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ANALYSIS

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Senate Joint Resolution V (as introduced 5-23-13)

Sponsor: Senator Mike Green

Committee: Government Operations

Date Completed: 10-14-13

CONTENT

The joint resolution would petition the Congress of the United States to call a convention of the states for the limited purpose of proposing an amendment to the U.S. Constitution requiring a balanced budget, in the absence of a national emergency.

Specifically, the proposed constitutional amendment would provide that, "in the absence of a national emergency the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints".

The joint resolution also states, "That this application is to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from other states, including, but not limited to, previously-adopted applications from Alabama, Alaska, Arkansas, Colorado, Florida, Indiana, Iowa, Kansas, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Pennsylvania, and Texas." The application would have to be aggregated with those applications for the purpose of attaining the two-thirds of states necessary for a convention to be called to propose a balanced budget amendment. The application could not be aggregated with any applications on any other subject.

In addition, the joint resolution states, "That this application constitutes a continuing application in accordance with article V of the constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject. It supersedes all previous applications by this legislature on the same subject."

If the joint resolution were approved, the Secretary of State would have to transmit certified copies of it to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of this State's congressional delegation. Printed copies also would have to be sent to each house of each state legislature in the United States.

This petition to Congress would be pursuant to Article 5 of the U.S. Constitution. (Under Article 5, Congress must call a convention to propose amendments to the Constitution if required by a two-thirds majority of both the U.S. Senate and the U.S. House of Representatives, or upon the application of two-thirds of the state legislatures. Any proposed amendment then must be ratified by the legislatures of three-fourths of the states or at conventions in three-fourths of the states.)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

There could be some additional costs to the Department of State regarding the proposed mailing of the resolution to a variety of entities; however, the Department maintains that the costs would be minimal and absorbed within its annual appropriations.

The bill would have no fiscal impact on local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.