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FISCAL IMPACT REPORT

SPONSOR Egolf ORIGINAL DATE 2/06/17 HJR 10
LAST UPDATED 2/9/17
SHORT TITLE Rescind Prior Convention Applications SB _____
ANALYST Esquibel

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

HJR10 relates to Senate Joint Resolution 12, Fair Election Constitutional Convention

SOURCES OF INFORMATION

LFC Files

Responses Received From
Attorney General's Office (AGO)

SUMMARY

Synopsis of Joint Resolution

House Joint Resolution 10 (HJR10) proposes to rescind state legislation passed in 1951, 1965, and 1976 each of which made an application to the U.S. Congress for the calling of a convention to propose an amendment to the U.S. Constitution.

FISCAL IMPLICATIONS

The resolution does not include an appropriation.

SIGNIFICANT ISSUES

The Attorney General's Office indicates the U.S. Constitution provides for two different methods to amend the document. The first is for Congress to propose amendments that are then forwarded on to the states, of which at least two-thirds (in both state houses) must approve the amendment before it is adopted. The second method, which has never been used, happens when Congress calls a constitutional convention upon receiving applications for such convention by at least two-thirds of the states. These applications are made under Article V of the Constitution. Since this

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process has not been used there are outstanding questions regarding the process, including whether the convention can be limited to the subject of the application(s); if applications are tallied by subject matter or cumulatively; and how proposals would be considered and/or limited during the convention.

A number of states around the country are rescinding outstanding Article V convention applications to prevent the calling of a constitutional convention that could be used to alter the Constitution in ways not in line with each state's original intention behind their application(s) as it is not clear whether a convention could limit the scope of proposals to be considered. The most recent constitutional convention movement by means of Article V applications was to propose a balanced budget amendment. This movement began in the 1970s and in the 1980s reached 32 out of the 34 needed to call a convention. Since that time, a number of states have rescinded their applications, and the current number stands at 27 states with active applications to call a constitutional convention.

HJR10 offers no further analysis or reasoning as to why the applications should be rescinded.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain and a constitutional convention could be called if at least 34 states file Article V applications.

RAE/sb/jle