

By: Ogden, Shapiro, et al.

S.J.R. No. 1

1 SENATE JOINT RESOLUTION

2 urging the Congress of the United States to propose and submit to
3 the states for ratification a federal balanced budget amendment to
4 the Constitution of the United States and, in the event that
5 Congress does not submit such an amendment on or before December 31,
6 2011, applying to Congress to call a convention for the specific and
7 exclusive purpose of proposing an amendment to that constitution to
8 provide, in the absence of a national emergency and on a two-thirds
9 vote of Congress, for a federal balanced budget and requesting that
10 the legislatures of each of the several states that compose the
11 United States apply to Congress to call a convention to propose such
12 an amendment.

13 WHEREAS, The gravity of federal debt and federal obligations
14 was established early in American history, with deficits occurring
15 only in relation to extraordinary circumstances such as war; yet
16 for much of the 20th century and into the 21st, the United States
17 has operated on a budget deficit, including the 2010 budget year,
18 which surpassed an astounding \$1,300,000,000,000, an annual
19 deficit that exceeded the entire gross state product of Texas; and

20 WHEREAS, An exception to this pattern was at the turn of the
21 21st century; in January 2001, America enjoyed a \$236 billion
22 budget surplus--with a projected 10-year surplus of \$5.6 trillion;
23 by January 2009, however, America faced a \$1.2 trillion
24 deficit--and projected shortfalls of \$3.1 trillion for the next

1 decade; and

2 WHEREAS, Congress has been unwilling or unable to address the
3 persistent problem of overspending and has recently increased the
4 statutory limit on the public debt with the passage of H.R.J.
5 Res. 45, 111th Congress (2010), and enacted a variety of
6 legislation that will ultimately cause the federal government to
7 incur additional debt; and

8 WHEREAS, The National Commission on Fiscal Responsibility
9 and Reform in its report *The Moment of Truth* includes
10 recommendations to reduce the federal deficit that have not been
11 considered by the United States Congress; and

12 WHEREAS, The consequences of current spending policies are
13 far-reaching; United States indebtedness to governments of foreign
14 nations continues to rise; costly federal programs that are
15 essentially unfunded or underfunded mandates to states threaten the
16 ability of state and local governments to continue to balance their
17 budgets; moreover, future generations of Americans inevitably face
18 increased taxation and a weakened economy as a direct result of the
19 bloated debt; and

20 WHEREAS, Many states have previously requested that Congress
21 propose a constitutional amendment requiring a balanced budget, but
22 Congress has proven to be unresponsive; anticipating situations in
23 which Congress at times could fail to act, the drafters of the
24 United States Constitution had the foresight to adopt the language
25 in Article V that establishes that on application of the
26 legislatures of two-thirds of the several states, Congress shall
27 call a convention for proposing amendments; and

1 WHEREAS, In both 1977 and 1978, the Texas Legislature made
2 application to Congress to call a convention under Article V, and
3 through the years, many other states have done the same, all to no
4 avail; and

5 WHEREAS, A balanced budget amendment would require the
6 government not to spend more than it receives in revenue and compel
7 lawmakers to carefully consider choices about spending and taxes;
8 by encouraging spending control and discouraging deficit spending,
9 a balanced budget amendment will help put the nation on the path to
10 lasting prosperity; now, therefore, be it

11 RESOLVED, That the 82nd Legislature of the State of Texas
12 hereby respectfully urge the Congress of the United States to
13 propose and submit to the states for ratification a federal
14 balanced budget amendment to the United States Constitution; and,
15 be it further

16 RESOLVED, That, in the event that Congress does not submit a
17 balanced budget amendment to the states for ratification on or
18 before December 31, 2011, the 82nd Texas Legislature hereby make
19 application to the United States Congress to call a convention
20 under Article V of the United States Constitution for the specific
21 and exclusive purpose of proposing an amendment to that
22 constitution requiring that, in the absence of a national
23 emergency, and as determined by the positive vote of at least
24 two-thirds of the members of each house of Congress, the total of
25 all federal appropriations made by Congress for any fiscal year not
26 exceed the total of all estimated federal revenue for that fiscal
27 year; and, be it further

1 RESOLVED, That, unless rescinded by a succeeding
2 legislature, this application by the 82nd Texas Legislature
3 constitutes a continuing application in accordance with Article V
4 of the United States Constitution until at least two-thirds of the
5 legislatures of the several states have made application for a
6 convention to provide for a balanced budget; and, be it further

7 RESOLVED, That, in the event that Congress does not submit a
8 balanced budget amendment to the states for ratification on or
9 before December 31, 2011, the 82nd Texas Legislature hereby request
10 that the legislatures of each of the several states that compose the
11 United States apply to Congress requesting Congress to call a
12 convention to propose such an amendment to the United States
13 Constitution; and, be it further

14 RESOLVED, That this application is rescinded in the event
15 that a convention to propose amendments to the United States
16 Constitution includes purposes other than providing for a balanced
17 federal budget; and, be it further

18 RESOLVED, That the Texas secretary of state forward official
19 copies of this resolution to the president of the United States, to
20 the speaker of the House of Representatives and the president of the
21 Senate of the United States Congress, and to all members of the
22 Texas delegation to Congress with the request that this resolution
23 be officially entered in the Congressional Record as an application
24 to the Congress of the United States of America for a convention to
25 propose an amendment to provide for a federal balanced budget in the
26 event that Congress does not submit such an amendment to the states
27 for ratification on or before December 31, 2011; and, be it further

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1 RESOLVED, That the Texas secretary of state forward official
2 copies of this resolution to the secretaries of state and to the
3 presiding officers of the legislatures of the other states.