

BILL ANALYSIS

H.J.R. 101
By: Elkins
Federalism & Fiscal Responsibility, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Article V of the United States Constitution provides for amendment of that document by calling a convention on application to the Congress of the United States by the legislatures of two-thirds of the states. It has been noted that there is very little information about how such a convention would function except for what is contained in Article V itself. Unanswered questions surrounding such a convention range from questions about the number of constitutional provisions and subjects eligible for consideration to the selection, qualification, and number of delegates. Congress has considered but failed to pass legislation that would provide answers to some of these questions.

The Texas Legislature has applied to Congress for an Article V convention to consider very specific amendments to the U.S. Constitution, such as a constitutional amendment requiring the budget of the federal government to be balanced. But a much older application, approved by the 26th Texas Legislature in 1899, was unclear as to what specific changes to the Constitution were desired by that legislature. Given the general uncertainty surrounding an Article V constitutional convention, interested parties assert that Texas should avoid contributing to a lack of clarity relating to that process by retaining on its books a resolution adopted more than 100 years ago that is so vague. Despite that concern, these parties note that Senate Concurrent Resolution No. 4 remains just as alive and valid today as it was when it was approved in 1899. H.J.R. 101 seeks to minimize the perception of uncertainty surrounding the Article V constitutional convention process by repealing Senate Concurrent Resolution No. 4.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.J.R. 101 resolves to rescind, repeal, revoke, and nullify Senate Concurrent Resolution No. 4, Acts of the 26th Legislature, Regular Session, 1899, calling for an open-ended, unclear, and indeterminate Article V convention to propose unspecified federal constitutional amendments for ratification. The resolution requires the secretary of state to properly transmit certified copies of this resolution together with copies of Senate Concurrent Resolution No. 4, in a manner which would furnish confirmation of delivery and tracking while en route, to the Vice-President of the United States; to the Secretary and Parliamentarian of the U.S. Senate; to both U.S. Senators representing Texas; to the Speaker, Clerk, and Parliamentarian of the U.S. House of Representatives; and to all members of the U.S. House of Representatives representing districts in Texas. The resolution requires these documents to be accompanied by a cover letter to each addressee drawing attention to the fact that it is the legislature's request that the full and complete verbatim text of the joint resolution, as well as the full and complete verbatim text of Senate Concurrent Resolution No. 4, be duly published in the U.S. Senate's and House of Representatives' portions of the *Congressional Record* and be referred to the appropriate committees of the U.S. Senate and House of Representatives.

EFFECTIVE DATE

On adoption.