



HOUSE JOINT RESOLUTION No. 5

DIGEST OF INTRODUCED RESOLUTION

Citations Affected: Article V of the Constitution of the United States.

Synopsis: Constitutional convention to limit federal power. Makes application to Congress to call a convention under Article V of the Constitution of the United States to propose an amendment to the Constitution relating to the following topics: (1) Improving the fiscal management of the federal government. (2) Improving the legislative process of Congress. (3) Restraining the powers of the federal government. (4) Empowering the legislatures of the several states, with stated exceptions, to repeal all or certain acts of Congress and administrative regulations.

Effective: A constitutional convention is called when two-thirds of the state legislatures make application to the Congress to call a constitutional convention to consider an amendment to the Constitution of the United States.

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January 6, 2011, read first time and referred to Statutory Committee on Interstate and International Cooperation.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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**HOUSE JOINT
RESOLUTION No. 5**

A JOINT RESOLUTION requesting Congress to call a constitutional convention for the purpose of proposing an amendment to the Constitution of the United States concerning the limitation of federal power.

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

- 1 **SECTION 1. That the General Assembly of the State of Indiana**
- 2 **makes application to Congress, under Article V of the Constitution**
- 3 **of the United States for the call of a convention for proposing**
- 4 **amendments.**
- 5 **SECTION 2. That this application is for a convention limited to**
- 6 **considering and proposing amendments on the following topics:**
- 7 **(1) Improving the fiscal management of the federal**
- 8 **government by doing any or any combination of the**
- 9 **following:**
- 10 **(A) Imposing requirements, with any stated exceptions,**
- 11 **that federal expenditures during a fixed time not exceed**



- 1 federal revenues or anticipated revenues during that time.
- 2 (B) Imposing either or both of the following:
- 3 (i) Prohibitions on federal debt.
- 4 (ii) Limitations on federal debt.
- 5 (C) Imposing limits on expenditures, revenues, or taxes, or
- 6 any combination of these.
- 7 (2) Improving the legislative process by requiring either or
- 8 both of the following:
- 9 (A) That all bills, orders, votes, and resolutions introduced
- 10 in and passed by Congress contain only a single subject.
- 11 (B) That a minimum time be required before passage for
- 12 bills, orders, votes, and resolutions for review by members
- 13 of Congress and members of the general public.
- 14 (3) Restraining the powers of the federal government by doing
- 15 either or both of the following:
- 16 (A) Clarifying that the Constitution of the United States
- 17 does not authorize Congress to employ its spending power
- 18 to regulate activities otherwise outside its enumerated
- 19 powers.
- 20 (B) Prohibiting mandates or requirements on any state,
- 21 subdivision of any state, or any official of a state or a
- 22 subdivision of the state, unless the federal government fully
- 23 funds the cost of compliance.
- 24 (4) Empowering the legislatures of the several states, with
- 25 stated exceptions, to repeal all or some of either or both of the
- 26 following:
- 27 (A) Acts of Congress.
- 28 (B) Administrative regulations.

29 SECTION 3. That this application shall be considered an
 30 application for a convention to address each and any of the
 31 subjects stated in SECTION 2 of this resolution. For purposes of
 32 determining whether two-thirds (2/3) of the states have applied for
 33 a convention addressing any subject, this application is to be
 34 aggregated with the applications of any other state legislatures
 35 limited to one (1) or more of the subjects stated in SECTION 2 of
 36 this resolution.

37 SECTION 4. That this resolution is a continuing application and
 38 remains in effect until its rescission by the Indiana General
 39 Assembly. This application does not constitute a recognition that
 40 any particular activity or activities currently undertaken by the
 41 federal government is or are authorized by the Constitution of the
 42 United States.

43 SECTION 5. That the Principal Clerk of the Indiana House of

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1 **Representatives send copies of this resolution to each of the**
2 **following:**

3 **(1) The President and the Secretary of the United States**
4 **Senate.**

5 **(2) The Speaker and the Clerk of the House of**
6 **Representatives of the United States Congress.**

7 **(3) The members of Indiana's congressional delegation.**

8 **(4) The presiding officers of each legislative chamber of the**
9 **several states, requesting their cooperation.**

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