

# ADI



## Compact For America Dies, Legality Questioned

BY: ADI NEWS SERVICES FEBRUARY 20, 2013

The bill which would have joined Arizona in a compact with other states to create a federal constitutional amendment requiring a balanced budget failed in the Arizona Legislature on Tuesday. While Republicans supported the concept, attorneys for the legislature advised that the bill could create serious legal issues down the road.

House Speaker Andy Tobin, who voted for the bill, expressed concerns about whether future legislatures would be illegally bound to the bill's direction. Tobin said it was important for the federal government to "get its fiscal house in order."

Still, the bill pushed most vocally by Representative Adam Kwasman, failed when some republican members joined democrats on the Rules Committee in rejecting it by a 6-3 margin. Kwasman's notorious grandstanding has won him few friends at the Capitol, and even fewer who are willing to risk supporting a legally questionable bill for him.

In early February, Nick Dranias, of the Goldwater Institute who helped write the legislation told the Maricopa Monitor, "One of the more interesting aspects of this issue is the group of people they've pulled together. We're at the point now where this is going to pop and go huge or it's going to fizzle."

It fizzled. Speaker Tobin told the AP that the bill was "killed in rules. It's not going anywhere now. It's dead-dead."

According to the Goldwater Institute, “HB2328 proposed an agreement among the states that would advance a powerful balanced budget amendment for the federal government. At its core, HB2328 requires state legislative approval for any increase in the federal debt. Some have expressed opposition to this concept because they are concerned about the lack of an explicit exemption to finance wars. The Compact for America furnishes plenty of flexibility to finance truly necessary wars—without allowing Washington to write itself a blank check.”



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3 COMMENTS

ON "COMPACT FOR AMERICA DIES, LEGALITY QUESTIONED"



Nick Dranias | February 20, 2013 at 9:53 am |

The Compact for America is very much moving forward. Its Balanced Budget Amendment proposal has been endorsed by the Republican Liberty Caucus. I will be presenting it at CPAC on March 14 as part of a panel discussion before 3,000 activists. It will catch fire because the federal debt is out of control and Washington will not stop the problem. What happened in Arizona was the result of the failure of certain members of the Rules Committee to consider the legal research underpinning the Compact showing that it is clearly constitutional. The Compact is designed to be a binding contract for all states that join it to ensure its laser-focus on advancing solely a Balanced Budget Amendment will not be undermined before the task is done. As such, the law is very clear that interstate compacts bind future legislatures under the U.S. Constitution's Contracts Clause, which bars states from impairing the obligation of contracts. Sadly, the Rules Attorney was ignorant of this point of law, which misled

certain Committee Members on the law. No constitutional expert familiar with the law was allowed to testify before the Committee. Fortunately, that is correctable with more educational efforts. The Compact will return to Arizona with leadership from other states to guide it.



Goldwater fan | February 20, 2013 at 11:44 am |

@Nick please do us fiscal conservatives a favor and find a better spokesperson than Cap'n Arizona



Im | February 20, 2013 at 12:04 pm |


Do we actually have legislators that are willing to be educated? That would be nice. Certainly the politicians on the fed. level are not going to balance the budget. It will be up to the states to make them. Keep going Goldwater

Comments are closed.

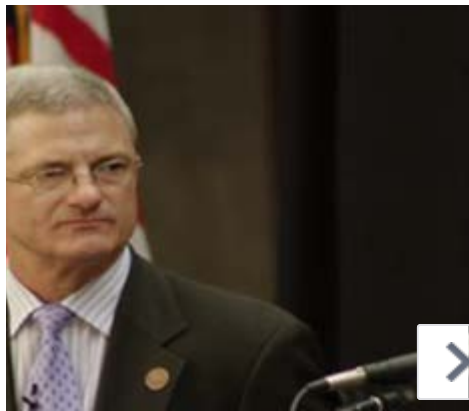


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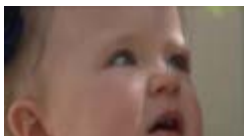
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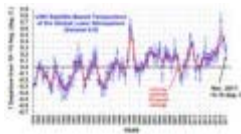
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