

BILL ANALYSIS

H.B. 1109
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State & Federal Power & Responsibility, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

An interstate compact is an agreement between two or more states of the United States of America. At times, compacts are entered by states to require Congress to take certain action. H.B. 1109 allows Texas to enter into an interstate compact agreement that will provide a means to bring up a federal balanced budget amendment.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1109 amends the Government Code to enact the Compact for a Balanced Budget and to enter the State of Texas into the compact with all other member states. The bill sets out the policy, purpose, and intent of the compact, including ensuring that a member state's respective legislature's use of the power to originate a balanced budget amendment under Article V of the U.S. Constitution will be appropriately exercised. The bill sets out the duties of member states and procedures for withdrawing from the compact.

H.B. 1109 establishes the Compact Commission and sets out provisions relating to its powers and duties, including appointing and overseeing a compact administrator, to membership on the commission, and to frequency of, place of, quorum for action, and voting in a commission meeting. The bill requires the commission and compact administrator's activities to be funded exclusively by each member state, as determined by their respective state law, or by voluntary donations. The bill sets out the powers and duties of the compact administrator, including keeping the commission apprised of compact activities and sending appropriate notice of certain key events to specified recipients. The bill requires the commission, member states, and compact administrator to cooperate with each other and give each other mutual assistance in enforcing the compact and to give the chief law enforcement officer of each other member state any information or documents that are reasonably necessary to facilitate the enforcement of the compact. The bill's provisions relating to the commission and compact administrator do not take effect until there are at least two member states.

H.B. 1109 includes in the compact a resolution to apply to Congress to call a convention for proposing for ratification the balanced budget amendment and petitioning Congress to refer the amendment to the states for ratification by three-fourths of their respective legislatures. The bill's provisions relating to the resolution do not take effect until at least three-fourths of the states are

member states.

H.B. 1109 entitles Texas, as a member state, to three delegates to represent the state's interests at the convention and establishes that the governor, speaker of the house of representatives, and lieutenant governor, or their respective designees, represent Texas as a member state at the convention as its exclusive delegates. The bill sets out provisions regarding the replacement or recall of delegates, required oath for delegates, term of a delegate, delegate authority, the order of business at the convention, and forfeiture of appointment as a delegate. The bill entitles a delegate to reimbursement of reasonable expenses and prohibits a delegate from accepting any other form of remuneration or compensation for service under the compact.

H.B. 1109 sets out provisions relating to convention rules, including provisions regarding the nature of the convention, the agenda of the convention, the procedure for identification of delegates, voting rules, quorum rules, how the convention takes action, emergency suspension and relocation of the convention, parliamentary procedure, transmittal of the approved proposed amendment, transparency of proceedings and records, and adjournment of the convention.

H.B. 1109 prohibits member states from participating in the convention unless Congress first calls the convention in accordance with the compact and convention rules of the compact are adopted by the convention as its first order of business. The bill establishes that any proposal or action issued by a body that is conducting itself in an unlawful and ultra vires fashion is void ab initio and all member states are prohibited from advancing or assisting in the advancement of any such proposal or action. The bill prohibits member states from ratifying any proposed amendment to the U.S. Constitution that originates from the convention, other than the balanced budget amendment. The bill establishes that each member state adopts and ratifies the amendment once Congress effectively refers the amendment to the states for ratification.

H.B. 1109 establishes that to the extent the effectiveness of this compact requires the alteration of local legislative rules, drafting policies, or procedure to be effective, the enactment of legislation enacting, adopting, and agreeing to be bound by this compact shall be deemed to waive, repeal, supersede, or otherwise amend and conform all such rules, policies, or procedures to allow for the effectiveness of this compact to the fullest extent permitted by the constitution of any affected member state. The bill requires the convention to be held in Dallas, Texas, at a certain date and time. The bill empowers the chief law enforcement officer of each member state to defend the compact from any legal challenge, as well as to seek civil mandatory and prohibitory injunctive relief to enforce this compact and to take such action whenever the compact is challenged or violated. The bill establishes exclusive venue for all actions arising under this compact with certain exceptions, deems the compact nonseverable prior to its termination with certain exceptions, and provides for the termination of the compact.

H.B. 1109 establishes that the effective date of this compact is the latter of the date of any event rendering the same effective according to its respective terms and conditions or the earliest date otherwise permitted by law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.