

1 **CONCURRENT RESOLUTION SUPPORTING UNITED**
2 **STATES' BALANCED BUDGET CONSTITUTIONAL**
3 **AMENDMENT**

4 2011 SECOND SPECIAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Stuart C. Reid**

7 House Sponsor: Wayne A. Harper

8
9 **LONG TITLE**

10 **General Description:**

11 This concurrent resolution of the Legislature and the Governor expresses support for a
12 proposed amendment to the Constitution of the United States that requires the United
13 States Congress to balance the federal budget and to restrict tax increases.

14 **Highlighted Provisions:**

15 This resolution:

- 16 ▶ urges that the United States Congress pass a balanced budget amendment and
17 submit it to the states for ratification;
- 18 ▶ urges that the balanced budget amendment require that total outlays for any fiscal
19 year shall not exceed total receipts for that fiscal year, unless a two-thirds vote of
20 both houses of Congress approves an increase;
- 21 ▶ urges that the balanced budget amendment require that total outlays for any fiscal
22 year shall not exceed 18% of the gross domestic product of the United States for the
23 calendar year ending before the beginning of that fiscal year, unless two-thirds of
24 both houses of Congress approve an increase;
- 25 ▶ urges that the balanced budget amendment require that each fiscal year the President
26 of the United States shall transmit to Congress a proposed budget for the United
27 States Government that complies with the requirements listed above;



28 ▶ urges that the balanced budget amendment require that any bill that imposes a new
 29 tax or increases the statutory rate of any tax or the aggregate amount of revenue may
 30 pass only by a two-thirds majority of both houses of Congress;

31 ▶ urges that the balanced budget amendment require that the nation's debt limit on the
 32 national debt shall not be increased unless three-fifths of both houses of Congress
 33 approve it;

34 ▶ urges that the balanced budget amendment permit Congress to waive the provisions
 35 previously described for any fiscal year in which a declaration of war against a
 36 nation-state is in effect if a majority of both houses of Congress approve it;

37 ▶ urges that the balanced budget amendment permit Congress to waive the provisions
 38 previously described for any fiscal year in which the United States is engaged in a
 39 military conflict that causes an imminent and serious military threat to national
 40 security and is so declared by three-fifths of both houses of Congress;

41 ▶ urges that the balanced budget amendment prohibit any court of the United States or
 42 of any state to order any increase in revenue to enforce this article; and

43 ▶ urges that the balanced budget amendment require that total receipts shall include
 44 all receipts of the United States Government except those derived from borrowing, ~~§~~ **or from**
 44a **penalties or fines** ~~←§~~

45 and that total outlays shall include all outlays of the United States Government
 46 except those for repayment of debt principal.

47 **Special Clauses:**

48 None

49

50 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

51 WHEREAS, the Legislature of the state of Utah acknowledges that the United States of
 52 America is facing a crippling debt crisis because of unrestrained spending and irresponsible
 53 fiscal policies;

54 WHEREAS, a majority of sitting United States Senators--including all 47 Republicans,
 55 10 Democrats, and one Independent--have specifically expressed support for a requirement to
 56 balance the federal budget; and

57 WHEREAS, the 112th Congress is currently considering the following Constitutional
 58 Amendment, Senate Joint Resolution 10, which was introduced on March 31, 2011, by United

59 States Senators Orrin Hatch and Mike Lee, both from Utah:

60 "Resolved by the Senate and House of Representatives of the United States of America
61 in Congress assembled (two-thirds of each House concurring therein), That the following
62 article is proposed as an amendment to the Constitution of the United States, which shall be
63 valid to all intents and purposes as part of the Constitution when ratified by the legislatures of
64 three-fourths of the several States:

65 Article--

66 Section 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal
67 year, unless two-thirds of the duly chosen and sworn Members of each House of Congress shall
68 provide by law for a specific excess of outlays over receipts by a roll call vote.

69 Section 2. Total outlays for any fiscal year shall not exceed 18 percent of the gross
70 domestic product of the United States for the calendar year ending before the beginning of such
71 fiscal year, unless two-thirds of the duly chosen and sworn Members of each House of
72 Congress shall provide by law for a specific amount in excess of such 18 percent by a roll call
73 vote.

74 Section 3. Prior to each fiscal year, the President shall transmit to the Congress a
75 proposed budget for the United States Government for that fiscal year in which--

76 (1) total outlays do not exceed total receipts; and

77 (2) total outlays do not exceed 18 percent of the gross domestic product of the United
78 States for the calendar year ending before the beginning of such fiscal year.

79 Section 4. Any bill that imposes a new tax or increases the statutory rate of any tax or
80 the aggregate amount of revenue may pass only by a two-thirds majority of the duly chosen and
81 sworn Members of each House of Congress by a roll call vote. For the purpose of determining
82 any increase in revenue under this section, there shall be excluded any increase resulting from
83 the lowering of the statutory rate of any tax.

84 Section 5. The limit on the debt of the United States shall not be increased, unless
85 three-fifths of the duly chosen and sworn Members of each House of Congress shall provide
86 for such an increase by a roll call vote.

87 Section 6. The Congress may waive the provisions of sections 1, 2, 3, and 5 of this
88 article for any fiscal year in which a declaration of war against a nation-state is in effect and in
89 which a majority of the duly chosen and sworn Members of each House of Congress shall

90 provide for a specific excess by a roll call vote.

91 Section 7. The Congress may waive the provisions of sections 1, 2, 3, and 5 of this
92 article in any fiscal year in which the United States is engaged in a military conflict that causes
93 an imminent and serious military threat to national security and is so declared by three-fifths of
94 the duly chosen and sworn Members of each House of Congress by a roll call vote. Such
95 suspension must identify and be limited to the specific excess of outlays for that fiscal year
96 made necessary by the identified military conflict.

97 Section 8. No court of the United States or of any State shall order any increase in
98 revenue to enforce this article.

99 Section 9. Total receipts shall include all receipts of the United States Government
100 except those derived from borrowing ~~§~~ **or from penalties or fines** ~~§~~ . Total outlays shall
100a include all outlays of the United
101 States Government except those for repayment of debt principal.

102 Section 10. The Congress shall have power to enforce and implement this article by
103 appropriate legislation, which may rely on estimates of outlays, receipts, and gross domestic
104 product.

105 Section 11. This article shall take effect beginning with the fifth fiscal year beginning
106 after its ratification.":

107 NOW, THEREFORE, BE IT RESOLVED, that the Legislature of the state of Utah, the
108 Governor concurring therein, pursuant to Article V of the United States Constitution, would
109 hereby support a Balanced Budget Amendment to the Constitution of the United States
110 proposed by resolution of the 112th Congress of the United States in Washington, D.C.,
111 described herein, on March 31, 2011.

112 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the legislatures
113 of all 49 other states, all members of Utah's congressional delegation, the majority and minority
114 leaders in the United States Senate and House of Representatives, the Vice President of the
115 United States, and the Speaker of the United States House of Representatives, with a request
116 that it be printed in the Congressional Record.

Legislative Review Note
as of 7-12-11 4:38 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.C.R. 201

SHORT TITLE: **Concurrent Resolution Supporting United States' Balanced Budget Constitutional Amendment**

SPONSOR: **Reid, S.**

2011 SECOND SPECIAL SESSION

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.