

1 SB414
2 167919-1
3 By Senators Allen, Waggoner, Orr, Shelnutt, Reed, Pittman,
4 Sanford, Whatley, Livingston, Scofield, Stutts, Melson and
5 Albritton
6 RFD: Constitution, Ethics and Elections
7 First Read: 23-APR-15

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8 SYNOPSIS:

9 Under Article V of the United States
10 Constitution, Congress must call a convention upon
11 the application of the Legislatures of two-thirds
12 of the states to consider proposed amendments to
13 the Constitution. Proposed amendments must then be
14 ratified by three-fourths of the states.

15 This bill would adopt the Compact for a
16 Balanced Budget to facilitate the calling of an
17 Article V constitutional convention with the intent
18 of amending the United States Constitution to
19 include a balanced budget requirement for Congress.

20 The Compact would govern membership and
21 withdrawal of Compact members, establish the
22 compact Commission to promote the Compact and to
23 coordinate performance of obligations under the
24 Compact, provide procedures for applying for an
25 Article V constitutional convention, specify
26 qualifications and duties of convention delegates,
27 and establish rules for the convention.

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 To adopt the Compact for a Balanced Budget; to
6 facilitate the calling of an Article V constitutional
7 convention with the intent of amending the United States
8 Constitution to include a balanced budget requirement for
9 Congress; to provide for membership and withdrawal of compact
10 members; to establish a Compact Commission; to provide
11 procedures for applying for an Article V constitutional
12 convention; to specify qualifications and duties of convention
13 delegates; to establish rules for the convention; and to
14 provide for the venue of the convention.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. The State of Alabama enacts, adopts, and
17 agrees to be bound by the following compact:

18 ARTICLE I.

19 DECLARATION OF POLICY, PURPOSE, AND INTENT

20 Whereas, every State enacting, adopting, and
21 agreeing to be bound by this compact intends to ensure that
22 their respective legislatures use of the power to originate a
23 Balanced Budget Amendment under Article V of the Constitution
24 of the United States will be exercised conveniently and with
25 reasonable certainty as to the consequences thereof.

26 Now, therefore, in consideration of their expressed
27 mutual promises and obligations, be it enacted by every State

1 enacting, adopting, and agreeing to be bound by this Compact,
2 and resolved by each of their respective legislatures, as the
3 case may be, to exercise herewith all of their respective
4 powers as set forth herein notwithstanding any law to the
5 contrary.

6 ARTICLE II

7 DEFINITIONS

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

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

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

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

7 Section 5. "Compact Notice Recipients" means the
8 Archivist of the United States, the President of the United
9 States, the President of the United States Senate, the Office
10 of the Secretary of the United States Senate, the Speaker of
11 the United States House of Representatives, the Office of the
12 Clerk of the United States House of Representatives, the chief
13 executive officer of each State, and the presiding officer of
14 each house of the legislatures of the several States.

15 Section 6. Notice. All notices required by this
16 compact shall be by U.S. Certified Mail, return receipt
17 requested, or an equivalent or superior form of notice, such
18 as personal delivery documented by evidence of actual receipt.

19 Section 7. "Balanced Budget Amendment" means the
20 following:

21 ARTICLE __

22 Section 1. Total outlays of the government of the
23 United States shall not exceed total receipts of the
24 government of the United States at any point in time unless
25 the excess of outlays over receipts is financed exclusively by
26 debt issued in strict conformity with this article.

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

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

22 Section 4. Whenever the outstanding debt exceeds 98
23 percent of the debt limit set by Section 2, the President
24 shall enforce said limit by publicly designating specific
25 expenditures for impoundment in an amount sufficient to ensure
26 outstanding debt does not exceed the authorized debt. Said
27 impoundment shall become effective thirty (30) days

1 thereafter, unless Congress first designates an alternate
2 impoundment of the same or greater amount by concurrent
3 resolution, which shall become immediately effective. The
4 failure of the President to designate or enforce the required
5 impoundment is an impeachable misdemeanor. Any purported
6 issuance or incurrence of any debt in excess of the debt limit
7 set by Section 2 is void.

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

17 Section 6. For purposes of this article, "debt"
18 means any obligation backed by the full faith and credit of
19 the government of the United States; "outstanding debt" means
20 all debt held in any account and by any entity at a given
21 point in time; "authorized debt" means the maximum total
22 amount of debt that may be lawfully issued and outstanding at
23 any single point in time under this article; "total outlays of
24 the government of the United States" means all expenditures of
25 the government of the United States from any source; "total
26 receipts of the government of the United States" means all tax
27 receipts and other income of the government of the United

1 States, excluding proceeds from its issuance or incurrence of
2 debt or any type of liability; "impoundment" means a proposal
3 not to spend all or part of a sum of money appropriated by
4 Congress; and "general revenue tax" means any income tax,
5 sales tax, or value-added tax levied by the government of the
6 United States excluding imports and duties.

7 Section 7. This article is immediately operative
8 upon ratification, self-enforcing, and Congress may enact
9 conforming legislation to facilitate enforcement.

10 ARTICLE III

11 COMPACT MEMBERSHIP AND WITHDRAWAL

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

16 Section 2. By becoming a Member State, each such
17 State offers, promises, and agrees to perform and comply
18 strictly in accordance with the terms and conditions of this
19 Compact, and has made such offer, promise, and agreement in
20 anticipation and consideration of, and in substantial reliance
21 upon, such mutual and reciprocal performance and compliance by
22 each other current and future Member State, if any.

23 Accordingly, in addition to having the force of law in each
24 Member State upon its respective effective date, this Compact
25 and each of its Articles shall also be construed as
26 contractually binding each Member State when: (a) at least one
27 other State has likewise become a Member State by enacting

1 substantively identical legislation adopting and agreeing to
2 be bound by this Compact; and (b) notice of the State's Member
3 State status is or has been seasonably received by the Compact
4 Administrator, if any, or otherwise by the chief executive
5 officer of each other Member State.

6 Section 3. For purposes of determining Member State
7 status under this Compact, as long as all other provisions of
8 the Compact remain identical and operative on the same terms,
9 legislation enacting, adopting, and agreeing to be bound by
10 this Compact shall be deemed and regarded as "substantively
11 identical" with respect to such other legislation enacted by
12 another State notwithstanding: (a) any difference in Section 2
13 of Article IV with specific regard to the respectively
14 enacting State's own method of appointing its member to the
15 Commission; (b) any difference in Section 5 of Article IV with
16 specific regard to the respectively enacting State's own
17 obligation to fund the Commission; (c) any difference in
18 Sections 1 and 2 of Article VI with specific regard to the
19 number and identity of each delegate respectively appointed on
20 behalf of the enacting State, provided that no more than three
21 delegates may attend and participate in the Convention on
22 behalf of any State; or (d) any difference in Section 7 of
23 Article X with specific regard to the respectively enacting
24 State as to whether Section 1 of Article V of this Compact
25 shall survive termination of the Compact, and thereafter
26 become a continuing resolution of the Legislature of such
27 State applying to Congress for the calling of a convention of

1 the states under Article V of the Constitution of the United
2 States, under such terms and limitations as may be specified
3 by such State.

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

16 ARTICLE IV

17 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

18 Section 1. Nature of the Compact Commission. The
19 Compact Commission ("Commission") is hereby established. It
20 has the power and duty: (a) to appoint and oversee a Compact
21 Administrator; (b) to encourage States to join the compact and
22 Congress to call the Convention in accordance with this
23 Compact; (c) to coordinate the performance of obligations
24 under the Compact; (d) to oversee the Convention's logistical
25 operations, as appropriate to ensure this Compact governs its
26 proceedings; (e) to oversee the defense and enforcement of the
27 Compact in appropriate legal venues; (f) to request funds and

1 to disburse those funds to support the operations of the
2 Commission, Compact Administrator, and Convention; and (g) to
3 cooperate with any entity that shares a common interest with
4 the Commission and engages in policy research, public interest
5 litigation, or lobbying in support of the purposes of the
6 Compact. The Commission shall have only such implied powers as
7 are essential to carrying out these express powers and duties.
8 It shall take no action that contravenes or is inconsistent
9 with this Compact or any law of any state that is not
10 superseded by this Compact. It may adopt and publish
11 corresponding bylaws and policies.

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

23 Section 3. Commission Action. Each Commission member
24 is entitled to one vote. The Commission may not act unless a
25 majority of its appointed membership is present, and no action
26 is binding unless approved by a majority of the Commission's

1 appointed membership. The Commission shall meet at least once
2 a year, and may meet more frequently.

3 Section 4. First Order of Business. The Commission,
4 at the earliest possible time, shall elect from among its
5 membership a chairperson, determine a primary place of doing
6 business, and appoint a Compact Administrator.

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

11 Section 6. Compact Administrator. The Compact
12 Administrator has the power and duty: (a) to timely notify the
13 States of the date, time, and location of the Convention; (b)
14 to organize and direct the logistical operations of the
15 Convention; (c) to maintain an accurate list of all Member
16 States, their appointed delegates, including contact
17 information; and (d) to formulate, transmit, and maintain all
18 official notices, records, and communications relating to this
19 Compact. The Compact Administrator shall have only such
20 implied powers as are essential to carrying out these express
21 powers and duties; and shall take no action that contravenes
22 or is inconsistent with this compact or any law of any State
23 that is not superseded by this Compact. The Compact
24 Administrator serves at the pleasure of the Commission and
25 must keep the Commission seasonably apprised of the
26 performance or nonperformance of the terms and conditions of
27 this Compact. Any notice sent by a Member State to the Compact

1 Administrator concerning this Compact shall be adequate notice
2 to each other Member State provided that a copy of said notice
3 is seasonably delivered by the Compact Administrator to each
4 other Member State's respective chief executive officer.

5 Section 7. Notice of Key Events. Upon the occurrence
6 of each of the following described events, or otherwise as
7 soon as possible, the Compact Administrator shall send
8 immediately the following notices to all Compact Notice
9 Recipients, together with certified conforming copies of the
10 chaptered version of this Compact as maintained in the
11 statutes of each Member State: (a) whenever any State becomes
12 a Member State, notice of that fact shall be given; (b) once
13 at least three-fourths of the States are Member States, notice
14 of that fact shall be given together with a statement
15 declaring that the legislatures of at least two-thirds of the
16 several States have applied for a convention for proposing
17 amendments under Article V of the Constitution of the United
18 States, petitioning Congress to call the Convention
19 contemplated by this Compact, and further requesting
20 cooperation in organizing the same in accordance with this
21 Compact; (c) once Congress has called the Convention
22 contemplated by this Compact, and whenever the date, time, and
23 location of the Convention has been determined, notice of that
24 fact shall be given together with the date, time, and location
25 of the Convention and other essential logistical matters; (d)
26 upon approval of the Balanced Budget Amendment by the
27 Convention, notice of that fact shall be given together with

1 the transmission of certified copies of the approved proposed
2 amendment and a statement requesting Congress to refer the
3 same for ratification by three-fourths of the legislatures of
4 the several States under Article V of the Constitution of the
5 United States (however, in no event shall any proposed
6 amendment other than the Balanced Budget Amendment be
7 transmitted); and (e) when any Article of this Compact
8 prospectively ratifying the Balanced Budget Amendment is
9 effective in any Member State, notice of the same shall be
10 given together with a statement declaring such ratification
11 and further requesting cooperation in ensuring that the
12 official record confirms and reflects the effective
13 corresponding amendment to the Constitution of the United
14 States. However, whenever any Member State enacts appropriate
15 legislation, as determined by the laws of the respective
16 State, withdrawing from this Compact, the Compact
17 Administrator shall immediately send certified conforming
18 copies of the chaptered version of the withdrawal legislation
19 as maintained in the statutes of each withdrawing Member
20 State, solely to each chief executive officer of each
21 remaining Member State, giving notice of the withdrawal.

22 Section 8. Cooperation. The Commission, Member
23 States, and Compact Administrator shall cooperate with each
24 other and give each other mutual assistance in enforcing this
25 Compact and shall give the chief law enforcement officer of
26 each other Member State any information or documents that are

1 reasonably necessary to facilitate the enforcement of this
2 Compact.

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

5 ARTICLE V

6 RESOLUTION APPLYING FOR CONVENTION

7 Section 1. Be it resolved, as provided for in
8 Article V of the Constitution of the United States, the
9 legislature of each Member State herewith applies to Congress
10 for the calling of a convention for proposing amendments
11 limited to the subject matter of proposing for ratification
12 the Balanced Budget Amendment.

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

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

19 ARTICLE VI

20 DELEGATE APPOINTMENT, LIMITATIONS, AND INSTRUCTIONS

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

24 Section 2. Identity. The Governor, Speaker of the
25 House of Representatives, and President of the Senate, who are
26 serving on the enactment date of the legislation by which this
27 State is enacting, adopting, and agreeing to be bound by this

1 Compact, or their respective designee, as identified in a
2 sworn affidavit executed by the officer, are each appointed in
3 an individual capacity to represent this State at the
4 Convention as its sole and exclusive delegates. A majority
5 vote of the delegation shall serve to decide any issue at the
6 Convention on behalf of this State.

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

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

26 Section 5. Term. The term of a delegate hereunder
27 commences upon acceptance of appointment and terminates upon

1 the permanent adjournment of the Convention, unless shortened
2 by recall, replacement, or forfeiture under this Article. Upon
3 expiration of the term, any person formerly serving as a
4 delegate must immediately withdraw from and cease
5 participation at the Convention, if any is proceeding.

6 Section 6. Delegate Authority. The power and
7 authority of any delegate appointed hereunder is strictly
8 limited: (a) to introducing, debating, voting upon, proposing,
9 and enforcing the Convention Rules specified in this Compact,
10 as needed to ensure those rules govern the Convention; and (b)
11 to introducing, debating, voting upon, and rejecting or
12 proposing for ratification the Balanced Budget Amendment. All
13 actions taken by any delegate in violation of this section are
14 void ab initio.

15 Section 7. Delegate Authority. No delegate of a
16 Member State may introduce, debate, vote upon, reject, or
17 propose for ratification any constitutional amendment at the
18 convention unless: (a) the Convention Rules specified in this
19 Compact govern the Convention and their actions; and (b) the
20 constitutional amendment is the Balanced Budget Amendment.

21 Section 8. Delegate Authority. The power and
22 authority of any delegate at the Convention does not include
23 any power or authority associated with any other public office
24 held by the delegate. Any person appointed to serve as a
25 delegate shall take a temporary leave of absence, or otherwise
26 shall be deemed temporarily disabled, from any other public
27 office held by the delegate while attending the Convention,

1 and may not exercise any power or authority associated with
2 any other public office held by the delegate while attending
3 the Convention. All actions taken by any delegate in violation
4 of this section are void ab initio.

5 Section 9. Order of Business. Before introducing,
6 debating, voting upon, rejecting, or proposing for
7 ratification any constitutional amendment at the Convention,
8 each delegate of every Member State must first ensure the
9 Convention Rules in this Compact govern the Convention and
10 their actions. Every delegate and each Member State must
11 immediately vacate the convention and notify the Compact
12 Administrator by the most effective and expeditious means if
13 the Convention Rules in this Compact are not adopted to govern
14 the Convention and their actions.

15 Section 10. Forfeiture of Appointment. If any Member
16 State or delegate violates any provision of this Compact, then
17 every delegate of that Member State immediately forfeits his
18 or her appointment, and shall immediately cease participation
19 at the Convention, vacate the Convention, and return to his or
20 her respective State's capitol.

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

26 ARTICLE VII

27 CONVENTION RULES

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

5 Section 2. Agenda of the Convention. The agenda of
6 the Convention shall be entirely focused upon and exclusively
7 limited to introducing, debating, voting upon, and rejecting
8 or proposing for ratification the Balanced Budget Amendment
9 under the Convention Rules specified in this article and in
10 accordance with the compact. It shall not be in order for the
11 convention to consider any matter that is outside the scope of
12 this agenda.

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

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

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

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

25 Section 7. Emergency Suspension and Relocation of
26 the Convention. In the event that the Chair of the Convention
27 declares an emergency due to disorder or an imminent threat to

1 public health and safety prior to the completion of the
2 business on the agenda, and a majority of the States present
3 at the Convention do not object to such declaration, further
4 Convention proceedings shall be temporarily suspended, and the
5 Commission shall subsequently relocate or reschedule the
6 Convention to resume proceedings in an orderly fashion in
7 accordance with the terms and conditions of this Compact with
8 prior notice given to the Compact Notice Recipients.

9 Section 8. Parliamentary Procedures. In adopting,
10 applying, and formulating parliamentary procedures, the
11 convention shall exclusively adopt, apply, or appropriately
12 adapt provisions of the most recent editions of Robert's Rules
13 of Order and the American Institute of Parliamentarians
14 Standard Code of Parliamentary Procedure. In adopting,
15 applying, or adapting parliamentary procedures, the convention
16 shall exclusively consider analogous precedent arising within
17 the jurisdiction of the United States. Parliamentary
18 procedures adopted, applied, or adapted pursuant to this
19 section shall not obstruct, override, or otherwise conflict
20 with this compact.

21 Section 9. Transmittal. Upon approval of the
22 Balanced Budget Amendment by the Convention to propose for
23 ratification, the Chair of the Convention shall immediately
24 transmit certified copies of the approved proposed amendment
25 to the Compact Administrator and all Compact Notice
26 Recipients, notifying them respectively of such approval and
27 requesting Congress to refer the same for ratification by the

1 States under Article V of the Constitution of the United
2 States. However, in no event shall a proposed amendment other
3 than the Balanced Budget Amendment be transmitted.

4 Section 10. Transparency. Records of the Convention,
5 including the identities of all attendees and detailed minutes
6 of all proceedings, shall be kept by the Chair of the
7 Convention or Secretary designated by the Convention. All
8 proceedings and records of the Convention shall be open to the
9 public upon request subject to reasonable regulations adopted
10 by the Convention that are closely tailored to preventing
11 disruption of proceedings under this Article.

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

16 ARTICLE VIII

17 PROHIBITION ON ULTRA VIRES CONVENTION

18 Section 1. Member States may not participate in the
19 Convention unless: (a) Congress first calls the Convention in
20 accordance with this Compact; and (b) the Convention Rules of
21 this Compact are adopted by the Convention as its first order
22 of business.

23 Section 2. Any proposal or action of the Convention
24 is void ab initio and issued by a body that is conducting
25 itself in an unlawful and ultra vires fashion if that proposal
26 or action: (a) violates or was approved in violation of the
27 Convention Rules or the delegate instructions and limitations

1 on delegate authority specified in this Compact; (b) purports
2 to propose or effectuate a mode of ratification that is not
3 specified in Article V of the Constitution of the United
4 States; or (c) purports to propose or effectuate the formation
5 of a new government. All Member States are prohibited from
6 advancing or assisting in the advancement of any such proposal
7 or action.

8 Section 3. Member States shall not ratify or
9 otherwise approve any proposed amendment, alteration, or
10 revision to the Constitution of the United States, which
11 originates from the Convention, other than the Balanced Budget
12 Amendment.

13 ARTICLE IX

14 RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED 15 BUDGET AMENDMENT

16 Section 1. Each Member State, by and through its
17 respective legislature, hereby adopts and ratifies the
18 Balanced Budget Amendment.

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

24 ARTICLE X

25 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

26 Section 1. To the extent that the effectiveness of
27 this Compact or any of its Articles or provisions requires the

1 alteration of local legislative rules, drafting policies, or
2 procedure to be effective, the enactment of legislation
3 enacting, adopting, and agreeing to be bound by this Compact
4 shall be deemed to waive, repeal, supersede, or otherwise
5 amend and conform all such rules, policies, or procedures to
6 allow for the effectiveness of this Compact to the fullest
7 extent permitted by the constitution of any affected Member
8 State.

9 Section 2. Date and Location of the Convention.

10 Unless otherwise specified by Congress in its call, the
11 Convention shall be held in Dallas, Texas and commence
12 proceedings at 9:00 a.m. Central Standard Time on the sixth
13 Wednesday after the latter of the effective date of Article V
14 of this Compact or the enactment date of the congressional
15 resolution calling the Convention.

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

24 Section 4. The exclusive venue for all actions in
25 any way arising under this Compact shall be in the United
26 States District Court for the Northern District of Texas or
27 the courts of the State of Texas within the jurisdictional

1 boundaries of the district court. Each Member State shall
2 submit to the jurisdiction of the courts with respect to the
3 action. However, upon written request by the chief law
4 enforcement officer of any Member State, the Commission may
5 elect to waive this provision for the purpose of ensuring an
6 action proceeds in the venue that allows for the most
7 convenient and effective enforcement or defense of this
8 Compact. Any such waiver shall be limited to the particular
9 action to which it is applied and not construed or relied upon
10 as a general waiver of this provision. The waiver decisions of
11 the Commission under this provision shall be final and binding
12 on each Member State.

13 Section 5. The effective date of this Compact and
14 any of its articles is the latter of: (a) the date of any
15 event rendering the same effective according to its respective
16 terms and conditions; or (b) the earliest date otherwise
17 permitted by law.

18 Section 6. Article VIII of this Compact is hereby
19 deemed non-severable prior to termination of the Compact.
20 However, if any other phrase, clause, sentence, or provision
21 of this Compact, or the applicability of any other phrase,
22 clause, sentence, or provision of this Compact to any
23 government, agency, person, or circumstance, is declared in a
24 final judgment to be contrary to the Constitution of the
25 United States, contrary to the state constitution of any
26 Member State, or is otherwise held invalid by a court of
27 competent jurisdiction, the phrase, clause, sentence, or

1 provision shall be severed, and the validity of the remainder
2 of this Compact and the applicability of the remainder of this
3 Compact to any government, agency, person, or circumstance
4 shall not be affected. Furthermore, if this Compact is
5 declared in a final judgment by a court of competent
6 jurisdiction to be entirely contrary to the state constitution
7 of any Member State or otherwise entirely invalid as to any
8 Member State, such Member State shall be deemed to have
9 withdrawn from the Compact, and the Compact shall remain in
10 full force and effect as to any remaining Member State.
11 Finally, if this Compact is declared in a final judgment by a
12 court of competent jurisdiction to be wholly or substantially
13 in violation of Article I, Section 10, of the Constitution of
14 the United States, then it shall be construed and enforced
15 solely as reciprocal legislation enacted by the affected
16 Member State.

17 Section 7. Termination. This Compact shall terminate
18 when it is fully performed and the Constitution of the United
19 States is amended by the Balanced Budget Amendment. However,
20 notwithstanding anything to the contrary set forth in this
21 Compact, in the event such amendment does not occur within
22 seven (7) years after the first State passes legislation
23 enacting, adopting, and agreeing to be bound to this Compact,
24 the Compact shall terminate as follows: (a) the Commission
25 shall dissolve and wind up its operations within ninety (90)
26 days thereafter, with the Compact Administrator giving notice
27 of the dissolution and the operative effect of this section to

1 the Compact Notice Recipients; (b) upon the completed
2 dissolution of the Commission, Articles I, II, III, IV, VI,
3 VII, VIII, and IX, as well as Sections 2 and 3 of Article V
4 and Sections 1 through 6 of Article X, of this Compact for
5 this Member State shall be deemed terminated and repealed; and
6 (c) Section 1 of Article V of this Compact, together with the
7 constructional rule of this subsection, both of which shall
8 survive termination of the Compact, shall thereafter become
9 and be construed as an immediately effective freestanding
10 continuing resolution, passed by the legislature of this
11 State, applying to Congress for the calling of a Convention
12 for proposing amendments under Article V of the Constitution
13 of the United States, limited to proposing amendments such as
14 a balanced budget amendment, which shall be capable of
15 aggregation with any other similar application.

16 Section 2. This act shall become effective following
17 its passage and approval by the Governor, or its otherwise
18 becoming law.