**BILL ANALYSIS**

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| Senate Research Center | S.J.R. 52 |
| 88R2184 TJB-F | By: Birdwell |
|  | State Affairs |
|  | 3/7/2023 |
|  | As Filed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Article V of the U.S. Constitution grants states the power to call a Convention of the States to propose constitutional amendments. Two-thirds (34) of the states must call for the convention before it convenes, and any proposed amendment is adopted only upon the ratification of the proposed amendment by three-fourths (38) of the state legislatures. As of  2023, 19 states, including Texas, have called for a Convention of the States.

For years, the Texas Legislature has approved resolutions officially applying to Congress to call a convention to offer various amendments to the U.S. Constitution.

For example, the Texas Legislature passed S.J.R. 2 in the 85th Legislature, which formally called for a convention under Article V of the U.S. Constitution. In the same session and in conjunction with S.J.R. 2, the Texas Legislature passed S.J.R. 38, which rescinded any application for a convention made prior to the 85th Legislature and established a sunset of eight years on any application made during or after the 85th legislative session (including S.J.R. 2).

Today, as the federal government continues to grow and usurp power delegated to the states, public pressure to extend the sunset provision on Texas's application for a Convention of the States has grown considerably.

S.J.R. 52 nullifies the provision of S.J.R. 38 that established an eight year sunset and replaces that provision with a sixteen-year sunset. It therefore extends the sunset by eight years (i.e, sixteen years from the 85th Legislature in 2017). At present, under S.J.R. 38 of the 85th Legislature, Texas's application expires in 2025. Under this joint resolution, S.J.R. 52, the application does not expire until 2033.

The 85th Legislature of the State of Texas, Regular Session, 2017, enacted S.J.R. No. 38 to officially rescind, repeal, revoke, cancel, void, and nullify certain applications from Texas legislatures prior to the 85th Legislature, Regular Session, 2017, that apply to the United States Congress for the calling of a convention under Article V of the United States Constitution.

S.J.R. No. 38 additionally provided 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 the Regular Session of the 85th Legislature will 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.

As proposed, S.J.R. 52 extends the deadline for the automatic rescission of certain applications made by the Texas Legislature to the United States Congress to call a national convention under Article V of the United States Constitution for proposing any amendment to that constitution.

**RESOLVED**

That the 88th Legislature of the State of Texas, Regular Session, 2023, hereby officially rescinds, repeals, revokes, cancels, voids, and nullifies the provision of S.J.R. No. 38 that provided for the automatic rescission, repeal, revocation, cancellation, voiding, and nullification of any application from the Texas Legislature after the eighth anniversary of the date the last legislative vote was taken on the application.

That the 88th Legislature of the State of Texas, Regular Session, 2023, 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 the 85th Legislature of the State of Texas, Regular Session, 2017, shall be automatically rescinded, repealed, revoked, canceled, voided, and nullified if the applicable convention is not called on or before the 16th anniversary of the date the last legislative vote is taken on the application.

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.