

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

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

47 **Special Clauses:**

48       None



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 include all  
101 outlays of the United 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.