



modified by any duly ratified amendment to the U.S. Constitution. Accordingly, the foregoing public meaning and understanding of Art. 1, Sec. 8, and the 10th Amendment of the U.S. Constitution is a matter of compact between the state and people of La. and the U.S. as of the time that La. was admitted to statehood on April 30, 1812.

- (5) Under Art. 1, Sec. 8, Clause 18 of the U.S. Constitution, the Necessary and Proper Clause is not a blank check that empowers the federal government to do anything it deems necessary or proper. It is instead a limitation of power under the common law doctrine of principals and incidents, which restricts the power of Congress to exercise incidental powers. There are two main conditions required for something to be incidental and therefore necessary and proper. The law or power exercised must be first, directly applicable to the main, enumerated power, and secondly, it must be lesser than the main power.
- (6) In accordance with Art. 1, Sec. 8, Clause 1 of the U.S. Constitution, the General Welfare Clause does not empower the federal government with the ability to do anything it deems good. It is instead a general restriction limiting the exercise of the enumerated powers of Congress set forth in Art. 1, Section 8 of the U.S. Constitution, requiring that Congress only enact laws which serve all citizens well and equally. When James Madison was asked if this clause were a grant of power, he replied, "If not only the means but the objects are unlimited, the parchment [the Constitution] should be thrown into the fire at once." Thus, we reestablish that this clause is a limitation on the power of the federal government to act in the welfare of all when passing laws in pursuance of the powers delegated to the U.S., showing no favor to any race, creed, color, or socio-economic class. Likewise, the Commerce Clause was not meant or understood to authorize Congress or the federal judiciary to establish religious, sectarian, or foreign statutes or case law as controlling or influential precedent. Accordingly, the foregoing public meaning and understanding of Art. 1, Sec. 8, the Establishment Clause of the 1st Amendment and the 10th Amendment of the U.S. Constitution is a matter of compact between the state and people of La. and the U.S. as of the time that La. was admitted to statehood on April 30, 1812.
- (7) We acknowledge that the Commerce Clause, the General Welfare Clause, and the Necessary and Proper Clause of the U.S. Constitution were amended and made more specific and limiting at the people's insistence through the creation of the Bill of Rights, and more specifically, the 2nd Amendment, the 9th Amendment, and the 10th Amendment. All amendments contained in the Bill of Rights were for the purpose of further restricting federal powers, vesting, or retaining the ultimate power and control of the states by the people within the states. Therefore, we specifically reject and deny any federal claim of expanded or additional authority which the federal government may from time to time attempt to exert, exercise, or enforce under these clauses as these actions totally disrupt and degrade the emphasis on the balance of powers articulated by the founding fathers of this country.
- (8) Further, the people of the state of La. are aware that the federal government has amended and altered the spirit and the meaning of the Commerce Clause without proper legislative authority through amendment. Therefore, we reject and deny this unauthorized and excessive abuse of power which has primarily acted as a detriment to states' rights and individual

rights, a deliberate attempt to negatively alter the balance of powers which is provided for in the U.S. Constitution.

Proposed law provides that proposed law shall serve as a notice and demand to the federal government to cease and desist any and all activities outside the scope of its designated constitutionally enumerated powers and that attempt to diminish the balance of powers as established.

Proposed law provides for membership to the La. Balance of Powers Joint Legislative Committee as follows:

- (1) The president of the La. Senate or the president's designee.
- (2) Six members of the La. Senate appointed by the president.
- (3) The speaker of the La. House of Representatives or the speaker's designee.
- (4) Six members of the La. House of Representatives appointed by the speaker.

Proposed law provides that no more than four members of the Senate and no more than four members of the House of Representatives may be from the same political party.

Proposed law provides that the initial members shall serve until January 15, 2016. Proposed law provides that the members who are appointed on or after January 15, 2016, shall serve four-year terms.

Proposed law provides that any vacancy on the committee shall be filled in the same manner as the original appointment. Proposed law provides that any member who is appointed to fill a vacancy shall serve the remainder of the predecessor's term.

Proposed law provides that a majority of the members constitute a quorum for the transaction of business.

Proposed law provides that the president of the Senate and the speaker of the House of Representatives shall serve as cochair of the committee. Proposed law provides that the committee shall meet on the call of either cochair.

Proposed law provides that the committee may do any of the following:

- (1) Review and make recommendations to the legislature regarding any unfunded mandate from any branch of the federal government. For the purposes of proposed law "unfunded mandate" means any law, statute, opinion, order, rule or regulation that requires the state of Louisiana or any of its departments, offices, divisions, agencies, commissions, boards, committees, or other organizational unit of the state to perform certain actions, with no money or inadequate monies provided by the federal government for fulfilling the requirements.

- (2) Request an opinion from the attorney general as to the constitutionality of any act of any branch of the federal government.
- (3) Recommend that the legislature invoke the assistance of the attorney general to represent the state in any action against any overreach by any branch of the federal government.
- (4) Recommend steps and actions to the legislature which the legislature can take to neutralize in part or in its entirety a specific federal law or regulation that is outside the scope of the powers delegated by the people to the federal government in the U.S. Constitution.
- (5) Review any and all existing federal statutes, mandates, and executive orders which impact the state of Louisiana for the purpose of determining their constitutionality.
- (6) Recommend steps and actions to the legislature which the legislature can take to neutralize in part or in their entirety any existing federal statutes, mandates, and executive orders enacted before the effective date of proposed law if the committee determines that those measures are either beyond the scope and power assigned to the federal government under Article 1 of the U.S. Constitution or in direct violation of the La. Constitution.
- (7) Report in writing to the president of the Senate and the speaker of the House of Representatives all of the findings and recommendations of the committee.

Proposed law provides that if the legislature is in a regular session the report of the committee shall be received by the respective house of the legislature in the same manner as the report of any other standing committee of the respective house.

Proposed law provides that if the legislature is not in regular session upon receipt of the committee's report by the president of the Senate and the speaker of the House of Representatives, the presiding officers of the legislature shall notify both houses of the legislature regarding the findings of the committee.

Proposed law provides that if the legislature is not in regular session, the legislature may be convened by the presiding officers of both houses upon written petition of a majority of the elected officials of each house legislature in accordance with La. Constitution.

Proposed law provides that until the vote by the legislature the recommendation of the committee shall not be effective. Proposed law provides that the legislature's vote shall be documented in the journals of the respective chambers.

Proposed law provides that if the legislature votes by simple majority to accept the recommendation of the committee and, therefore, finds that a federal statute, mandate, or executive order lacks proper constitutionality, then the legislature shall enact legislation or take all steps necessary to protect the citizens of Louisiana so that they shall not be obligated to live under the federal statute, mandate, or executive order.

Proposed law provides that the legislature shall communicate the intentions of proposed law to the legislatures of the several states to assure that this state continues in the same esteem and friendship as currently exists and that it considers union for specific national purposes and particularly those enumerated in the U.S. Constitution to be friendly to the peace, happiness, and prosperity of all the states.

Proposed law provides that it is the duty of the legislature to adopt and enact any and all measures that may become necessary to prevent the wrongful enforcement of any federal laws or regulations duly neutralized within the boundaries and limits of this state.

Proposed law provides that according to Art. 3, Sec. 2 of the U.S. Constitution that in all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court of the U.S. shall have original jurisdiction.

Proposed law further provides that in any cause of action between this state and the federal government regarding state neutralization of a piece of federal legislation, judicial mandate, or executive order, the proper jurisdiction for these disputes will lie with the U.S. Supreme Court alone. If there is improper adjudication by the U.S. Supreme Court the people's interest shall be maintained and retained through a state referendum.

Proposed law provides that under the 10th Amendment, the people and the state retain their exclusive power to regulate the state subject only to the 14th Amendment's guarantee that the people and the state shall exercise such sovereign power in accordance with each citizen's lawful privileges or immunities, and in compliance with the requirements of due process and equal protection of the law.

Proposed law provides that the 9th Amendment to the U.S. Constitution secures and reserves to the people of La., as against the federal government, their natural rights to life, liberty, and property as entailed by the traditional American conception of ordered liberty and as secured by state law, including but not limited to their rights as they were understood and secured by the law at the time that the amendment was ratified on December 15, 1791, as well as their rights as they were understood and secured by the law in the state of La. when La. entered statehood.

Proposed law provides that the people and state hereby proclaim that the guarantee of those rights is a matter of compact between the state and people of La. and the U.S. as of the time that La. was admitted to statehood on April 30, 1812.

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

(Adds R.S. 24:671-676)