

1                   **JOINT RESOLUTION DEMANDING CONGRESS TO CALL**  
2                   **AN ARTICLE V CONVENTION OF STATES**

3                                   2022 GENERAL SESSION  
4                                   STATE OF UTAH

5                                   **Chief Sponsor: Ken Ivory**

6                                   Senate Sponsor: \_\_\_\_\_



8 **LONG TITLE**

9 **General Description:**

10                   This joint resolution demands Congress to call an Article V convention of states.

11 **Highlighted Provisions:**

12                   This resolution:

- 13                   ▶ demands that Congress set a date and place for an Article V convention of states to
- 14 impose fiscal restraints on the federal government toward achieving a balanced
- 15 federal budget;
- 16                   ▶ implores Congress to require that any proposed amendment be ratified by state
- 17 conventions;
- 18                   ▶ provides that legal action be undertaken to compel Congress to call an Article V
- 19 convention of states;
- 20                   ▶ admonishes the legislatures of other states to take action to compel Congress to call
- 21 an Article V convention; and
- 22                   ▶ calls upon the Utah congressional delegation to exert efforts to compel Congress to
- 23 call a convention of states.

24 **Special Clauses:**

25                   None



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



28 WHEREAS, Article V of the United States Constitution states that: "The Congress, . . .  
29 on the Application of the Legislatures of two thirds of the several States, shall call a  
30 Convention for proposing Amendments . . ." to the United States Constitution;

31 WHEREAS, in 1979, the Legislature of the State of Nevada passed an Article V  
32 application for a convention for proposing amendments to the United States Constitution for  
33 the purpose of imposing fiscal restraints upon the federal government;

34 WHEREAS, the Nevada application stated:

35 "Whereas, The national debt now amounts to hundreds of billions of dollars and is  
36 increasing enormously each year as federal expenditures grossly exceed federal revenues; and

37 Whereas, Payment of the increased interest on this ever-expanding debt imposes a  
38 tremendous burden on the taxpayers of this country; and

39 Whereas, Continuous deficit financing by the Federal Government supports inflationary  
40 conditions which adversely affect the national economy and all Americans, particularly those  
41 persons with fixed or low income; and

42 Whereas, Constantly increasing use of deficit financing has enabled the Federal  
43 Government to allocate considerable sums to programs which in many instances have proved  
44 to be wasteful and nonbeneficial to the public; and

45 Whereas, Limiting federal expenditures in each fiscal year to revenues available in that  
46 year, except during national emergencies, will result in greater selectivity of federal programs  
47 for the benefit of the public; and

48 Whereas, The annual federal budgets continually reflect the unwillingness or inability  
49 of both the legislative and executive branches of the Federal Government to balance the budget  
50 and demonstrate the necessity for a constitutional restraint up on deficit financing";

51 WHEREAS, combined with the Article V applications for a convention of states on any  
52 subject, the Nevada Article V application was the 34th application, constituting 2/3 of all  
53 states, for a convention of states for imposing fiscal restraints on the federal government  
54 toward achieving a balanced federal budget;

55 WHEREAS, Congress has failed to comply with its constitutional mandate to "call a  
56 Convention for proposing Amendments . . . on the Application of the Legislatures of two thirds  
57 of the several states" upon receipt of the Nevada Article V application published in the  
58 Congressional Record on February 8, 1979;

59 WHEREAS, as indicated in the following chart, by the end of 1979 the legislatures of  
 60 39 states had made application for an Article V convention for imposing fiscal restraints on the  
 61 federal government:

	State	Year Passed	Subject	Citation	Additional BBA Applications Passed by 1979		
62	1	Virginia (11/14/1788)	1788	<del>Plenary</del> Bill of Rights Rescinded, 2004	1 Annals of Cong. 258-59 (J. Gales, Sr. ed., 1834) (H.R., May 5, 1789)	<del>1973: (HJR75) 119</del> <del>Cong. Rec. 8091</del> <del>1975: (SJR107) 121</del> <del>Cong. Rec. 5793</del> <del>1976: (SJR36) 122</del> <del>Cong. Rec. 8335-36</del>	All rescinded, 2004
63	2	New York	1789	<del>Plenary</del> Bill of Rights	H.R. Jour., 1st Cong., 1st Sess., 29-30 (May 6, 1789)		
64	3	Georgia	1832	<del>Plenary</del>	S. Jour., 22nd Cong., 2nd Sess., 65-66 (Jan. 9, 1833)	<del>1976: (HR469-1267)</del> <del>122 Cong. Rec. 2740</del>	All rescinded, 2004
65	4	South Carolina (12/13/1832)	1832	<del>Plenary</del> Consider, determine questions of dis- puted power be- tween states and fed. gov't	H.R. Jour. 22nd Cong., 2nd Sess. 219-20 (Jan. 21, 1833)	<del>1976: (S.C. ACTS) 122</del> <del>Cong. Rec. 4329</del> <del>1979: (S1024) 125</del> <del>Cong. Rec. 2114</del>	Rescinded, 2004
66	5	Illinois	1861	<del>Plenary</del>	Ill. Laws 281-82		Avert Civil War
67	6	Indiana (3/11/1861)	1861	<del>Plenary</del> to clarify the Constitution to avoid mis- understanding	Cong. Globe, 37th Cong., Special Session 1465-66 (S., March 18, 1861)	1957: (HECR9) 103 Cong. Rec. 6475-76 1976: 122 Cong. Rec. 931 1979: (SEJR8) 125 Cong. Rec. 9188	
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1901 Res: "as soon as two-thirds [of the states] shall make similar application"

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7	Kentucky (RES1)	1861	<del>Plenary</del> To avert Civil War	Cong. Globe, 36th Cong., 2nd Sess. 751, (S., Feb. 5, 1861)	
8	Ohio	1861	Plenary	Ohio Laws 181	
9	New Jersey	1861	<del>Plenary</del>	Cong. Globe, 36th Cong. 2nd Sess. 680 (S., Feb. 1, 1861)	To avert Civil War; rescinded, 2021
10	Texas (SCR4)	1899	Plenary	<del>33 Cong. Rec. 219 (1899)</del>	1979:(HCR31) 125 Cong. Rec. 5223-24
11	Colorado (SB13)	1901	<del>Plenary</del> Dir. Elect. of US Senators	45 Cong. Rec. 7113 (1910)	<del>1978: (SJM1) 124 Cong. Rec. 8778</del>
12	Oregon (HJR4)	1901	<del>Plenary</del>	34 Cong. Rec. 2290 (1901)	1979: (SJM2) 125 Cong. Rec. 5953
13	Washington (HB90)	1901	Plenary	1901 Wash. Laws 333	
14	Iowa (3/24/1904)	1904	<del>Plenary</del> Dir. Elect. of US Senators	38 Cong. Rec. 4959 (1904)	1979: (SJR1) 125 Cong. Rec. 15,227
15	Kansas (HCR4)	1907	Plenary	41 Cong. Rec. 2929 (1907)	1979: (SCR1661) 125 Cong. Rec. 2110
16	Missouri (3/6/1907)	1907	Plenary	45 Cong. Rec. 7116 (1910)	
17	Nebraska	1907	Plenary	1907 Neb. Laws 583-84	1979: (LR106) 125 Cong. Rec. 2112
18	North Carolina	1907	<del>Plenary</del> Dir. Elect of US Senators	45 Cong. Rec. 7117 (1910)	1979: (SJR1) 125 Cong. Rec. 3310-11
19	Oklahoma (SJR9)	1908	<del>Plenary</del> and dir. effect of US Senators	<del>45 Cong. Rec. 7117-18 (1910)</del>	<del>1978: (HJR1049) 124 Cong. Rec. 12, 397</del>
20	Montana (SJR1)	1911	<del>Plenary</del> Anti-Polygamy	46 Cong. Rec. 2411 (1911)	

To avert Civil War; rescinded, 2021

1899 resolution Rescinded, SJR38, 2017

All Rescinded, 2021;

Direct Elect. of US Senators

Dir. Elect of US Senators and "other amendments"

Dir. Elect. of US Senators, left open to "proposing amendments" as per Art. V language

All Rescinded 2009

83	21	Wisconsin (JR15S)	1911	Plenary	47 Cong. Rec. 1873 (1911)	
84	22	Wyoming (EJR4)	1961	Balanced Budget	<del>107 Cong. Rec. 2759 (1961)</del>	<del>1978: (EJR1) 124 Cong. Rec. 14056</del>
85	23	Alabama (HJR105)	1975	Balanced Budget	121 Cong. Rec. 28,347 (1975)	1979:(HJR227) 125 Cong. Rec. 2108-09
86	24	Louisiana (SCR109)	1975	Balanced Budget	121 Cong. Rec. 25,312 (1975)	1979: (SCR4) 125 Cong. Rec. 19,470-71 1979: (SCR73) 125 Cong. Rec. 2110-11
87	25	Mississippi (HCR51)	1975	Balanced Budget	121 Cong. Rec. 12,175-76 (1975)	1979: (HCR51) 125 Cong. Rec. 2111-12
88	26	Delaware (HCR36)	1976	Balanced Budget	122 Cong. Rec. 4329 (1976)	
89	27	Florida (SM234)	1976	Balanced Budget	125 Cong. Rec. 2109-10 (1979)	
90	28	Pennsylvania (R236)	1976	Balanced Budget	125 Cong. Rec. 2113-14 (1979)	
91	29	Arizona (HCM2003)	1977	Balanced Budget	123 Cong. Rec. 18,873-74 (1977)	1979: (HCM2320) 125 Cong. Rec. 2109 1979: (SJR1002) 125 Cong. Rec. 7920-21
92	30	Maryland (SJR4)	1977	Balanced Budget	123 Cong. Rec. 2545-46 (1977)	
93	31	Tennessee (HJR22)	1977	Balanced Budget	123 Cong. Rec. 18,419 (1977)	1978: (HJR22) 124 Cong. Rec. 11,437-38
94	32	Arkansas (HJR1)	1979	Balanced Budget	125 Cong. Rec. 4372 (1979)	
95	33	Idaho (HCR7)	1979	Balanced Budget	125 Cong. Rec. 3657 (1979)	

All Rescinded,  
HJR 3, 2009

96	34	Nevada (SJR22)	1979	Balanced Budget	125 Cong. Rec. 2112 (1979)	
97	35	New Hampshire (HCR8)	1979	Balanced Budget	125 Cong. Rec. 11,584 (1979)	
98	36	New Mexico (SJR)	1979	Balanced Budget	125 Cong. Rec. 2112-13 (1979)	
99	37	North Dakota (SCR4018)	1979	Balanced Budget	125 Cong. Rec. 2113 (1979)	
100	38	South Dakota (JR)	1979	<del>Balanced Budget</del>	<del>125 Cong. Rec. 3656-57 (1979)</del>	Rescinded, 2010; reapplied 2015
101	39	Utah	1979	Balanced Budget	<del>125 Cong. Rec. 4372-73 (1979)</del>	Rescinded, 2001, reapplied 2015

102 WHEREAS, Alexander Hamilton in Federalist 85 stated that "The Congress 'shall call a  
103 convention.' Nothing in this particular is left to the discretion of that body";

104 WHEREAS, from February 8, 1979, when Congress was constitutionally mandated to  
105 call a convention of states for the purpose of imposing fiscal restraints on the federal  
106 government toward achieving a balanced federal budget, the nation's debt has ballooned from  
107 \$830 billion to approximately \$30 trillion while the value of the dollar has declined over 70%;

108 WHEREAS, the United States Constitution was ratified by Convention Delegates  
109 "chosen in each State by the People thereof" and the 21st Amendment, repealing Prohibition,  
110 was ratified in 1933 by a vote of the people for YES-pledged Delegates in 38 of 39 state  
111 conventions:

112 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah  
113 demands that Congress, within 60 calendar days after receiving this resolution, designate a  
114 place and a date within 2022 for the nation's first Article V Convention for Proposing  
115 Amendments to impose fiscal restraints on the federal government toward achieving a balanced  
116 federal budget, based on the 39 unrescinded, continuing resolution Applications published in

117 the Congressional Record (35) or State laws (4) through 1979.

118 BE IT FURTHER RESOLVED that the Legislature of the state of Utah implores  
119 Congress to stipulate in the call resolution that any proposed amendment be ratified by state  
120 conventions to ensure that the people can express their consent in ratifying amendments  
121 imposing fiscal restraints on the federal government.

122 BE IT FURTHER RESOLVED that legal action be undertaken in the name of the  
123 Legislature of the state of Utah to compel Congress to call an Article V convention, if Congress  
124 fails to do so within 60 calendar days after receiving this resolution.

125 BE IT FURTHER RESOLVED that the Legislature of the state of Utah alerts their  
126 counterparts in the several states of Congress' disdain for the constitutional mandate to call an  
127 Article V convention upon the application of two thirds of the States and admonishes them to  
128 take such action as will compel the compliance of Congress with the constitutional duty to  
129 immediately call a convention of states for proposing amendments to impose fiscal restraints  
130 on the federal government toward achieving a balanced federal budget, by naming the time this  
131 year and the place for the convention.

132 BE IT FURTHER RESOLVED that the Legislature of the state of Utah calls upon the  
133 Utah congressional delegation to exert their utmost efforts to compel Congress to honor its  
134 constitutional duty to immediately call the convention of states for proposing amendments to  
135 impose fiscal restraints on the federal government toward achieving a balanced federal budget,  
136 by naming this year the date and the place for the convention.

137 BE IT FURTHER RESOLVED that a copy of this joint resolution be transmitted to the  
138 Speaker and Minority Leader of the United States House of Representatives; the President,  
139 Majority Leader, and Minority Leader of the United States Senate; all members of Utah's  
140 congressional delegation; and the Legislature and attorney general of each of the other states.