

H.J. No. 0002

Balanced budget amendment-resolution.

Sponsored By: Representative(s) Lindholm, Barlow, Clem, Harshman, Hunt, Laursen, Miller and Winters and Senator(s) Bebout, Boner, Case, Driskill, Hicks, Perkins, Peterson and Wasserburger

A JOINT RESOLUTION petitioning Congress to call a convention to propose amendments to the Constitution of the United States to require a balanced federal budget.

12/20/2016 Bill Number Assigned
1/9/2017 H Received for Introduction
1/12/2017 H Introduced and Referred to H01 - Judiciary
1/16/2017 H01 - Judiciary:Recommend Do Pass 5-4-0-0-0

ROLL CALL

Ayes: Representative(s) Biteman, Kirkbride, Olsen, Pownall, Winters

Nays: Representative(s) Baker, Jennings, Pelkey, Salazar

Ayes 5 Nays 4 Excused 0 Absent 0 Conflicts 0

1/16/2017 H Placed on General File
1/17/2017 H COW:Passed
1/18/2017 H 2nd Reading:Passed

HJ0002H3001/WITHDRAWN

HJ0002H3002/WITHDRAWN

HJ0002H3003/FAILED

Page 1-line 3 After "budget" insert "; placing limitations on delegates".

Page 3-After line 4 Insert:

"Section 3. That this application contains the following limits and provisions:

(a) No delegate shall have authority to vote to allow consideration of, or to approve, an unauthorized amendment for ratification to the United States constitution.

(b) Any delegate shall be directed to vote for procedures and rules mandating that the convention remain a convention of states where each state is represented by one (1) vote.

(c) Any vote made in violation of subsection (a) or (b) of this section shall be null and void, and the delegate making the vote shall be immediately recalled by an official or executive branch committee authorized by a resolution of the legislature and replaced by an alternate as provided in subsection (g) of this section.

(d) Each delegate or alternate shall be required to take the following oath or affirmation: "I do solemnly swear or affirm that to the best of my abilities I will, as a delegate or alternate to an article V convention, uphold the constitution and laws of the United States of America and Wyoming. I will not vote to allow consideration of or to approve any unauthorized amendment proposed for ratification to the United States constitution. I understand and accept any penalties that Wyoming law may impose on me for violating this oath."

(e) The secretary of state shall certify the selection of the

delegates in writing to the article V convention and shall provide a copy of the certification to each delegate. No delegate shall have authority to vote or otherwise serve as a delegate at the article V convention without the certification.

(f) The secretary of state shall notify the president of the Wyoming senate and the speaker of the Wyoming house of representatives in writing of the need to assign delegates or alternates to the article V convention. The members of the senate shall elect three (3) members of the senate to serve as delegates, and the members of the house of representatives shall elect three (3) members of the house of representatives to serve as delegates. If a delegate becomes unable or ineligible to serve, the president of the senate or the speaker of the house shall assign an alternate for the delegate who has become unable or ineligible to serve. An alternate delegate assigned under this subsection shall immediately be entitled to represent Wyoming as a delegate in place of the delegate who has become unable or ineligible to serve, and the secretary of state shall immediately provide certification to the new delegate.

(g) The secretary of state shall notify the article V convention and any delegate involved of the revocation of that delegate's certification should the delegate violate his or her oath to act only within the limits of the authority granted by the state of Wyoming.

(h) The Wyoming attorney general shall enforce applicable Wyoming statutes and any associated penalties for violation of these conditions. A Wyoming citizen may also file an action to enforce the requirements of this chapter and shall be entitled to reasonable attorney's fees if successful.

(j) As used in this resolution:

(i) "Article V application" means a joint resolution passed by the Wyoming legislature on the same subject or containing the same proposed amendment text as two-thirds (2/3) of the other states requiring the United States congress to call an article V convention;

(ii) "Article V convention" means a convention for proposing amendments as expressly provided in article V of the United States constitution;

(iii) "Delegate" or "alternate" means a legislator selected under subsection (g) of this section to represent the state of Wyoming at an article V convention;

(iv) "Legislative instructions" means instructions given by the state legislature to delegates and alternates before and during an article V convention;

(v) "Unauthorized amendment" means a proposed amendment that is outside the permitted subject matter contained in this article V application or contrary to legislative instructions."

Page 3-line 6 Delete "3" insert "4".

Page 3-After line 12 Insert:

"Section 5. That this application is revoked in the event that Wyoming is not granted one of fifty votes during the article V convention petitioned for by this resolution or in the event any of the provisions in section 3 are not followed."

Page 3-line 14 Delete "4" insert "6". GRAY, HALVERSON, JENNINGS

ROLL CALL

Ayes: Representative(s) Baker, Barlow, Bovee, Crank, Edwards, Freeman, Gray, Halverson, Jennings, Lone, Northrup, Piiparinen, Salazar, Steinmetz, Wilson

Nays: Representative(s) Allen, Biteman, Blackburn, Blake, Brown, Burkhart, Byrd, Clem, Connolly, Court, Dayton, Eklund, Eyre, Flitner, Furphy, Gierau, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Madden, McKim, Miller, Nicholas, Obermueller, Olsen, Paxton, Pownall, Schwartz, Sommers, Sweeney, Walters, Winters, Zwonitzer

Excused: Representative(s) Clausen, Pelkey

Ayes 15 **Nays** 43 **Excused** 2 **Absent** 0 **Conflicts** 0

1/19/2017 H 3rd Reading:Passed 35-23-2-0-0

ROLL CALL

Ayes: Representative(s) Allen, Barlow, Biteman, Blackburn, Brown, Burkhart, Clem, Court, Eklund, Eyre, Flitner, Furphy, Greear, Haley, Hallinan, Harshman, Hunt, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Madden, McKim, Miller, Nicholas, Obermueller, Olsen, Paxton, Pownall, Sweeney, Winters, Zwonitzer

Nays: Representative(s) Baker, Blake, Bovee, Byrd, Connolly, Crank, Dayton, Edwards, Freeman, Gierau, Gray, Halverson, Henderson, Jennings, Lone, Northrup, Piiparinen, Salazar, Schwartz, Sommers, Steinmetz, Walters, Wilson

Excused: Representative(s) Clausen, Pelkey

Ayes 35 **Nays** 23 **Excused** 2 **Absent** 0 **Conflicts** 0

1/23/2017 S Received for Introduction

2/6/2017 S Introduced and Referred to S03 - Revenue

2/14/2017 S03 - Revenue:Recommend Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Case, Ellis, Kinskey, Peterson, Wasserburger

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/14/2017 S Placed on General File

2/22/2017 S COW:Passed

2/23/2017 S 2nd Reading:Passed

HJ0002S3001/FAILED

Page 3-lines 6 through 12 Delete and insert:

"Section 3. That this application shall expire on December 31, 2018, with the conclusion of the sixty-fourth legislature of the state of Wyoming." ROTHFUSS

HJ0002S3002/WITHDRAWN

2/24/2017 S 3rd Reading:Laid Back

2/27/2017 S 3rd Reading:Passed 20-10-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Barnard, Bebout, Boner, Case, Christensen, Coe, Driskill, Ellis, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Von Flatern, Wasserburger

Nays: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bouchard, Burns, Dockstader, Emerich, Hastert, Rothfuss, Scott

Ayes 20 **Nays** 10 **Excused** 0 **Absent** 0 **Conflicts** 0

2/27/2017 Assigned Number HEJR No. 0002

2/28/2017 H Speaker Signed HEJR No. 0002

2/28/2017 S President Signed HEJR No. 0002
3/17/2017 Governor Signed HEJR No. 0002