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ONE HUNDRED FOURTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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October 3, 2016

The Honorable Karen Haas
Clerk of the U.S. House of Representatives
U.S. Capitol, Room H154
Washington, D.C. 20515

Dear Madam Clerk,

Pursuant to section 3(c) of House Resolution 5 (114th Congress), I hereby designate the attached Memorial from the State of West Virginia, received by the House of Representatives in the year 1971, as purporting to be an application of the State legislature calling for a convention for proposing amendments to the Constitution of the United States pursuant to Article V, and request that you make it publicly available.

Sincerely,



Bob Goodlatte
Chairman



I, C. A. Blankenship, Clerk of the House of Delegates of the West Virginia Legislature, hereby certify that the following and hereto attached instrument of writing is a true and perfect copy of House Concurrent Resolution No. 9, relating to revenue sharing, which was adopted by the West Virginia Legislature on January 20, 1971.

Given under my hand at the
City of Charleston, this

Twenty-first day of

January 19 71

C. A. Blankenship

Clerk of the House of Delegates

Mr. Speaker (Mr. Boiarsky) and Mr. Seibert offered the following resolution, which was read by its title and referred to the Committee on Finance:

House Concurrent Resolution No. 9—"Memorializing the Congress of the United States to call a convention for the sole purpose of amending the United States Constitution to provide for intergovernmental sharing of federal income tax revenues."

WHEREAS, A resolution of our Nation's myriad and diverse problems is contingent upon a viable partnership between the Federal Government and strengthened state governments; and

WHEREAS, The Federal Government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this course from state and local governments, thereby creating a disabling fiscal imbalance between the Federal Government and state and local governments; and

WHEREAS, Increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

WHEREAS, Federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth; and

WHEREAS, The fiscal crisis of state and local governments is the overriding problem of intergovernment relations and of continuing a viable federal system, and the only solution to this problem is a meaningful sharing of federal income tax resources; and

WHEREAS, The Congress of the United States, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation; and

WHEREAS, In the event of such Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate change by applications from the legislatures of two thirds of the several states to Congress, calling for a constitutional convention; and

WHEREAS, The Congress of the United States is required by the Constitution to call such a convention upon receipt of applications from the legislatures of two thirds of the several states; therefore, be it

Resolved by the Legislature of West Virginia:

That pursuant to Article V of the Constitution of the United States, the Legislature of the State of West Virginia does hereby make application to the Congress of the United States to call a convention for the sole purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the Constitution of the United States shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such moneys for any purpose not inconsistent with any other provision of the Constitution of the United States; and, be it

Further Resolved, That this application shall constitute a continuing application until the legislatures of two thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this Legislature; and, be it

Further Resolved, That certified copies of this resolution be presented forthwith to the President of the Senate and Speaker of the House of Representatives of the United States and to the legislature of each of the several states attesting the adoption of this resolution by the Legislature of the State of West Virginia.