

RESOLUTION ANALYSIS

H.J.R. 78
By: Workman
State & Federal Power & Responsibility, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that Article V of the United States Constitution requires the United States Congress to call a convention for proposing amendments to the constitution on application of the legislatures of two-thirds of the states. It is further noted that over 30 years ago the Texas Legislature adopted a resolution calling on Congress to propose an amendment to the United States Constitution that would require a balanced federal budget and, failing that, asking Congress to consider the resolution an application by the Texas Legislature for Congress to call a convention pursuant to Article V for the purpose of proposing a balanced budget amendment. Interested parties contend that, given Congress has taken no action to propose a balanced budget amendment and the federal debt is reported to be around \$18 trillion, a reaffirmation of the Texas Legislature's call for a convention is in order. H.J.R. 78 seeks to address this issue by applying for a convention on the issue of federal fiscal restraint.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this resolution does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 78 applies to the United States Congress to call a convention under Article V of the United States Constitution for the limited purpose of proposing a constitutional amendment to impose fiscal restraints on the federal government. The resolution, unless rescinded by a succeeding legislature, makes this application a continuing application in accordance with Article V of the United States Constitution until at least two-thirds of state legislatures have applied to Congress to call such a convention. The resolution directs the Texas secretary of state to forward official copies of the resolution to the president of the United States, to the speaker of the House of Representatives and the president of the Senate of the United States Congress, and to all members of the Texas congressional delegation with the request that the resolution be officially entered in the Congressional Record as an application to Congress for such a convention and to forward official copies to the secretaries of state and to the presiding officers of the state legislatures with the request that they join the State of Texas in such an application.

EFFECTIVE DATE

On adoption.