

1-1 By: Ogden, Shapiro, et al. S.J.R. No. 1
1-2 (In the Senate - Filed December 2, 2010; January 31, 2011,
1-3 read first time and referred to Committee on State Affairs;
1-4 February 17, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 2;
1-6 February 17, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.J.R. No. 1 By: Deuell

1-8 SENATE JOINT RESOLUTION

1-9 urging the Congress of the United States to propose and submit to
1-10 the states for ratification a federal balanced budget amendment to
1-11 the Constitution of the United States and, in the event that
1-12 Congress does not submit such an amendment on or before December 31,
1-13 2011, applying to Congress to call a convention to propose an
1-14 amendment to that constitution to provide, in the absence of a
1-15 national emergency and on a two-thirds vote of Congress, for a
1-16 federal balanced budget and requesting that the legislatures of
1-17 each of the several states that compose the United States apply to
1-18 Congress to call a convention to propose such an amendment.

1-19 WHEREAS, The gravity of federal debt and federal obligations
1-20 was established early in American history, with deficits occurring
1-21 only in relation to extraordinary circumstances such as war; yet
1-22 for much of the 20th century and into the 21st, the United States
1-23 has operated on a budget deficit, including the 2010 budget year,
1-24 which surpassed an astounding \$1,300,000,000,000, an annual
1-25 deficit that exceeded the entire gross state product of Texas; and

1-26 WHEREAS, Congress has been unwilling or unable to address the
1-27 persistent problem of overspending and has recently increased the
1-28 statutory limit on the public debt with the passage of H.R.J.
1-29 Res. 45, 111th Congress (2010), and enacted a variety of
1-30 legislation that will ultimately cause the federal government to
1-31 incur additional debt; and

1-32 WHEREAS, The consequences of current spending policies are
1-33 far-reaching; United States indebtedness to governments of foreign
1-34 nations continues to rise; costly federal programs that are
1-35 essentially unfunded or underfunded mandates to states threaten the
1-36 ability of state and local governments to continue to balance their
1-37 budgets; moreover, future generations of Americans inevitably face
1-38 increased taxation and a weakened economy as a direct result of the
1-39 bloated debt; and

1-40 WHEREAS, Many states have previously requested that Congress
1-41 propose a constitutional amendment requiring a balanced budget, but
1-42 Congress has proven to be unresponsive; anticipating situations in
1-43 which Congress at times could fail to act, the drafters of the
1-44 United States Constitution had the foresight to adopt the language
1-45 in Article V that establishes that on application of the
1-46 legislatures of two-thirds of the several states, Congress shall
1-47 call a convention for proposing amendments; and

1-48 WHEREAS, In both 1977 and 1978, the Texas Legislature made
1-49 application to Congress to call a convention under Article V, and
1-50 through the years, many other states have done the same, all to no
1-51 avail; and

1-52 WHEREAS, A balanced budget amendment would require the
1-53 government not to spend more than it receives in revenue and compel
1-54 lawmakers to carefully consider choices about spending and taxes;
1-55 by encouraging spending control and discouraging deficit spending,
1-56 a balanced budget amendment will help put the nation on the path to
1-57 lasting prosperity; now, therefore, be it

1-58 RESOLVED, That the 82nd Legislature of the State of Texas
1-59 hereby respectfully urge the Congress of the United States to
1-60 propose and submit to the states for ratification a federal
1-61 balanced budget amendment to the United States Constitution; and,
1-62 be it further

1-63 RESOLVED, That, in the event that Congress does not submit a

2-1 balanced budget amendment to the states for ratification on or
2-2 before December 31, 2011, the 82nd Texas Legislature hereby make
2-3 application to the United States Congress to call a convention
2-4 under Article V of the United States Constitution to propose an
2-5 amendment to that constitution requiring that, in the absence of a
2-6 national emergency, and as determined by the positive vote of at
2-7 least two-thirds of the members of each house of Congress, the total
2-8 of all federal appropriations made by Congress for any fiscal year
2-9 not exceed the total of all estimated federal revenue for that
2-10 fiscal year; and, be it further

2-11 RESOLVED, That, unless rescinded by a succeeding
2-12 legislature, this application by the 82nd Texas Legislature
2-13 constitutes a continuing application in accordance with Article V
2-14 of the United States Constitution until at least two-thirds of the
2-15 legislatures of the several states have made application for a
2-16 convention to provide for a balanced budget; and, be it further

2-17 RESOLVED, That, in the event that Congress does not submit a
2-18 balanced budget amendment to the states for ratification on or
2-19 before December 31, 2011, the 82nd Texas Legislature hereby request
2-20 that the legislatures of each of the several states that compose the
2-21 United States apply to Congress requesting Congress to call a
2-22 convention to propose such an amendment to the United States
2-23 Constitution; and, be it further

2-24 RESOLVED, That this application is rescinded in the event
2-25 that a convention to propose amendments to the United States
2-26 Constitution includes purposes other than providing for a balanced
2-27 federal budget; and, be it further

2-28 RESOLVED, That the Texas secretary of state forward official
2-29 copies of this resolution to the president of the United States, to
2-30 the speaker of the House of Representatives and the president of the
2-31 Senate of the United States Congress, and to all members of the
2-32 Texas delegation to Congress with the request that this resolution
2-33 be officially entered in the Congressional Record as an application
2-34 to the Congress of the United States of America for a convention to
2-35 propose an amendment to provide for a federal balanced budget in the
2-36 event that Congress does not submit such an amendment to the states
2-37 for ratification on or before December 31, 2011; and, be it further

2-38 RESOLVED, That the Texas secretary of state forward official
2-39 copies of this resolution to the secretaries of state and to the
2-40 presiding officers of the legislatures of the other states.

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