

- SUBJECT:** An Article 5 convention for a federal balanced budget amendment
- COMMITTEE:** State and Federal Power and Responsibility, Select — favorable, without amendment
- VOTE:** 4 ayes — P. King, Workman, C. Anderson, Clardy  
3 nays — Miles, T. Parker, Walle
- WITNESSES:** For — Thomas Lindsay, Texas Public Policy Foundation; Rick Green; Tom Kader; (*Registered, but did not testify*: Mark Dallman; Ray Allen, Shadowsoft/Bruce Stringfellow)  
  
Against — David Carter, John Birch Society; Barbara Harless, North Texas Citizens Lobby; Pat Carlson, Texas Eagle Forum; Kelly Holt, The New American; Davis Ford; Barbara Lamontagne; (*Registered, but did not testify*: Kathleen Brown, Central Texas Tea Party; Janice Carter, Norlene Ckudre, and Obert Sagebiel, John Birch Society; Michael Pacheco, Texas Farm Bureau; Richard Snider)
- BACKGROUND:** Article 5 of the U.S. Constitution requires Congress to call a convention to propose constitutional amendments upon application of the legislatures of two-thirds of the states. Any amendments adopted by an Article 5 convention must be ratified by the legislatures of three-fourths of the states.  
  
The 65th Texas Legislature in 1977 submitted to the federal government H.C.R. No. 31 requesting that Congress prepare and submit to the several states an amendment to the U.S. Constitution providing for a federal balanced budget, or alternatively requesting that Congress call a constitutional convention for the purpose of proposing such an amendment.
- DIGEST:** HJR 79 would be an application on behalf of the 84th Legislature to Congress for an Article 5 convention for the limited purpose of proposing an amendment to the U.S. Constitution to provide a federal balanced

budget.

Unless rescinded by a succeeding legislature, the application would constitute a continuing application in accordance with Article 5 until at least two-thirds of state legislatures have applied for the limited purpose of proposing a federal balanced budget amendment.

The Texas secretary of state would be directed to forward official copies of the resolution to the president, speaker of the U.S. House of Representatives, president of the U.S. Senate, and all members of the Texas delegation to Congress with the request that the resolution be officially entered in the Congressional Record. The secretary of state also would be directed to forward official copies of the resolution to the secretaries of state and presiding officers of the other state legislatures.

**SUPPORTERS  
SAY:**

HJR 79 would be an appropriate and necessary measure to help bring federal spending under control. The joint resolution would provide for the 84th Legislature to apply to Congress for an Article 5 convention for the limited purpose of proposing a balanced budget amendment to the U.S. Constitution. Texas would join many other states that are making the same call.

An Article 5 convention was placed in the Constitution by the founding fathers as a tool for states to limit federal power. Using this tool for a critically needed federal balanced budget amendment is highly appropriate. Despite decades of urging by citizens and elected officials, administrations and Congresses led by members of both political parties have failed to provide for a federal balanced budget or otherwise impose fiscal restraints on the federal government. It is the duty of state legislatures to protect Americans and future generations by reining in out-of-control federal spending and debt.

The more states that apply for an Article 5 convention over federal budget issues, the more likely Congress is to act. A campaign for a state-led constitutional convention helped persuade Congress to adopt the 17th amendment, which established the election of U.S. senators by the people.

Fears of a runaway convention are overstated. HJR 79 clearly states that the Article 5 convention would be limited to a balanced budget amendment. Additionally, the Texas House on May 6 passed HB 1110 by P. King, which would establish a process for selecting delegates to an Article 5 convention. That bill would guard against the possibility of a wide-open convention by banning Texas delegates from voting on any issue outside the scope of an application from Texas. Any delegate who cast an unauthorized vote would find that vote invalidated and their status as a delegate revoked.

OPPONENTS  
SAY:

HJR 79 would be a dangerous and unnecessary way to address federal overspending. Despite the desires of the Texas Legislature to propose a balanced budget amendment and nothing else, an Article 5 convention has the potential to rewrite the Constitution and strip citizens of some of their most cherished rights. Conservative states would not be the only voice in a constitutional convention; liberal states also would participate and could have a vastly different agenda for changing the Constitution. Texans who want to lower federal spending should focus on electing leaders who would work to adopt a balanced budget amendment.

HB 1110 seeks to establish the selection and duties of Texas delegates to a constitutional convention but that control could not be guaranteed. Under Article 5 Congress would be in control of calling the convention and Congress could set the agenda and rules. Congress could decide how many delegates would come from each state and how they would be selected.