

## **RESOLUTION ANALYSIS**

C.S.S.J.R. 38

By: Estes

State & Federal Power & Responsibility, Select  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that the Texas Legislature has approved numerous resolutions over the years officially applying to the United States Congress for the calling of an Article V constitutional convention and further note that these past applications from Texas lawmakers remain valid until such time as they are formally rescinded. C.S.S.J.R. 38 seeks to ensure that outstanding applications on behalf of the State of Texas calling for such a convention reflect the current will of the Texas Legislature by rescinding the applications made by the Texas Legislature prior to the 85th Legislature, Regular Session, 2017, with one exception.

### **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.S.J.R. 38, among other provisions, officially rescinds, repeals, revokes, cancels, voids, and nullifies any and all applications from Texas legislators prior to the 85th Legislature, Regular Session, 2017, that apply to the United States Congress for the calling of an Article V constitutional convention, except for the application provided by H.C.R. No. 31, Acts of the 65th Legislature, Regular Session, 1977, relating to a balanced federal budget. The resolution requires that any application to the United States Congress for the calling of such a convention that is submitted by the Texas Legislature during or after the 85th Legislature, Regular Session, 2017, be automatically rescinded, repealed, revoked, canceled, voided, and nullified if the applicable convention is not called on or before the eighth anniversary of the date the last legislative vote is taken on the application.

### **EFFECTIVE DATE**

On passage.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.J.R. 38 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the resolution.

## SENATE ENGROSSED

WHEREAS, Over the years, the Texas Legislature has approved resolutions officially applying to the Congress of the United States to call a convention, under the terms of Article V of the Constitution of the United States, to offer various amendments to that Constitution; and

WHEREAS, While no Article V amendatory convention has yet taken place thus far in American history, nevertheless, there is a very real possibility that one, or more than one, could be triggered at some point in the future; and

WHEREAS, Regardless of their age, such past applications from Texas lawmakers remain alive and valid until such time as they are later formally rescinded; now, therefore, be it

RESOLVED, That the 85th Legislature of the State of Texas, Regular Session, 2017, hereby officially rescinds, repeals, revokes, cancels, voids, and nullifies any and all applications from Texas legislators prior to the 85th Legislature, Regular Session, 2017, other than the application provided by H.C.R. No. 31, Acts of the 65th Legislature, Regular Session, 1977, that apply to the United States Congress for the calling of a convention, pursuant to Article V of the United States Constitution, regardless of how old such previous applications might be, and irrespective of what subject matters such applications pertained to; and, be it further

RESOLVED, That the 85th Legislature of the State of Texas, Regular Session, 2017, hereby declares that any application to the United States Congress for the calling of a convention under Article V of the United States Constitution that is submitted by the Texas Legislature during or after this Regular Session shall be automatically rescinded, repealed, revoked, canceled, voided, and nullified if the applicable convention is not called on or before the 12th anniversary of the date the last legislative vote is taken on the application; and, be it further

RESOLVED, That, in a manner which would furnish confirmation of delivery and tracking while en route, the Texas secretary of state shall transmit properly certified copies of this joint resolution of rescission,

## HOUSE COMMITTEE SUBSTITUTE

WHEREAS, Over the years, the Texas Legislature has approved resolutions officially applying to the Congress of the United States to call a convention, under the terms of Article V of the Constitution of the United States, to offer various amendments to that Constitution; and

WHEREAS, While no Article V amendatory convention has yet taken place thus far in American history, nevertheless, there is a very real possibility that one, or more than one, could be triggered at some point in the future; and

WHEREAS, Regardless of their age, such past applications from Texas lawmakers remain alive and valid until such time as they are later formally rescinded; now, therefore, be it

RESOLVED, That the 85th Legislature of the State of Texas, Regular Session, 2017, hereby officially rescinds, repeals, revokes, cancels, voids, and nullifies any and all applications from Texas legislators prior to the 85th Legislature, Regular Session, 2017, other than the application provided by H.C.R. No. 31, Acts of the 65th Legislature, Regular Session, 1977, that apply to the United States Congress for the calling of a convention, pursuant to Article V of the United States Constitution, regardless of how old such previous applications might be, and irrespective of what subject matters such applications pertained to; and, be it further

RESOLVED, That the 85th Legislature of the State of Texas, Regular Session, 2017, hereby declares that any application to the United States Congress for the calling of a convention under Article V of the United States Constitution that is submitted by the Texas Legislature during or after this Regular Session shall be automatically rescinded, repealed, revoked, canceled, voided, and nullified if the applicable convention is not called on or before the eighth anniversary of the date the last legislative vote is taken on the application; and, be it further

RESOLVED, That, in a manner which would furnish confirmation of delivery and tracking while en route, the Texas secretary of state shall transmit properly certified copies of this joint resolution of rescission,

pursuant to the Standing Rules of the United States Senate (namely, Rule VII, paragraphs 4, 5, and 6), to the vice president of the United States (in his capacity as presiding officer of the United States Senate and addressed to him at the office which he maintains inside the United States Capitol Building); to the secretary and parliamentarian of the United States Senate; and to both United States senators representing Texas; accompanied by a cover letter to each addressee drawing attention to the fact that it is the 85th Texas Legislature's courteous, yet firm, request that the full and complete verbatim text of this joint resolution be duly published in the United States Senate's portion of the Congressional Record as an official memorial to the United States Senate, and that this joint resolution be referred to whichever committee or committees of the United States Senate that would have appropriate jurisdiction in this matter; and, be it further

RESOLVED, That, in a manner which would furnish confirmation of delivery and tracking while en route, the Texas secretary of state shall likewise transmit properly certified copies of this joint resolution of rescission, pursuant to the Rules of the United States House of Representatives (namely, Rule XII, clauses 3 and 7), to the speaker, clerk, and parliamentarian of the United States House of Representatives; and to all members of the United States House of Representatives who represent districts in Texas; likewise accompanied by a cover letter to each addressee drawing attention to the fact that it is the 85th Texas Legislature's courteous, yet firm, request that the substance of this joint resolution be accurately summarized in the United States House of Representatives' portion of the Congressional Record as an official memorial to the United States House of Representatives, and that this joint resolution be referred to whichever committee or committees of the United States House of Representatives that would have appropriate jurisdiction in this matter.

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RESOLVED, That, in a manner which would furnish confirmation of delivery and tracking while en route, the Texas secretary of state shall likewise transmit properly certified copies of this joint resolution of rescission, pursuant to the Rules of the United States House of Representatives (namely, Rule XII, clauses 3 and 7), to the speaker, clerk, and parliamentarian of the United States House of Representatives; and to all members of the United States House of Representatives who represent districts in Texas; likewise accompanied by a cover letter to each addressee drawing attention to the fact that it is the 85th Texas Legislature's courteous, yet firm, request that the substance of this joint resolution be accurately summarized in the United States House of Representatives' portion of the Congressional Record as an official memorial to the United States House of Representatives, and that this joint resolution be referred to whichever committee or committees of the United States House of Representatives that would have appropriate jurisdiction in this matter.