

2016 Regular Session

HOUSE BILL NO. 1095

BY REPRESENTATIVE SEABAUGH

INTERGOV COMPACTS: Adopts the Compact for a Balanced Budget

1 AN ACT

2 To enact the Compact for a Balanced Budget and to provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. The State of Louisiana enacts, adopts and agrees to be bound by the
5 following compact:

6 COMPACT FOR A BALANCED BUDGET

7 ARTICLE I

8 DECLARATION OF POLICY, PURPOSE AND INTENT

9 Whereas, every State enacting, adopting and agreeing to be bound by this
10 Compact intends to ensure that their respective Legislature's use of the power to
11 originate a Balanced Budget Amendment under Article V of the Constitution of the
12 United States will be exercised conveniently and with reasonable certainty as to the
13 consequences thereof.

14 Now, therefore, in consideration of their expressed mutual promises and
15 obligations, be it enacted by every State enacting, adopting and agreeing to be bound
16 by this Compact, and resolved by each of their respective Legislatures, as the case
17 may be, to exercise herewith all of their respective powers as set forth herein
18 notwithstanding any law to the contrary.

19 ARTICLE II

20 DEFINITIONS

1 Section 1. "Compact" means this "Compact for a Balanced Budget."

2 Section 2. "Convention" means the convention for proposing amendments
3 organized by this Compact under Article V of the Constitution of the United States
4 and, where contextually appropriate to ensure the terms of this Compact are not
5 evaded, any other similar gathering or body, which might be organized as a
6 consequence of Congress receiving the application set out in this Compact and claim
7 authority to propose or effectuate any amendment, alteration or revision to the
8 Constitution of the United States. This term does not encompass a convention for
9 proposing amendments under Article V of the Constitution of the United States that
10 is organized independently of this Compact based on the separate and distinct
11 application of any State.

12 Section 3. "State" means one of the several States of the United States. Where
13 contextually appropriate, the term "State" shall be construed to include all of its
14 branches, departments, agencies, political subdivisions, and officers and
15 representatives acting in their official capacity.

16 Section 4. "Member State" means a State that has enacted, adopted and
17 agreed to be bound to this Compact. For any State to qualify as a Member State with
18 respect to any other State under this Compact, each such State must have enacted,
19 adopted and agreed to be bound by substantively identical compact legislation.

20 Section 5. "Compact Notice Recipients" means the Archivist of the United
21 States, the President of the United States, the President of the United States Senate,
22 the Office of the Secretary of the United States Senate, the Speaker of the United
23 States House of Representatives, the Office of the Clerk of the United States House
24 of Representatives, the chief executive officer of each State, and the presiding
25 officer(s) of each house of the Legislatures of the several States.

26 Section 6. Notice. All notices required by this Compact shall be by U.S.
27 Certified Mail, return receipt requested, or an equivalent or superior form of notice,
28 such as personal delivery documented by evidence of actual receipt.

29 Section 7. "Balanced Budget Amendment" means the following:

1 "Article ___

2 Section 1. Total outlays of the government of the United States shall
3 not exceed total receipts of the government of the United States at any point
4 in time unless the excess of outlays over receipts is financed exclusively by
5 debt issued in strict conformity with this article.

6 Section 2. Outstanding debt shall not exceed authorized debt, which
7 initially shall be an amount equal to 105 percent of the outstanding debt on
8 the effective date of this article. Authorized debt shall not be increased above
9 its aforesaid initial amount unless such increase is first approved by the
10 legislatures of the several states as provided in Section 3.

11 Section 3. From time to time, Congress may increase authorized debt
12 to an amount in excess of its initial amount set by Section 2 only if it first
13 publicly refers to the legislatures of the several states an unconditional, single
14 subject measure proposing the amount of such increase, in such form as
15 provided by law, and the measure is thereafter publicly and unconditionally
16 approved by a simple majority of the legislatures of the several states, in such
17 form as provided respectively by state law; provided that no inducement
18 requiring an expenditure or tax levy shall be demanded, offered or accepted
19 as a quid pro quo for such approval. If such approval is not obtained within
20 sixty (60) calendar days after referral then the measure shall be deemed
21 disapproved and the authorized debt shall thereby remain unchanged.

22 Section 4. Whenever the outstanding debt exceeds 98 percent of the
23 debt limit set by Section 2, the President shall enforce said limit by publicly
24 designating specific expenditures for impoundment in an amount sufficient
25 to ensure outstanding debt shall not exceed the authorized debt. Said
26 impoundment shall become effective thirty (30) days thereafter, unless
27 Congress first designates an alternate impoundment of the same or greater
28 amount by concurrent resolution, which shall become immediately effective.
29 The failure of the President to designate or enforce the required

1 impoundment is an impeachable misdemeanor. Any purported issuance or
2 incurrence of any debt in excess of the debt limit set by Section 2 is void.

3 Section 5. No bill that provides for a new or increased general
4 revenue tax shall become law unless approved by a two-thirds roll call vote
5 of the whole number of each House of Congress. However, this requirement
6 shall not apply to any bill that provides for a new end user sales tax which
7 would completely replace every existing income tax levied by the
8 government of the United States; or for the reduction or elimination of an
9 exemption, deduction, or credit allowed under an existing general revenue
10 tax.

11 Section 6. For purposes of this article, "debt" means any obligation
12 backed by the full faith and credit of the government of the United States;
13 "outstanding debt" means all debt held in any account and by any entity at a
14 given point in time; "authorized debt" means the maximum total amount of
15 debt that may be lawfully issued and outstanding at any single point in time
16 under this article; "total outlays of the government of the United States"
17 means all expenditures of the government of the United States from any
18 source; "total receipts of the government of the United States" means all tax
19 receipts and other income of the government of the United States, excluding
20 proceeds from its issuance or incurrence of debt or any type of liability;
21 "impoundment" means a proposal not to spend all or part of a sum of money
22 appropriated by Congress; and "general revenue tax" means any income tax,
23 sales tax, or value-added tax levied by the government of the United States
24 excluding imposts and duties.

25 Section 7. This article is immediately operative upon ratification,
26 self-enforcing, and Congress may enact conforming legislation to facilitate
27 enforcement."

28 ARTICLE III

29 COMPACT MEMBERSHIP AND WITHDRAWAL

1 Section 1. This Compact governs each Member State to the fullest extent
2 permitted by their respective constitutions, superseding and repealing any conflicting
3 or contrary law.

4 Section 2. By becoming a Member State, each such State offers, promises
5 and agrees to perform and comply strictly in accordance with the terms and
6 conditions of this Compact, and has made such offer, promise and agreement in
7 anticipation and consideration of, and in substantial reliance upon, such mutual and
8 reciprocal performance and compliance by each other current and future Member
9 State, if any. Accordingly, in addition to having the force of law in each Member
10 State upon its respective effective date, this Compact and each of its Articles shall
11 also be construed as contractually binding each Member State when: (a) at least one
12 other State has likewise become a Member State by enacting substantively identical
13 legislation adopting and agreeing to be bound by this Compact; and (b) notice of
14 such State's Member State status is or has been seasonably received by the Compact
15 Administrator, if any, or otherwise by the chief executive officer of each other
16 Member State.

17 Section 3. For purposes of determining Member State status under this
18 Compact, as long as all other provisions of the Compact remain identical and
19 operative on the same terms, legislation enacting, adopting and agreeing to be bound
20 by this Compact shall be deemed and regarded as "substantively identical" with
21 respect to such other legislation enacted by another State notwithstanding:

22 (a) any difference in section 2 of Article IV with specific regard to the
23 respectively enacting State's own method of appointing its member to the
24 Commission;

25 (b) any difference in section 5 of Article IV with specific regard to
26 the respectively enacting State's own obligation to fund the Commission;

27 (c) any difference in sections 1 and 2 of Article VI with specific
28 regard to the number and identity of each delegate respectively appointed on

1 behalf of the enacting State, provided that no more than three delegates may
2 attend and participate in the Convention on behalf of any State; or

3 (d) any difference in section 7 of Article X with specific regard to the
4 respectively enacting State as to whether section 1 of Article V of this
5 Compact shall survive termination of the Compact, and thereafter become a
6 continuing resolution of the Legislature of such State applying to Congress
7 for the calling of a convention of the states under Article V of the
8 Constitution of the United States, under such terms and limitations as may
9 be specified by such State.

10 Section 4. When fewer than three-fourths of the States are Member States,
11 any Member State may withdraw from this Compact by enacting appropriate
12 legislation, as determined by state law, and giving notice of such withdrawal to the
13 Compact Administrator, if any, or otherwise to the chief executive officer of each
14 other Member State. A withdrawal shall not affect the validity or applicability of the
15 compact with respect to remaining Member States, provided that there remain at
16 least two such States. However, once at least three-fourths of the States are Member
17 States, then no Member State may withdraw from the Compact prior to its
18 termination absent unanimous consent of all Member States.

19 ARTICLE IV

20 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

21 Section 1. Nature of the Compact Commission. The Compact Commission
22 ("Commission") is hereby established. It has the power and duty:

- 23 (a) to appoint and oversee a Compact Administrator;
- 24 (b) to encourage States to join the Compact and Congress to call the
25 Convention in accordance with this Compact;
- 26 (c) to coordinate the performance of obligations under the Compact;
- 27 (d) to oversee the Convention's logistical operations as appropriate to
28 ensure this Compact governs its proceedings;

1 (e) to oversee the defense and enforcement of the Compact in
2 appropriate legal venues;

3 (f) to request funds and to disburse those funds to support the
4 operations of the Commission, Compact Administrator, and Convention; and

5 (g) to cooperate with any entity that shares a common interest with
6 the Commission and engages in policy research, public interest litigation or
7 lobbying in support of the purposes of the Compact.

8 The Commission shall only have such implied powers as are essential to
9 carrying out these express powers and duties. It shall take no action that contravenes
10 or is inconsistent with this Compact or any law of any State that is not superseded
11 by this Compact. It may adopt and publish corresponding bylaws and policies.

12 Section 2. Commission Membership. The Commission initially consists of
13 three unpaid members. Each Member State may appoint one member to the
14 Commission through an appointment process to be determined by their respective
15 chief executive officer until all positions on the Commission are filled. Positions
16 shall be assigned to appointees in the order in which their respective appointing
17 States became Member States. The bylaws of the Commission may expand its
18 membership to include representatives of additional Member States and to allow for
19 modest salaries and reimbursement of expenses if adequate funding exists.

20 Section 3. Commission Action. Each Commission member is entitled to one
21 vote. The Commission shall not act unless a majority of its appointed membership
22 is present, and no action shall be binding unless approved by a majority of the
23 Commission's appointed membership. The Commission shall meet at least once a
24 year, and may meet more frequently.

25 Section 4. First Order of Business. The Commission shall at the earliest
26 possible time elect from among its membership a Chairperson, determine a primary
27 place of doing business, and appoint a Compact Administrator.

1 Section 5. Funding. The Commission and the Compact Administrator's
2 activities shall be funded exclusively by each Member State, as determined by their
3 respective state law, or by voluntary donations.

4 Section 6. Compact Administrator. The Compact Administrator has the
5 power and duty:

6 (a) to timely notify the States of the date, time and location of the
7 Convention;

8 (b) to organize and direct the logistical operations of the Convention;

9 (c) to maintain an accurate list of all Member States, their appointed
10 delegates, including contact information; and

11 (d) to formulate, transmit, and maintain all official notices, records,
12 and communications relating to this Compact.

13 The Compact Administrator shall only have such implied powers as are
14 essential to carrying out these express powers and duties; and shall take no action
15 that contravenes or is inconsistent with this Compact or any law of any State that is
16 not superseded by this Compact. The Compact Administrator serves at the pleasure
17 of the Commission and must keep the Commission seasonably apprised of the
18 performance or nonperformance of the terms and conditions of this Compact. Any
19 notice sent by a Member State to the Compact Administrator concerning this
20 Compact shall be adequate notice to each other Member State provided that a copy
21 of said notice is seasonably delivered by the Compact Administrator to each other
22 Member State's respective chief executive officer.

23 Section 7. Notice of Key Events. Upon the occurrence of each of the
24 following described events, or otherwise as soon as possible, the Compact
25 Administrator shall immediately send the following notices to all Compact Notice
26 Recipients, together with certified conforming copies of the chaptered version of this
27 Compact as maintained in the statutes of each Member State:

28 (a) whenever any State becomes a Member State, notice of that fact
29 shall be given;

1 (b) once at least three-fourths of the States are Member States, notice
2 of that fact shall be given together with a statement declaring that the
3 Legislatures of at least two-thirds of the several States have applied for a
4 convention for proposing amendments under Article V of the Constitution of
5 the United States, petitioning Congress to call the Convention contemplated
6 by this Compact, and further requesting cooperation in organizing the same
7 in accordance with this Compact;

8 (c) once Congress has called the Convention contemplated by this
9 Compact, and whenever the date, time and location of the Convention has
10 been determined, notice of that fact shall be given together with the date,
11 time and location of the Convention and other essential logistical matters;

12 (d) upon approval of the Balanced Budget Amendment by the
13 Convention, notice of that fact shall be given together with the transmission
14 of certified copies of such approved proposed amendment and a statement
15 requesting Congress to refer the same for ratification by three-fourths of the
16 Legislatures of the several States under Article V of the Constitution of the
17 United States (however, in no event shall any proposed amendment other
18 than the Balanced Budget Amendment be transmitted); and

19 (e) when any Article of this Compact prospectively ratifying the
20 Balanced Budget Amendment is effective in any Member State, notice of the
21 same shall be given together with a statement declaring such ratification and
22 further requesting cooperation in ensuring that the official record confirms
23 and reflects the effective corresponding amendment to the Constitution of the
24 United States.

25 However, whenever any Member State enacts appropriate legislation, as
26 determined by the laws of the respective state, withdrawing from this Compact, the
27 Compact Administrator shall immediately send certified conforming copies of the
28 chaptered version of such withdrawal legislation as maintained in the statutes of each

1 such withdrawing Member State, solely to each chief executive officer of each
2 remaining Member State, giving notice of such withdrawal.

3 Section 8. Cooperation. The Commission, Member States and Compact
4 Administrator shall cooperate with each other and give each other mutual assistance
5 in enforcing this Compact and shall give the chief law enforcement officer of each
6 other Member State any information or documents that are reasonably necessary to
7 facilitate the enforcement of this Compact.

8 Section 9. This Article does not take effect until there are at least two
9 Member States.

10 ARTICLE V

11 RESOLUTION APPLYING FOR CONVENTION

12 Section 1. Be it resolved, as provided for in Article V of the Constitution of
13 the United States, the Legislature of each Member State herewith applies to Congress
14 for the calling of a convention for proposing amendments limited to the subject
15 matter of proposing for ratification the Balanced Budget Amendment.

16 Section 2. Congress is further petitioned to refer the Balanced Budget
17 Amendment to the States for ratification by three-fourths of their respective
18 Legislatures.

19 Section 3. This Article does not take effect until at least three-fourths of the
20 several States are Member States.

21 ARTICLE VI

22 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

23 Section 1. Number of Delegates. This State shall be entitled to three delegates
24 to represent its sovereign interests at the Convention.

25 Section 2. Identity of Delegates. The Governor, Speaker of the House of
26 Representatives, and President of the Senate, who are serving on the enactment date
27 of the legislation by which this State is enacting, adopting and agreeing to be bound
28 by this Compact, or their respective designee, as identified in a sworn affidavit
29 executed by the officer, are each appointed in an individual capacity as its sole and

1 exclusive delegates. A majority vote of the delegation shall serve to decide any issue
2 at the Convention on behalf of this State.

3 Section 3. Replacement or Recall of Delegates. A delegate appointed
4 hereunder may be replaced or recalled by the Legislature of his or her respective
5 State at any time for good cause, such as criminal misconduct or the violation of this
6 Compact. If replaced or recalled, any delegate previously appointed hereunder must
7 immediately vacate the Convention and return to their respective State's capitol.

8 Section 4. Oath. The power and authority of a delegate under this Article may
9 only be exercised after the Convention is first called by Congress in accordance with
10 this Compact and such appointment is duly accepted by such appointee publicly
11 taking the following oath or affirmation: "I do solemnly swear (or affirm) that I
12 accept this appointment and will act strictly in accordance with the terms and
13 conditions of the Compact for a Balanced Budget, the Constitution of the State I
14 represent, and the Constitution of the United States. I understand that violating this
15 oath (or affirmation) forfeits my appointment and may subject me to other penalties
16 as provided by law."

17 Section 5. Term. The term of a delegate hereunder commences upon
18 acceptance of appointment and terminates upon the permanent adjournment of the
19 Convention, unless shortened by recall, replacement or forfeiture under this Article.
20 Upon expiration of such term, any person formerly serving as a delegate must
21 immediately withdraw from and cease participation at the Convention, if any is
22 proceeding.

23 Section 6. Delegate Authority. The power and authority of any delegate
24 appointed hereunder is strictly limited:

25 (a) to introducing, debating, voting upon, proposing and enforcing the
26 Convention Rules specified in this Compact, as needed to ensure those rules
27 govern the Convention; and

1 (b) to introducing, debating, voting upon, and rejecting or proposing
2 for ratification the Balanced Budget Amendment. All actions taken by any
3 delegate in violation of this section are void ab initio.

4 Section 7. Delegate Authority. No delegate of any Member State may
5 introduce, debate, vote upon, reject or propose for ratification any constitutional
6 amendment at the Convention unless:

7 (a) the Convention Rules specified in this Compact govern the
8 Convention and their actions; and

9 (b) the constitutional amendment is the Balanced Budget
10 Amendment.

11 Section 8. Delegate Authority. The power and authority of any delegate at the
12 Convention does not include any power or authority associated with any other public
13 office held by the delegate. Any person appointed to serve as a delegate shall take
14 a temporary leave of absence, or otherwise shall be deemed temporarily disabled,
15 from any other public office held by the delegate while attending the Convention,
16 and may not exercise any power or authority associated with any other public office
17 held by the delegate, while attending the Convention. All actions taken by any
18 delegate in violation of this section are void ab initio.

19 Section 9. Order of Business. Before introducing, debating, voting upon,
20 rejecting or proposing for ratification any constitutional amendment at the
21 Convention, each delegate of every Member State must first ensure the Convention
22 Rules in this Compact govern the Convention and their actions. Every delegate and
23 each Member State must immediately vacate the Convention and notify the Compact
24 Administrator by the most effective and expeditious means if the Convention Rules
25 in this Compact are not adopted to govern the Convention and their actions.

26 Section 10. Forfeiture of Appointment. If any Member State or delegate
27 violates any provision of this Compact, then every delegate of that Member State
28 immediately forfeits his or her appointment, and shall immediately cease

1 participation at the Convention, vacate the Convention, and return to his or her
2 respective State's capitol.

3 Section 11. Expenses. A delegate appointed hereunder is entitled to
4 reimbursement of reasonable expenses for attending the Convention from his or her
5 respective Member State. No delegate may accept any other form of remuneration
6 or compensation for service under this Compact.

7 ARTICLE VII

8 CONVENTION RULES

9 Section 1. Nature of the Convention. The Convention shall be organized,
10 construed and conducted as a body exclusively representing and constituted by the
11 several States.

12 Section 2. Agenda of the Convention. The agenda of the Convention shall be
13 entirely focused upon and exclusively limited to introducing, debating, voting upon,
14 and rejecting or proposing for ratification the Balanced Budget Amendment under
15 the Convention Rules specified in this Article and in accordance with the Compact.
16 It shall not be in order for the Convention to consider any matter that is outside the
17 scope of this agenda.

18 Section 3. Delegate Identity and Procedure. States shall be represented at the
19 Convention through duly appointed delegates. The number, identity and authority of
20 delegates assigned to each State shall be determined by this Compact in the case of
21 Member States or, in the case of States that are not Member States, by their
22 respective state laws. However, to prevent disruption of proceedings, no more than
23 three delegates may attend and participate in the Convention on behalf of any State.
24 A certified chaptered conforming copy of this Compact, together with
25 government-issued photographic proof of identification, shall suffice as credentials
26 for delegates of Member States. Any commission for delegates of States that are not
27 Member States shall be based on their respective state laws, but it shall furnish
28 credentials that are at least as reliable as those required of Member States.

1 Section 4. Voting. Each State represented at the Convention shall have one
2 vote, exercised by the vote of that State's delegate in the case of States represented
3 by one delegate, or, in the case of any State that is represented by more than one
4 delegate, by the majority vote of that State's respective delegates.

5 Section 5. Quorum. A majority of the several States of the United States, each
6 present through its respective delegate in the case of any State that is represented by
7 one delegate, or through a majority of its respective delegates, in the case of any
8 State that is represented by more than one delegate, shall constitute a quorum for the
9 transaction of any business on behalf of the Convention.

10 Section 6. Action by the Convention. The Convention shall only act as a
11 committee of the whole, chaired by the delegate representing the first State to have
12 become a Member State, if that State is represented by one delegate, or otherwise by
13 the delegate chosen by the majority vote of that State's respective delegates. The
14 transaction of any business on behalf of the Convention, including the designation
15 of a Secretary, the adoption of parliamentary procedures and the rejection or
16 proposal of any constitutional amendment, requires a quorum to be present and a
17 majority affirmative vote of those States constituting the quorum.

18 Section 7. Emergency Suspension and Relocation of the Convention. In the
19 event that the Chair of the Convention declares an emergency due to disorder or an
20 imminent threat to public health and safety prior to the completion of the business
21 on the Agenda, and a majority of the States present at the Convention do not object
22 to such declaration, further Convention proceedings shall be temporarily suspended,
23 and the Commission shall subsequently relocate or reschedule the Convention to
24 resume proceedings in an orderly fashion in accordance with the terms and
25 conditions of this Compact with prior notice given to the Compact Notice Recipients.

26 Section 8. Parliamentary Procedure. In adopting, applying and formulating
27 parliamentary procedure, the Convention shall exclusively adopt, apply or
28 appropriately adapt provisions of the most recent editions of Robert's Rules of Order
29 and the American Institute of Parliamentarians Standard Code of Parliamentary

1 Procedure. In adopting, applying or adapting parliamentary procedure, the
2 Convention shall exclusively consider analogous precedent arising within the
3 jurisdiction of the United States. Parliamentary procedures adopted, applied or
4 adapted pursuant to this section shall not obstruct, override or otherwise conflict with
5 this Compact.

6 Section 9. Transmittal. Upon approval of the Balanced Budget Amendment
7 by the Convention to propose for ratification, the Chair of the Convention shall
8 immediately transmit certified copies of such approved proposed amendment to the
9 Compact Administrator and all Compact Notice Recipients, notifying them
10 respectively of such approval and requesting Congress to refer the same for
11 ratification by the States under Article V of the Constitution of the United States.
12 However, in no event shall any proposed amendment other than the Balanced Budget
13 Amendment be transmitted as aforesaid.

14 Section 10. Transparency. Records of the Convention, including the identities
15 of all attendees and detailed minutes of all proceedings, shall be kept by the Chair
16 of the Convention or Secretary designated by the Convention. All proceedings and
17 records of the Convention shall be open to the public upon request subject to
18 reasonable regulations adopted by the Convention that are closely tailored to
19 preventing disruption of proceedings under this Article.

20 Section 11. Adjournment of the Convention. The Convention shall
21 permanently adjourn upon the earlier of twenty-four (24) hours after commencing
22 proceedings under this Article or the completion of the business on its Agenda.

23 ARTICLE VIII

24 PROHIBITION ON ULTRA VIRES CONVENTION

25 Section 1. Member States shall not participate in the Convention unless:
26 (a) Congress first calls the Convention in accordance with this
27 Compact; and
28 (b) the Convention Rules of this Compact are adopted by the
29 Convention as its first order of business.

1 Section 2. Any proposal or action of the Convention is void ab initio and
2 issued by a body that is conducting itself in an unlawful and ultra vires fashion if that
3 proposal or action:

4 (a) violates or was approved in violation of the Convention Rules or
5 the delegate instructions and limitations on delegate authority specified in
6 this Compact;

7 (b) purports to propose or effectuate a mode of ratification that is not
8 specified in Article V of the Constitution of the United States; or

9 (c) purports to propose or effectuate the formation of a new
10 government.

11 All Member States are prohibited from advancing or assisting in the
12 advancement of any such proposal or action.

13 Section 3. Member States shall not ratify or otherwise approve any proposed
14 amendment, alteration or revision to the Constitution of the United States, which
15 originates from the Convention, other than the Balanced Budget Amendment.

16 ARTICLE IX

17 RESOLUTION PROSPECTIVELY RATIFYING THE

18 BALANCED BUDGET AMENDMENT

19 Section 1. Each Member State, by and through its respective Legislature,
20 hereby adopts and ratifies the Balanced Budget Amendment.

21 Section 2. This Article does not take effect until Congress effectively refers
22 the Balanced Budget Amendment to the States for ratification by three-fourths of the
23 Legislatures of the several States under Article V of the Constitution of the United
24 States.

25 ARTICLE X

26 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

27 Section 1. To the extent that the effectiveness of this Compact or any of its
28 Articles or provisions requires the alteration of local legislative rules, drafting
29 policies, or procedure to be effective, the enactment of legislation enacting, adopting

1 and agreeing to be bound by this Compact shall be deemed to waive, repeal,
2 supersede, or otherwise amend and conform all such rules, policies or procedures to
3 allow for the effectiveness of this Compact to the fullest extent permitted by the
4 constitution of any affected Member State.

5 Section 2. Date and Location of the Convention. Unless otherwise specified
6 by Congress in its call, the Convention shall be held in Dallas, Texas, and commence
7 proceedings at 9:00 a.m. Central Standard Time on the sixth Wednesday after the
8 latter of the effective date of Article V of this Compact or the enactment date of the
9 Congressional resolution calling the Convention.

10 Section 3. In addition to all other powers and duties conferred by state law
11 which are consistent with the terms and conditions of this Compact, the chief law
12 enforcement officer of each Member State is empowered to defend the Compact
13 from any legal challenge, as well as to seek civil mandatory and prohibitory
14 injunctive relief to enforce this Compact; and shall take such action whenever the
15 Compact is challenged or violated.

16 Section 4. The exclusive venue for all actions in any way arising under this
17 Compact shall be in the United States District Court for the Northern District of
18 Texas or the courts of the State of Texas within the jurisdictional boundaries of the
19 foregoing district court. Each Member State shall submit to the jurisdiction of said
20 courts with respect to such actions. However, upon written request by the chief law
21 enforcement officer of any Member State, the Commission may elect to waive this
22 provision for the purpose of ensuring an action proceeds in the venue that allows for
23 the most convenient and effective enforcement or defense of this Compact. Any such
24 waiver shall be limited to the particular action to which it is applied and not
25 construed or relied upon as a general waiver of this provision. The waiver decisions
26 of the Commission under this provision shall be final and binding on each Member
27 State.

28 Section 5. The effective date of this Compact and any of its Articles is the
29 latter of:

1 (a) the date of any event rendering the same effective according to its
2 respective terms and conditions; or

3 (b) the earliest date otherwise permitted by law.

4 Section 6. Article VIII of this Compact is hereby deemed non-severable prior
5 to termination of the Compact. However, if any other phrase, clause, sentence or
6 provision of this Compact, or the applicability of any other phrase, clause, sentence
7 or provision of this Compact to any government, agency, person or circumstance, is
8 declared in a final judgment to be contrary to the Constitution of the United States,
9 contrary to the state constitution of any Member State, or is otherwise held invalid
10 by a court of competent jurisdiction, such phrase, clause, sentence or provision shall
11 be severed and held for naught, and the validity of the remainder of this Compact and
12 the applicability of the remainder of this Compact to any government, agency, person
13 or circumstance shall not be affected. Furthermore, if this Compact is declared in a
14 final judgment by a court of competent jurisdiction to be entirely contrary to the state
15 constitution of any Member State or otherwise entirely invalid as to any Member
16 State, such Member State shall be deemed to have withdrawn from the Compact, and
17 the Compact shall remain in full force and effect as to any remaining Member State.
18 Finally, if this Compact is declared in a final judgment by a court of competent
19 jurisdiction to be wholly or substantially in violation of Article I, Section 10, of the
20 Constitution of the United States, then it shall be construed and enforced solely as
21 reciprocal legislation enacted by the affected Member State(s).

22 Section 7. Termination. This Compact shall terminate and be held for naught
23 when the Compact is fully performed and the Constitution of the United States is
24 amended by the Balanced Budget Amendment. However, notwithstanding anything
25 to the contrary set forth in this Compact, in the event such amendment does not occur
26 within seven (7) years after the first State passes legislation enacting, adopting and
27 agreeing to be bound to this Compact, the Compact shall terminate as follows:

28 (a) the Commission shall dissolve and wind up its operations within
29 ninety (90) days thereafter, with the Compact Administrator giving notice of

1 such dissolution and the operative effect of this section to the Compact
2 Notice Recipients; and

3 (b) upon the completed dissolution of the Commission, this Compact
4 shall be deemed terminated, repealed, void ab initio, and held for naught.

5 Section 2. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1095 Original

2016 Regular Session

Seabaugh

Abstract: Adopts the Compact for a Balanced Budget

Proposed law enacts the Compact for a Balanced Budget to include to organize a convention to propose amendments to the Constitution of the U.S. pursuant to Article V of the Constitution of the U.S. that would limit federal spending and establish a constitutional debt limit.

Proposed law provides for the following:

- (1) Definitions, including the text of the proposed amendment.
- (2) Compact membership and withdrawal requirements.
- (3) Powers, duties, authority, and membership of a commission to appoint an administrator, encourage states to join the compact, coordinate the performance of obligations under the compact, oversee the convention's logistical operations, oversee the legal defense and enforcement of the compact, request and disburse funds, and cooperate with other entities with shared interests.
- (4) An application to congress for a convention pursuant to Article V of the Constitution of the U.S. to propose the amendments specified in proposed law—effective when 38 states join the convention.
- (5) Appointment and instruction of delegates to attend the convention. Provides that the persons who are serving as governor, speaker of the House of Representatives, and president of the Senate on the effective date of proposed law are the state's delegates to the convention.
- (6) The agenda and rules of procedure for the convention.

- (7) A resolution ratifying the proposed amendment-effective when congress refers the amendment to the state legislatures for ratification.
- (8) Enforcement, venue, and severability.

Proposed law prohibits members states from participating in the convention unless congress has called the convention in accordance with proposed law and the convention rules provided by proposed law are adopted by the convention as its first order of business.

Effective upon signature of governor or lapse of time for gubernatorial action.