

RESOLUTION ANALYSIS

C.S.S.J.R. 2
By: Birdwell
State & Federal Power & Responsibility, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to interested parties, the federal debt has grown too large and politicians are not properly accountable to their constituents. C.S.S.J.R. 2 seeks to address these issues by applying to the United States Congress to call an Article V convention for the limited purpose of proposing amendments to the United States Constitution to impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and impose term limits for federal officials and members of Congress.

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. 2, among other provisions, applies to the United States Congress to call an Article V convention for the limited purpose of proposing one or more amendments to the United States Constitution to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office of federal officials and members of Congress, but only if S.B. 21 or H.B. 506, 85th Legislature, Regular Session, 2017, becomes law and S.J.R. 38, 85th Legislature, Regular Session, 2017, takes effect.

EFFECTIVE DATE

On passage.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.J.R. 2 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 bill.

SENATE ENGROSSED

WHEREAS, The drafters of the United States Constitution empowered state legislatures to be guardians of liberty

HOUSE COMMITTEE SUBSTITUTE

WHEREAS, The drafters of the United States Constitution empowered state legislatures to be guardians of liberty

85R 27556

17.121.205

Substitute Document Number: 85R 24599

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, 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 apply to Congress to call a convention under Article V of the United States Constitution for the limited purpose of proposing one or more amendments to the constitution to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office of federal officials and members of Congress; 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 one or more amendments to the constitution to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office

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, 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

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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 one or more amendments to the constitution to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office

of federal officials and members of Congress; 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 and the president of the Senate of the Congress of the United States, 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 one or more amendments to the constitution to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office of federal officials and members of Congress; 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 one or more amendments to the constitution to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government, and to limit the terms of office of federal officials and members of Congress.

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RESOLVED, That, notwithstanding the provisions of this resolution, the 85th Texas Legislature makes this application to Congress and imposes the duties prescribed by this resolution on the Texas secretary of state only if S.B. 21 or H.B. 506, 85th Legislature, Regular Session, 2017, becomes law and S.J.R. 38, 85th Legislature, Regular Session, 2017, takes effect; and, be it further

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