



SJ0019

LRB097 10323 RLJ 50531 r

1

SENATE JOINT RESOLUTION

2

WHEREAS, Recent experience has shown that the safeguards in the United States Constitution, as currently interpreted by the Judiciary, are insufficient to require the federal government to comply with such basic rules of fiscal responsibility as balancing its own budget, preventing the abuse of its legislative process, and mandating upon state government duties within adequate funding; and

9

WHEREAS, Those who framed and adopted the United States Constitution included a provision by which state legislatures may require Congress to call a convention for proposing amendments as a way to respond to disagreements in constitutional interpretation or abuses by federal officials; and

15

WHEREAS, the Illinois General Assembly accordingly makes application to Congress for the calling of a convention for proposing an amendment to the United States Constitution imposing certain rules of fiscal discipline, providing for legislative transparency, and preventing unfunded mandates on the federal government; therefore, be it

21

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES

22

1 CONCURRING HEREIN, that we urge Congress to call for a  
2 Convention to propose an Amendment to the federal Constitution:

3 Section 1. The Illinois General Assembly does hereby  
4 make an application to the Congress of the United States  
5 pursuant to Article V of the Constitution of the United  
6 States to call an Article V Amendment Convention for the  
7 sole purpose of voting to propose or voting not to propose  
8 the following specific Amendment to the Constitution of the  
9 United States:

10 "ARTICLE\_\_\_. The Congress, on Application of the  
11 Legislatures of two thirds of the several States, which all  
12 contain an identical Amendment, shall call a Convention  
13 solely to decide whether to propose that specific Amendment  
14 to the States, which, if proposed shall be valid to all  
15 intents and purposes as part of the Constitution when  
16 ratified pursuant to Article V."

17 Section 2. For the purpose of determining whether the  
18 required two-thirds of the Legislatures of the several  
19 states have applied for a Convention, this Application may  
20 be counted and considered valid only in conjunction with  
21 qualifying applications of other States that contain the  
22 identical text of the specific Amendment contained in this  
23 Application and whose application requires that the sole  
24 purpose of the Convention is to decide whether to propose,  
25 or not to propose this specific Amendment.

26 Section 3. This joint resolution is revoked and

1           withdrawn, nullified and superseded to the same effect as  
2           if it had never been passed, and retroactive to the date of  
3           passage, if it is used to conduct a convention that votes  
4           to propose any Amendment other than the specific text of  
5           the Amendment contained in Section 1 of this resolution.

6           Section 4. Every delegate selected to represent  
7           Illinois at a Convention that Congress shall call pursuant  
8           to this resolution shall take an oath, enforceable under  
9           Illinois law, to abide by and act according to the limits  
10          imposed by this resolution on the purpose of the  
11          Convention.

12          Section 5. Any delegate selected to represent Illinois  
13          at a Convention that Congress shall call pursuant to this  
14          resolution shall have no authority to consider or approve  
15          any other Amendment but the one contained in this  
16          Application. Any vote taken in violation of this limitation  
17          shall be null and void, and any delegate who so votes shall  
18          have no authority to represent Illinois on any matter at  
19          the Convention.

20          Section 6. This Application shall only be valid if  
21          two-thirds of the states shall make a qualifying  
22          Application within seven years of its referral for  
23          ratification to the states by Congress under the provisions  
24          of Article V.

25          Section 7. This Application shall be null and void and  
26          of no effect if Congress, within ninety days of receipt of

1       qualifying Applications from two-thirds of the states,  
2       shall propose and refer for ratification by the several  
3       states under the procedures outlined in Article V of the  
4       United States Constitution, the same exact text of the  
5       Amendment contained in this Application.

6       Section 8. Copies of this Application shall be  
7       delivered within thirty days of its passage to the Speaker  
8       of the United States House of Representatives, the Clerk of  
9       the United States House of Representatives, the President  
10      pro tempore of the United States Senate, the Secretary of  
11      the United States Senate, every member of Congress from  
12      Illinois, and the presiding officers of each house of the  
13      legislature of the several states.

14      Section 9. This joint resolution shall not take effect  
15      unless and until the proper implementing legislation is  
16      enacted by the General Assembly.