the United States.

.

Resolved, That we hereby ask, and urgently request, that the legislative assembly of each of the other states in the union unite with us in asking and urgently requesting the Congress of the United States to call a constitutional **convention** for the purpose of proposing amendments to the Constitution of the United States.

Resolved, That the Secretary of State be and he is hereby authorized and directed to send a certified copy of this Joint Resolution to the President of the United States Senate, the Speaker of the House of Representatives of the United States, and to the legislative assembly of each and every of the other states of the union.

Adopted by the House January 23, 1901.

L. B. REEDER, Speaker of the House.

Concurred in by the Senate January 25, 1901.

C. W. FULTON, President of the Senate.

25. Pennsylvania's R 236



Document ID: 1293 **State:** Pennsylvania **Type:** Application

State Action: Resolution No. 236

Date of state action:

Citation: 125 Cong. Rec. 2113-14 (1979)

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations: 125 Cong. Rec. 4627 (1979) (same text)

Notes:

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

RESOLUTION No. 236

(Pennsylvania)

Whereas, Requesting appropriate action by the Congress, either acting by consent of two-thirds of both Houses or, upon the application of the Legislatures of two-thirds of the several states, calling a Constitutional **Convention** to propose an amendment to the Federal Constitution to require, with certain exceptions, that the total of all Federal appropriations may not exceed the total of all estimated Federal revenues in any fiscal year.

Whereas, With each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, The annual Federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal Government to curtail spending to conform to available revenues; and

Whereas, Unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, Knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all Federal spending and be in balance; and

Whereas, Believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Where-as, Under **Article V** of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states the Congress shall call a Constitutional **Convention** for the purpose of proposing amendments. We believe some such action vital; therefore be it

Resolved (The Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the General Assembly of the Commonwealth of Pennsylvania requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and be it further

Resolved That, alternatively, the General Assembly of the

Commonwealth of Pennsylvania makes application and requests that the Congress of the United States call a Constitutional **Convention** for the specific and **exclusive purpose** of proposing an amendment to the Federal Constitution requiring [*2114] in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and be it further

Resolved, That the General Assembly of the Commonwealth of Pennsylvania also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a Constitutional **Convention** for proposing such an amendment to the federal Constitution; and be It further

Resolved, That copies of this resolution be sent to the members of the Congress from Pennsylvania; and be it further

Resolved, That the Chief Clerk of the House of Representatives send copies of this joint resolution to the Secretary of State and presiding officers of both Houses of the Legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, Washington, D. C. and the Secretary of the United States Senate, Washington, D. C.

26. South Dakota's HJR 1001



Document ID: 1478

State: South Dakota

Type: Application

State Action: House Joint Resolution No. 1001

Date of state action: Feb. 20, 2015

Citation: 162 Cong. Rec. S6550 (daily ed. Nov. 29, 2016)

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations:

Notes:

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

Text from S.D. Legislature Website

A JOINT RESOLUTION, Making formal application to Congress to call an **Article V convention** of the states for the **sole purpose of proposing** a federal balanced budget amendment.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH DAKOTA, THE SENATE CONCURRING THEREIN:

WHEREAS, the Legislature of the State of South Dakota hereby applies to Congress, under the provisions of **Article V** of the Constitution of the United States, for the calling of a **convention of the states limited** to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency, the total of all federal appropriations made by Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and

WHEREAS, this application constitutes a continuing application in accordance with **Article V** of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject. It supersedes all previous applications by this Legislature on the same subject:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninetieth Legislature of the State of South Dakota, the Senate concurring therein, that the State of South Dakota does hereby apply to the Congress of the United States to call an amendment **convention** pursuant to **Article V** of the United States Constitution **limited to proposing** an amendment to the United States Constitution requiring that in the absence of a national emergency, the total of all federal appropriations made by Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and

BE IT FURTHER RESOLVED, this application is to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states, including previously-adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Pennsylvania, Tennessee, and Texas.

This application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require the

calling of a **convention** for proposing a balanced budget amendment but may not be aggregated with any applications on any other subject; and

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

BE IT FURTHER RESOLVED, that this application constitutes 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 have made such applications and such **convention** has been called by the Congress of the United States; and

BE IT FURTHER RESOLVED, that the secretary of state 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 South Dakota congressional delegation, and the legislatures of each of the several states, attesting the adoption of this resolution by the Legislature of the State of South Dakota.

27. Tennessee's HJR 548



Document ID: 1463

State: Tennessee

Type: Application

State Action: H. Jour. Res. 548

Date of state action: Apr. 9, 2014

Citation: H. Jour. Res. 548 (Tenn. 2014)

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations:

Notes:

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

HJR0548

008769

HOUSE JOINT RESOLUTION 548

By Powers

A RESOLUTION to make application to the Congress of the United States pursuant to **Article V** of the United States Constitution to call a constitutional **convention** for the **sole purpose** of proposing a balanced budget amendment and other related fiscal restraints.

WHEREAS, **Article V** of the United States Constitution requires the United States

Congress to call a constitutional **convention** upon application of two-thirds of the legislatures of

the several states for the purpose of proposing amendments to the United States Constitution;

now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED

EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE

CONCURRING, that the Congress of the United States is directed to call a constitutional

convention limited to proposing an amendment to the Constitution of the United States requiring

that in the absence of a national emergency the total of all Federal appropriations made by the

Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that

fiscal year, together with any related and appropriate fiscal restraints.

BE IT FURTHER RESOLVED, that this application is to be considered as covering the

same subject matter as the presently-outstanding balanced budget applications from other

states, including, but not limited to, previously-adopted applications from Alabama, Alaska,

Arkansas, Colorado, Delaware, Florida, Indiana, Iowa, Kansas, Maryland, Mississippi, Missouri,

Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Pennsylvania, and Texas;

and that this application shall be aggregated with such applications for the purpose of attaining

the two-thirds of states necessary to require the calling of a **convention**, but shall not be

aggregated with any applications on any other subject.

BE IT FURTHER RESOLVED, that this application constitutes a continuing application in

accordance with **Article V** of the Constitution of the United States until at least two-thirds of the

legislatures of the several states have made applications for similar relief pursuant to **Article V**.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Honorable

Joseph R. Biden, Jr., Vice President of the United States and President of the U.S. Senate,

Washington, D.C.; the Honorable John Boehner, Speaker of the House of Representatives,

Washington, D.C.; to each member of the United States Senate and House of Representatives

from Tennessee; and to the Archivist of the United States.

BE IT FURTHER RESOLVED, that copies of this resolution also be sent to the presiding

officers of the other state legislative bodies in the United States, with the request that the other

states join Tennessee in applying to Congress to call a constitutional **convention for the limited**

purpose proposed in this resolution.

Document ID: 1342

State: Texas

Type: Application

State Action: House Concurrent Resolution No. 31

Date of state action:

Citation: 125 Cong. Rec. 5223-24 (1979)

Status: Limited

Limited: Yes

Subsequent History:**Subject Matter:** Balanced budget**Related Citations:** 125 Cong. Rec. 134 (1979) (mentioned), 125 Cong. Rec. 5368 (1979) (mentioned)**Notes:** HCR13 from Texas the same year, reaffirms this one, and calls for an amendment, but not a convention.

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

POM-95. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on the Judiciary:

[*5224] "HOUSE CONCURRENT RESOLUTION No. 31

"Whereas, With each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

"Whereas, The annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

"Whereas, Unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

"Whereas, Knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

"Whereas, Believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, Under **Article V** of the Constitution of the United States, amendments to the federal constitution may be proposed by the congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the congress shall call a constitutional **convention** for the **sole purpose** of proposing amendments. We believe such action vital; now, therefore, be it

"Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 65th Legislature propose to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the State of Texas request the congress to prepare and submit to the several states an amendment to the Constitution of the United States requiring, in the absence of a national emergency, that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and, be it further

"Resolved, That alternatively, this body request that the Congress of the United States call a constitutional **convention** for the specific and **exclusive purpose** of proposing an amendment to the federal constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and, be it further

"Resolved, That this body also propose that the legislatures of

each of the several states comprising the United States apply to the congress requesting the enactment of an appropriate amendment to the federal constitution; or requiring the congress to call a constitutional **convention** for proposing such an amendment to the federal constitution; and, be it further

"Resolved, That official copies of this resolution be prepared and forwarded to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to all members of the Texas delegation to congress; and, be it further

"Resolved, That official copies of this resolution also be prepared and forwarded to the secretaries of state and to the presiding officers of the legislatures of the other states with the request that they join this state in making application to the United States Congress to call a **convention** for proposing the aforementioned amendment to the United States Constitution."

29. Washington's HB 90



Document ID: 1381

State: Washington

Type: Application

State Action: H. B. No. 90

Date of state action: Mar. 12, 1901

Citation: 1901 Wash. Laws 333

Status: In force

Limited: No

Subsequent History:

Subject Matter: Plenary

Related Citations:

Notes:

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

CHAPTER CLXIV.

[H. B. No. 90.]

MAKING APPLICATION TO CONGRESS FOR THE
CALLING OF A CONSTITUTIONAL CONVENTION.

AN ACT making application to the Congress of the United States of America to call a convention for proposing amendments to the constitution of the United States of America as authorized by article v of the constitution of the United States of America.

Be it enacted by the Legislature of the State of Washington :

SECTION 1. That application be and the same is hereby made to the Congress of the United States of America to call a convention for proposing, amendments to the constitution of the United States of America as authorized by article v of the constitution of the United States of America.

SEC. 2. That a duly certified copy of this act be immediately transmitted to the presiding officer of each legislative body of each of the several states of the United States of America through the Governor of each of the several states with a request that each of such legislatures pass an act of like import as this act.

Passed by the House February 19, 1901.

Passed by the Senate March 12, 1901.

Approved by the Governor March 18, 1901.

Washington's Second Application: HB 207



The Article V Library

A public resource for Article V research.

Cite: 45 Cong. Rec. 7119 (1910)

Document ID: 1380 **State:** Washington **Type:** Application

State Action: H. B. No. 207. **Date of state action:** Mar. 7, 1903

Citation: 45 Cong. Rec. 7119 (1910) **Status:** In force **Limited:** No

Subsequent History:

Subject Matter: Direct election of Senators, Plenary

Related Citations: 46 Cong. Rec. 3035 (1911)

Notes:

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

WASHINGTON.

Chapter 61-An act making application to the Congress of the United States of America to call a **convention** for proposing amendments to the Constitution of the United States of America as authorized by **Article V** of the Constitution of the United States of America. (H. B. No. 207.)

Whereas the present method of electing a United States Senator Is expensive and conducive of unnecessary delay in the passage of useful legislation; and

Whereas the will of the people can best be ascertained by direct vote of the people: Therefore,

Be it enacted by the legislature of the State of Washington, That application be, and the same Is hereby, made to the Congress of the United States of America to call a **convention** for proposing amendments to the Constitution of the United States of America as authorized by **Article V** of the Constitution of the United States of America.

SEC. 2. That a duly certified copy of this act be immediately transmitted to the presiding officer of each legislative body of each of the several States of the United States of America, through the governor of each of the several States, with a request that each of such legislatures pass an act of like import as this act.

Passed the house February 19, 1903.

Passed the senate March 7. 1903.

Approved by the governor March 12, 1903.

STATE OF WASHINGTON, Department of State, ss:

I, Sam H. Nichols, secretary of state of the State of Washington, do hereby certify that the above is a full, true, and correct copy of the original enrolled law now on file In this office.

In testimony whereof I have hereunto set my hand and affixed the seal of State this 13th day of March, A. D. 1908.

[SEAL.] SAM H. NICHOLS Secretary of State.

Document ID: 1479

State: Utah

Type: Application

State Action: House Joint Resolution No. 7

Date of state action: Mar. 19, 2015

Citation: 161 Cong. Rec. H5237 (daily ed. Jul. 15, 2015)

Status: Limited

Limited: Yes

Subsequent History:**Subject Matter:** Balanced budget**Related Citations:****Notes:** Full text not in CR as of Nov. 19, 2016.

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

LONG TITLE**General Description:**

This joint resolution of the Legislature calls for an **Article V convention** to propose a balanced budget amendment to the United States Constitution. Highlighted Provisions:

This resolution:

- * applies to Congress for the calling of a **convention** of the states, **limited to proposing** an amendment to the United States Constitution requiring that, in the absence of a national emergency, the total of all federal appropriations made by Congress for a specified period not exceed the total of all estimated federal revenues for that period, together with any related and appropriate fiscal restraints;

- * requests that this application be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states;

- * requests that this application be aggregated with the outstanding balanced budget applications from the other states for the purpose of attaining the two-thirds of states necessary to require the calling of a **convention**, but not be aggregated with any applications on any other subject;

- * intends that the application made in this resolution constitute a continuing application, in accordance with **Article V** of the United States Constitution, until the legislatures of at least two-thirds of the several states have made applications on the same subject; and

- * intends that this application supersede all previous applications by the Legislature of the state of Utah on the same subject.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah:

WHEREAS, under **Article V** of the Constitution of the United States, "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, shall call a **convention** for proposing amendments, 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"; and WHEREAS, the Legislature of the state of Utah has determined that calling for a balanced budget amendment to the United States Constitution is in the best interest of the citizens of Utah and the citizens of the United States of America:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, by this resolution, and under the provisions of

Article V of the United States Constitution, applies to Congress for the calling of a **convention of the states limited** to proposing an amendment to the Constitution of the United States requiring that, in the absence of a national emergency, the total of all federal appropriations made by Congress for a specified period may not exceed the total of all estimated federal revenues for that period, together with any related and appropriate fiscal restraints.

BE IT FURTHER RESOLVED, it is the intent of the Legislature of the state of Utah that the delegates to such **convention** are prohibited from considering any other amendment or change to the Constitution of the United States.

BE IT FURTHER RESOLVED that the Legislature of the state of Utah respectfully requests that this application be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states, including, but not limited to, previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Pennsylvania, South Dakota, Tennessee, and Texas.

BE IT FURTHER RESOLVED that the Legislature of the state of Utah respectfully requests that this application be aggregated with the applications from those states for the purpose of attaining the two-thirds of states necessary to require the calling of a **convention**, but not be aggregated with any applications on any other subject.

BE IT FURTHER RESOLVED that the Legislature of the state of Utah intends that this application constitute a continuing application in accordance with **Article V** of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject; provided, however, that the Legislature retains the authority to **rescind** this resolution and thereby cancel this application at any time for any reason.

BE IT FURTHER RESOLVED that the Legislature of the state of Utah reserves the right to withdraw its application in the event that Congress attempts to do anything other than call the **convention** as dictated by **Article V** of the United States Constitution.

BE IT FURTHER RESOLVED that the Legislature of the state of Utah intends that once the **convention** of the states applied for herein has been convened, the Legislature retains full authority, at its sole discretion, to immediately **rescind** and thereby cancel this application for **convention**, for any reason, including but not **limited to**, if the **convention** moves to consider or propose any amendment or change to the United States Constitution other than the amendment identified in this resolution.

31. West Virginia's HCR 36

Document ID: 1485

State: West Virginia

Type: Application

State Action: House Concurrent Resolution No. 36

Date of state action: Mar. 12, 2016

Citation: 162 Cong. Rec. S5277 (daily ed. Sep. 6, 2016)

Status: Limited

Limited: Yes

Subsequent History:

Subject Matter: Balanced budget

Related Citations:

Notes: Also POM-202

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

POM-201. A concurrent resolution adopted by the Legislature of the State of West Virginia urging the Congress of the United States, pursuant to **Article V** of the United States Constitution, to call a **convention** of the states for the **sole and exclusive purpose** of proposing an amendment to the United States Constitution that would provide for a balanced budget; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 36

Whereas, **Article V** of the Constitution of the United States provides authority for a **Convention** to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution upon application of two thirds of the Legislatures of the several states ("amendments **convention**"); and

Whereas, This application is to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states, including, but not limited to, previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Nevada, North Dakota, New Hampshire, New Mexico, Nevada, North Carolina, Ohio, Pennsylvania, South Dakota, Texas and Utah, and this application shall be aggregated with same for the purpose of attaining the two thirds of states necessary to require the calling of a **convention**, but shall not be aggregated with any applications on any other subject; and

Whereas, This application constitutes a continuing application in accordance with **Article V** of the Constitution of the United States until the Legislatures of at least two thirds of the several states have made applications on the same subject and supersedes all previous applications by this Legislature on the same subject: Now, therefore, be it Resolved by the Legislature of West Virginia: That as provided in **Article V** of the Constitution of the United States the Legislature of the State of West Virginia herewith respectfully applies for an Amendments **Convention** to Propose a Constitutional Amendment **limited to proposing** an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year together with any related and appropriate fiscal restraints; and be it further

Resolved, That the amendments **convention** contemplated by this application shall be entirely focused upon and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution providing that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year together with any related and appropriate fiscal restraints; and be it further

Resolved, That this application constitutes a continuing application in accordance with **Article V** of the Constitution of the United States until at least two thirds of the Legislatures of the several states have made application for an equivalently **limited amendments convention**; and be it further

Resolved, That the Clerk of the House of Delegates forward certified copies of this resolution to the President and Secretary of the United States Senate, to the Speaker and Secretary of the United States House of Representatives, the members of the West Virginia Congressional Delegation, and to the presiding officers of each house of the several State Legislatures, requesting their cooperation in applying for the amendments **convention limited** to the subject matter contemplated by this application.



BE IT FURTHER RESOLVED that the Legislature of the state of Utah intends that this application supersede all previous applications by the Legislature on the same subject.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Vice President of the United States, as President of the United States Senate, and to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.



ORIGINAL HOUSE
JOINT RESOLUTION. HJ0002

ENROLLED JOINT RESOLUTION NO. 2, HOUSE OF
REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

A JOINT RESOLUTION petitioning Congress to call a convention to propose amendments to the Constitution of the United States to require a balanced federal budget.

WHEREAS, the legislature of the State of Wyoming is petitioning the Congress of the United States to call a convention to propose amendments to the Constitution of the United States to require a balanced federal budget.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That pursuant to Article V of the Constitution of the United States, the legislature of the State of Wyoming petitions the Congress of the United States of America, at its session, to call a convention of the states limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency, including, but not limited to, an attack by a foreign nation or terrorist organization within the United States of America, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints.

Section 2. That this application is to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from other states, including, but not limited to, previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North

ORIGINAL HOUSE
JOINT RESOLUTION. HJ0002

ENROLLED JOINT RESOLUTION NO. 2, HOUSE OF
REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah and West Virginia. This application shall be aggregated with those applications for the purpose of attaining the two-thirds (2/3) of states necessary to require Congress to call a convention for proposing a balanced budget amendment, but shall not be aggregated with any applications on any other subject.

Section 3. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds (2/3) of the several states have made applications on the same subject. This application supersedes all previous applications by this legislature on the same subject.

33. Wisconsin's AJR 21



Document ID: 1501 **State:** Wisconsin **Type:** Application
State Action: Assembly Joint Resolution 21 **Date of state action:** June 14, 2017
Citation: Assemb. J. Res. 21 (Wi. 2017) **Status:** Limited **Limited:** Yes
Subsequent History
Subject Matter: Balanced budget
Related Citations:
Notes:

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Text From State Legislature Website
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2017 Assembly Joint Resolution 21

ENROLLED JOINT RESOLUTION

Relating to: application to Congress under the provisions of **Article V** of the Constitution of the United States for a **convention** for proposing amendments relating to a balanced budget.

Whereas, previous presidential administrations and Congress have allowed an unprecedented amount of federal debt to accumulate, which currently exceeds \$20 trillion; and

Whereas, a report by President Obama's National Commission on Fiscal Responsibility and Reform issued a warning on the debt levels, stating: "If the U.S. does not put its house in order, the reckoning will be sure and the devastation severe"; and

Whereas, the Constitution of the United States does not currently require the federal government to operate under a balanced budget; and

Whereas, members of both political parties and both houses of Congress have called for a balanced budget amendment to the Constitution of the United States to no avail; and

Whereas, **Article V** of the Constitution of the United States authorizes the legislatures of the states to convene a **convention** for proposing amendments upon the passage of 34 state resolutions; and

Whereas, 49 states, by constitution or statute, require a balanced budget; and

Whereas, the legislature of the State of Wisconsin supports the federal government operating under a balanced budget; now, therefore, be it

Resolved by the assembly, the senate concurring, That the legislature of the State of Wisconsin herewith respectfully applies to Congress, under the provisions of **Article V** of the Constitution of the United States, for the calling of a **convention** for proposing amendments, for the **limited purpose** of requiring the federal government to operate under a balanced budget; and, be it further

Resolved, That the senate chief clerk and the assembly chief clerk, jointly, are hereby directed to forward a proper authenticated copy of this resolution to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States; and, be it further

Resolved, That this resolution constitutes a continuing application for a **convention** for proposing amendments in accordance with **Article V** of the Constitution of the United States until such a **convention** is convened on the same subject or until the legislature of the State of Wisconsin **rescinds** this resolution.

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