

RESOLUTION ANALYSIS

C.S.H.J.R. 44
By: Workman
State & Federal Power & Responsibility, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note increasing federal debt levels and contend that a balanced budget amendment to the United States Constitution is the proper way to manage the nation's finances. C.S.H.J.R. 44 seeks to address this issue by applying to the U.S. Congress to call an Article V constitutional convention for the limited purpose of proposing an amendment to the United States Constitution to provide for a federal balanced budget.

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

C.S.H.J.R. 44, among other provisions, applies to the U.S. Congress to call an Article V constitutional convention for the limited purpose of proposing an amendment to the United States Constitution to provide for a federal balanced budget.

EFFECTIVE DATE

On adoption.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.J.R. 44 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the resolution.

INTRODUCED

WHEREAS, The drafters of the United States Constitution empowered state legislatures to be guardians of liberty against abuses of power by the federal government; and
WHEREAS, The federal government has abused its power by creating a crushing

HOUSE COMMITTEE SUBSTITUTE

WHEREAS, The drafters of the United States Constitution empowered state legislatures to be guardians of liberty against abuses of power by the federal government; and
WHEREAS, The federal government has abused its power by creating a crushing

national debt through improper and imprudent spending; and

WHEREAS, The federal government has abused its power by invading the legitimate role of the states through the manipulative process of federal mandates that are to a great extent unfunded; and

WHEREAS, The federal government has ceased to abide by a proper interpretation of the United States Constitution; and

WHEREAS, In 1977 the 65th Texas Legislature submitted to the federal government H.C.R. No. 31 requesting Congress to prepare and submit to the several states an amendment to the United States Constitution providing for a federal balanced budget, or alternatively requesting Congress to call a constitutional convention for the purpose of proposing such an amendment; and

WHEREAS, Congress has not acted to amend the United States Constitution to provide for a federal balanced budget or to otherwise impose fiscal restraints on the federal government; and

WHEREAS, It is the solemn duty of state legislatures to protect the liberty of the people and of future generations by proposing amendments to the United States Constitution that place clear restraints on federal power; and

WHEREAS, Article V of the United States Constitution authorizes the several state legislatures to restrict the power of the federal government through the amendment process; and

WHEREAS, Article V of the United States Constitution provides that on application of the legislatures of two-thirds of the several states Congress shall call a convention for the purpose of proposing amendments to the constitution; now, therefore, be it

RESOLVED, That the 85th Texas Legislature hereby applies to Congress to call a convention under Article V of the United States Constitution for the limited purpose of proposing an amendment to the constitution to impose fiscal restraints on the federal government; and, be it further

RESOLVED, That, unless rescinded by a succeeding legislature, this application by

national debt through improper and imprudent spending; and

WHEREAS, The federal government has ceased to abide by a proper interpretation of the United States Constitution; and

WHEREAS, In 1977 the 65th Texas Legislature submitted to the federal government H.C.R. No. 31 requesting Congress to prepare and submit to the several states an amendment to the United States Constitution providing for a federal balanced budget, or alternatively requesting Congress to call a constitutional convention for the purpose of proposing such an amendment; and

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RESOLVED, That the 85th Texas Legislature hereby applies to Congress to call a convention under Article V of the United States Constitution for the limited purpose of proposing an amendment to the constitution requiring, in the absence of a national emergency, that the total of all federal appropriations made by Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year; and, be it further

RESOLVED, That, unless rescinded by a succeeding legislature, this application by

the 85th Texas Legislature constitutes a continuing application in accordance with Article V of the United States Constitution until at least two-thirds of the legislatures of the several states have applied to Congress to call a convention for the limited purpose of proposing an amendment to the constitution to impose fiscal restraints on the federal government; and, be it further RESOLVED, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the House of Representatives of the United States, to the vice president of the United States in the vice president's capacity as the presiding officer of the Senate of the United States at the office located in the United States Capitol Building, and to all members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as an application to Congress for a convention under Article V of the United States Constitution for the limited purpose of proposing an amendment to the constitution to impose fiscal restraints on the federal government; and, be it further RESOLVED, That the Texas secretary of state forward official copies of this resolution to the secretaries of state and to the presiding officers of the legislatures of the several states with the request that they join this state in applying to Congress for a convention under Article V of the United States Constitution for the limited purpose of proposing an amendment to the constitution to impose fiscal restraints on the federal government.

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