

1 **HOUSE CONCURRENT RESOLUTION NO. 44**

2 (By Delegates J. Miller, Anderson, Andes, Ashley, Cowles, Duke,
3 Ellem, Ellington, Householder, Howell, C. Miller, O'Neal,
4 Overington, Rowan, Sigler, Sobonya, Storch, Sumner and Walters)

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8 Calling for the Congress of the United States to call an Amendment
9 Convention Pursuant to Article V of the United States
10 Constitution for the Limited Purpose to propose Constitutional
11 Amendments on Certain Subjects.

12 WHEREAS, Article I of the United States Constitution begins
13 "All legislative powers herein granted shall be vested in a
14 Congress". The Congress has exceeded the legislative powers
15 granted in the Constitution thereby encroaching on the powers that
16 are "reserved to the states respectively, or to the people" as the
17 Tenth Amendment affirms and the rights "retained by the people" to
18 which the Ninth Amendment refers. This encroachment includes the
19 accumulation of federal debt, which combined with interest
20 represents a future tax, and is of such great proportion that
21 responsibility for its payment will be passed to future, unborn
22 generations of Americans to assume without their consent, thereby
23 disparaging their rights. This encroachment also includes
24 compelling state and local governments to comply with federal laws

1 and regulations without accompanying funding for such mandates; and

2 WHEREAS, Alexander Hamilton wrote, in Federalist No. 85, in
3 reference to Article V of the Constitution and the calling of a
4 convention for the purpose of proposing amendments that, "We may
5 safely rely on the disposition of the state legislatures to erect
6 barriers against the encroachments of the national authority"; and

7 WHEREAS, The Constitution should be amended in order to halt
8 federal encroachment and restore a proper balance between the
9 powers of Congress and those of the several states, and to prevent
10 the denial or disparagement of the rights retained by the people;
11 therefore, be it

12 *Resolved by the Legislature of West Virginia:*

13 That the State of West Virginia hereby applies and makes
14 application to the Congress of the United States to call an
15 amendment convention pursuant to Article V of the United States
16 Constitution for the limited purpose of proposing constitutional
17 amendments on the following subjects:

18 (a) Improving the fiscal management of the federal government
19 by imposing requirements, with any stated exceptions, that federal
20 expenditures during a fixed time period not exceed federal revenues
21 or anticipated revenues during that time period; imposing
22 prohibitions and limits, or both prohibitions and limits on federal
23 debt; and imposing limits on expenditures, revenue and taxes, or on
24 expenditures, revenue or taxes;

1 (b) Improving the legislative process by requiring that all
2 bills, orders, votes, and resolutions introduced in and passed by
3 Congress contain only a single subject and by providing a minimum
4 time period before passage for bills, orders, votes and resolutions
5 to be reviewed by members of Congress and members of the general
6 public;

7 (c) Restraining the powers of the federal government by
8 clarifying that the Constitution does not authorize Congress to
9 employ its spending power to regulate activities otherwise outside
10 its enumerated powers and prohibiting mandates or requirements on
11 any state, subdivision of any state, or any official thereof,
12 unless the federal government fully funds the cost of compliance;
13 and

14 (d) Empowering the legislatures of the several states, with
15 stated exceptions, to repeal all or certain Acts of Congress and
16 administrative regulations; and, be it

17 *Further Resolved*, That this resolution is revoked and
18 withdrawn, nullified and superseded to the same effect as if it had
19 never been passed, and retroactive to the date of passage, if it is
20 used for the purpose of calling a convention or used in support of
21 conducting a convention to amend the Constitution of the United
22 States for any purpose other than consideration of the amendment
23 proposed in this resolution; and, be it

24 *Further Resolved*, That the State of West Virginia reserves its

1 right to add future amendments as the Legislature considers
2 warranted to this application and that delegates to the Convention,
3 when called, be selected according to procedures established by the
4 legislatures of the several states. This a is a continuing
5 application and remains in effect until rescission by any sitting
6 session of the Legislature of West Virginia; and, be it

7 *Further Resolved,* That the Clerk of the House of Delegates
8 transmit copies of this resolution to the Speaker of the United
9 States House of Representatives, the President of the United States
10 Senate, and the members of the West Virginia Congressional
11 Delegation so that they may be apprised of the sense of the West
12 Virginia House of Delegates in this matter.