

BILL ANALYSIS

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S.J.R. 2
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The federal system of government that must respect and defer to the inherent rights of the states is broken. Washington is spending beyond the means of its citizens, seizing power from the states, and taking liberty from the very people to whom it is accountable. Not only is the federal government not working, but in fact, it is actively working against citizens by confiscating powers and authorities contrary to what the Constitution allows.

It is time to restore the balance of power that the Constitution requires for America to function properly—the true power must reside with the people in the states. The founders gave us the tools we need to effectively self-govern, we simply need to use them.

Article V gives the states ultimate authority to amend the Constitution without the consent of an inactive or unwilling Congress. The very purpose of Article V was to provide the states with a final source of power to stop potential abuses by the federal government.

It is time for Americans took a stand and make a legitimate effort to curb the power and jurisdiction of the Washington. The founders gave us a tool to fix just such a problem—now we must use it before it is too late.

What is a "convention of states?"

A convention of states is a gathering of the states, as called by the state legislatures, for the purpose of proposing amendments to the United States Constitution. States are very clearly given the authority and mechanism to do this through Article V of the Constitution, which reads as follows (key text bolded):

"The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate."

Thirty-four state legislatures ("two thirds of the several states") must pass a resolution, or "application," calling for a convention of states, delivering them to Congress. Each of these applications must request a convention of the states for the same subject matter. At such a time, Congress is responsible for formally calling for the convention of states and dictating its time and location. Each state will appoint delegates to represent their citizens at the convention, after which at least 38 state legislatures ("three fourths of the several states") must vote to ratify and enact any amendment.

The Resolution

S.J.R. 2 would be an application on behalf of the 85th Legislature to Congress for an Article V convention for the limited purpose of proposing amendments to the U.S. Constitution focused

specifically on three key areas: (1) imposing fiscal restraints on the federal government, (2) limiting the power and jurisdiction of the federal government, and (3) limiting the terms of office of federal officials and members of Congress.

Unless rescinded by a succeeding legislature, the application would constitute a continuing application in accordance with Article V until at least two-thirds of state legislatures had submitted substantively similar applications.

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 congressional delegation 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 all other state legislatures.

The drafters of the United States Constitution empowered state legislatures to be guardians of liberty against abuses of power by the federal government. The federal government has abused its power by creating a crushing national debt through improper and imprudent spending. 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.

The federal government has ceased to abide by a proper interpretation of the United States Constitution. 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.

Article V of the United States Constitution authorizes the several state legislatures to restrict the power of the federal government through the amendment process. 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.

As proposed, S.J.R. 2 applies to the Congress of the United States 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.

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.

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.

That the Texas secretary of state (SOS) 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.

That the Texas SOS 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.