

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 433

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS DIXON AND DEMPSEY.

Read 1st time February 12, 2015, and ordered printed.

Read 2nd time February 24, 2015, and referred to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Reported from the Committee March 31, 2015, with recommendation that the bill do pass.

Taken up for Perfection April 22, 2015. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

1771S.02P

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to the compact for a balanced budget, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 1, RSMo, is amended by adding thereto one new
2 section, to be known as section 1.600, to read as follows:

**1.600. The State of Missouri enacts, adopts and agrees to be
2 bound by the following compact:**

COMPACT FOR A BALANCED BUDGET

ARTICLE I

DECLARATION OF POLICY, PURPOSE AND INTENT

6 Whereas, every State enacting, adopting and agreeing to be
7 bound by this Compact intends to ensure that their respective
8 Legislature's use of the power to originate a Balanced Budget
9 Amendment under Article V of the Constitution of the United States
10 will be exercised conveniently and with reasonable certainty as to the
11 consequences thereof.

12 Now, therefore, in consideration of their expressed mutual
13 promises and obligations, be it enacted by every State enacting,
14 adopting and agreeing to be bound by this Compact, and resolved by
15 each of their respective Legislatures, as the case may be, to exercise
16 herewith all of their respective powers as set forth herein
17 notwithstanding any law to the contrary.

ARTICLE II

18

DEFINITIONS

19
20 Section 1. "Compact" means this "Compact for a Balanced
21 Budget."

22 Section 2. "Convention" means the convention for proposing
23 amendments organized by this Compact under Article V of the
24 Constitution of the United States and, where contextually appropriate
25 to ensure the terms of this Compact are not evaded, any other similar
26 gathering or body, which might be organized as a consequence of
27 Congress receiving the application set out in this Compact and claim
28 authority to propose or effectuate any amendment, alteration or
29 revision to the Constitution of the United States. This term does not
30 encompass a convention for proposing amendments under Article V of
31 the Constitution of the United States that is organized independently
32 of this Compact based on the separate and distinct application of any
33 State.

34 Section 3. "State" means one of the several States of the United
35 States. Where contextually appropriate, the term "State" shall be
36 construed to include all of its branches, departments, agencies, political
37 subdivisions, and officers and representatives acting in their official
38 capacity.

39 Section 4. "Member State" means a State that has enacted,
40 adopted and agreed to be bound to this Compact. For any State to
41 qualify as a Member State with respect to any other State under this
42 Compact, each such State must have enacted, adopted and agreed to be
43 bound by substantively identical compact legislation.

44 Section 5. "Compact Notice Recipients" means the Archivist of
45 the United States, the President of the United States, the President of
46 the United States Senate, the Office of the Secretary of the United
47 States Senate, the Speaker of the United States House of
48 Representatives, the Office of the Clerk of the United States House of
49 Representatives, the chief executive officer of each State, and the
50 presiding officer(s) of each house of the Legislatures of the several
51 States.

52 Section 6. Notice. All notices required by this Compact shall be
53 by U.S. Certified Mail, return receipt requested, or an equivalent or
54 superior form of notice, such as personal delivery documented by
55 evidence of actual receipt.

56 Section 7. "Balanced Budget Amendment" means the following:

57 "Article

58 Section 1. Total outlays of the government of the United States
59 shall not exceed total receipts of the government of the United States
60 at any point in time unless the excess of outlays over receipts is
61 financed exclusively by debt issued in strict conformity with this
62 article.

63 Section 2. Outstanding debt shall not exceed authorized debt,
64 which initially shall be an amount equal to 105 percent of the
65 outstanding debt on the effective date of this article. Authorized debt
66 shall not be increased above its aforesaid initial amount unless such
67 increase is first approved by the legislatures of the several states as
68 provided in Section 3.

69 Section 3. From time to time, Congress may increase authorized
70 debt to an amount in excess of its initial amount set by Section 2 only
71 if it first publicly refers to the legislatures of the several states an
72 unconditional, single subject measure proposing the amount of such
73 increase, in such form as provided by law, and the measure is
74 thereafter publicly and unconditionally approved by a simple majority
75 of the legislatures of the several states, in such form as provided
76 respectively by state law; provided that no inducement requiring an
77 expenditure or tax levy shall be demanded, offered or accepted as a
78 quid pro quo for such approval. If such approval is not obtained within
79 sixty (60) calendar days after referral then the measure shall be
80 deemed disapproved and the authorized debt shall thereby remain
81 unchanged.

82 Section 4. Whenever the outstanding debt exceeds 98 percent of
83 the debt limit set by Section 2, the President shall enforce said limit by
84 publicly designating specific expenditures for impoundment in an
85 amount sufficient to ensure outstanding debt shall not exceed the
86 authorized debt. Said impoundment shall become effective thirty (30)
87 days thereafter, unless Congress first designates an alternate
88 impoundment of the same or greater amount by concurrent resolution,
89 which shall become immediately effective. The failure of the President
90 to designate or enforce the required impoundment is an impeachable
91 misdemeanor. Any purported issuance or incurrence of any debt in
92 excess of the debt limit set by Section 2 is void.

93 Section 5. No bill that provides for a new or increased general
94 revenue tax shall become law unless approved by a two-thirds roll call
95 vote of the whole number of each House of Congress. However, this
96 requirement shall not apply to any bill that provides for a new end user
97 sales tax which would completely replace every existing income tax
98 levied by the government of the United States; or for the reduction or
99 elimination of an exemption, deduction, or credit allowed under an
100 existing general revenue tax.

101 Section 6. For purposes of this article, "debt" means any
102 obligation backed by the full faith and credit of the government of the
103 United States; "outstanding debt" means all debt held in any account
104 and by any entity at a given point in time; "authorized debt" means the
105 maximum total amount of debt that may be lawfully issued and
106 outstanding at any single point in time under this article; "total outlays
107 of the government of the United States" means all expenditures of the
108 government of the United States from any source; "total receipts of the
109 government of the United States" means all tax receipts and other
110 income of the government of the United States, excluding proceeds
111 from its issuance or incurrence of debt or any type of liability;
112 "impoundment" means a proposal not to spend all or part of a sum of
113 money appropriated by Congress; and "general revenue tax" means any
114 income tax, sales tax, or value-added tax levied by the government of
115 the United States excluding imposts and duties.

116 Section 7. This article is immediately operative upon
117 ratification, self-enforcing, and Congress may enact conforming
118 legislation to facilitate enforcement."

119 ARTICLE III

120 COMPACT MEMBERSHIP AND WITHDRAWAL

121 Section 1. This Compact governs each Member State to the
122 fullest extent permitted by their respective constitutions, superseding
123 and repealing any conflicting or contrary law.

124 Section 2. By becoming a Member State, each such State offers,
125 promises and agrees to perform and comply strictly in accordance with
126 the terms and conditions of this Compact, and has made such offer,
127 promise and agreement in anticipation and consideration of, and in
128 substantial reliance upon, such mutual and reciprocal performance and
129 compliance by each other current and future Member State, if

130 any. Accordingly, in addition to having the force of law in each
131 Member State upon its respective effective date, this Compact and each
132 of its Articles shall also be construed as contractually binding each
133 Member State when: (a) at least one other State has likewise become a
134 Member State by enacting substantively identical legislation adopting
135 and agreeing to be bound by this Compact; and (b) notice of such
136 State's Member State status is or has been seasonably received by the
137 Compact Administrator, if any, or otherwise by the chief executive
138 officer of each other Member State.

139 Section 3. For purposes of determining Member State status
140 under this Compact, as long as all other provisions of the Compact
141 remain identical and operative on the same terms, legislation enacting,
142 adopting and agreeing to be bound by this Compact shall be deemed
143 and regarded as "substantively identical" with respect to such other
144 legislation enacted by another State notwithstanding: (a) any difference
145 in section 2 of Article IV with specific regard to the respectively
146 enacting State's own method of appointing its member to the
147 Commission; (b) any difference in section 5 of Article IV with specific
148 regard to the respectively enacting State's own obligation to fund the
149 Commission; (c) any difference in sections 1 and 2 of Article VI with
150 specific regard to the number and identity of each delegate respectively
151 appointed on behalf of the enacting State, provided that no more than
152 three delegates may attend and participate in the Convention on behalf
153 of any State; or (d) any difference in section 7 of Article X with specific
154 regard to the respectively enacting State as to whether section 1 of
155 Article V of this Compact shall survive termination of the Compact, and
156 thereafter become a continuing resolution of the Legislature of such
157 State applying to Congress for the calling of a convention of the states
158 under Article V of the Constitution of the United States, under such
159 terms and limitations as may be specified by such State.

160 Section 4. When fewer than three-fourths of the States are
161 Member States, any Member State may withdraw from this Compact by
162 enacting appropriate legislation, as determined by state law, and giving
163 notice of such withdrawal to the Compact Administrator, if any, or
164 otherwise to the chief executive officer of each other Member State. A
165 withdrawal shall not affect the validity or applicability of the compact
166 with respect to remaining Member States, provided that there remain

167 at least two such States. However, once at least three-fourths of the
168 States are Member States, then no Member State may withdraw from
169 the Compact prior to its termination absent unanimous consent of all
170 Member States.

171

ARTICLE IV

172

COMPACT COMMISSION AND COMPACT ADMINISTRATOR

173

Section 1. Nature of the Compact Commission. The Compact
174 Commission ("Commission") is hereby established. It has the power and
175 duty: (a) to appoint and oversee a Compact Administrator; (b) to
176 encourage States to join the Compact and Congress to call the
177 Convention in accordance with this Compact; (c) to coordinate the
178 performance of obligations under the Compact; (d) to oversee the
179 Convention's logistical operations as appropriate to ensure this
180 Compact governs its proceedings; (e) to oversee the defense and
181 enforcement of the Compact in appropriate legal venues; (f) to request
182 funds and to disburse those funds to support the operations of the
183 Commission, Compact Administrator, and Convention; and (g) to
184 cooperate with any entity that shares a common interest with the
185 Commission and engages in policy research, public interest litigation
186 or lobbying in support of the purposes of the Compact. The
187 Commission shall only have such implied powers as are essential to
188 carrying out these express powers and duties. It shall take no action
189 that contravenes or is inconsistent with this Compact or any law of any
190 State that is not superseded by this Compact. It may adopt and publish
191 corresponding bylaws and policies.

192

Section 2. Commission Membership. The Commission initially
193 consists of three unpaid members. Each Member State may appoint one
194 member to the Commission until all positions on the Commission are
195 filled. Positions shall be assigned to appointees in the order in which
196 their respective appointing States became Member States. The bylaws
197 of the Commission may expand its membership to include
198 representatives of additional Member States and to allow for modest
199 salaries and reimbursement of expenses if adequate funding
200 exists. Any member to the Commission appointed by this Member State
201 shall be appointed by the Governor with the advice and consent of the
202 Senate.

203

Section 3. Commission Action. Each Commission member is

204 entitled to one vote. The Commission shall not act unless a majority of
205 its appointed membership is present, and no action shall be binding
206 unless approved by a majority of the Commission's appointed
207 membership. The Commission shall meet at least once a year, and may
208 meet more frequently.

209 **Section 4. First Order of Business.** The Commission shall at the
210 earliest possible time elect from among its membership a Chairperson,
211 determine a primary place of doing business, and appoint a Compact
212 Administrator.

213 **Section 5. Funding.** The Commission and the Compact
214 Administrator's activities shall be funded exclusively by each Member
215 State, as determined by their respective state law, or by voluntary
216 donations.

217 **Section 6. Compact Administrator.** The Compact Administrator
218 has the power and duty: (a) to timely notify the States of the date, time
219 and location of the Convention; (b) to organize and direct the logistical
220 operations of the Convention; (c) to maintain an accurate list of all
221 Member States, their appointed delegates, including contact
222 information; and (d) to formulate, transmit, and maintain all official
223 notices, records, and communications relating to this Compact. The
224 Compact Administrator shall only have such implied powers as are
225 essential to carrying out these express powers and duties; and shall
226 take no action that contravenes or is inconsistent with this Compact or
227 any law of any State that is not superseded by this Compact. The
228 Compact Administrator serves at the pleasure of the Commission and
229 must keep the Commission seasonably apprised of the performance or
230 nonperformance of the terms and conditions of this Compact. Any
231 notice sent by a Member State to the Compact Administrator
232 concerning this Compact shall be adequate notice to each other
233 Member State provided that a copy of said notice is seasonably
234 delivered by the Compact Administrator to each other Member State's
235 respective chief executive officer.

236 **Section 7. Notice of Key Events.** Upon the occurrence of each of
237 the following described events, or otherwise as soon as possible, the
238 Compact Administrator shall immediately send the following notices to
239 all Compact Notice Recipients, together with certified conforming
240 copies of the chaptered version of this Compact as maintained in the

241 statutes of each Member State: (a) whenever any State becomes a
242 Member State, notice of that fact shall be given; (b) once at least three-
243 fourths of the States are Member States, notice of that fact shall be
244 given together with a statement declaring that the Legislatures of at
245 least two-thirds of the several States have applied for a convention for
246 proposing amendments under Article V of the Constitution of the
247 United States, petitioning Congress to call the Convention
248 contemplated by this Compact, and further requesting cooperation in
249 organizing the same in accordance with this Compact; (c) once
250 Congress has called the Convention contemplated by this Compact, and
251 whenever the date, time and location of the Convention has been
252 determined, notice of that fact shall be given together with the date,
253 time and location of the Convention and other essential logistical
254 matters; (d) upon approval of the Balanced Budget Amendment by the
255 Convention, notice of that fact shall be given together with the
256 transmission of certified copies of such approved proposed amendment
257 and a statement requesting Congress to refer the same for ratification
258 by three-fourths of the Legislatures of the several States under Article
259 V of the Constitution of the United States (however, in no event shall
260 any proposed amendment other than the Balanced Budget Amendment
261 be transmitted); and (e) when any Article of this Compact prospectively
262 ratifying the Balanced Budget Amendment is effective in any Member
263 State, notice of the same shall be given together with a statement
264 declaring such ratification and further requesting cooperation in
265 ensuring that the official record confirms and reflects the effective
266 corresponding amendment to the Constitution of the United
267 States. However, whenever any Member State enacts appropriate
268 legislation, as determined by the laws of the respective state,
269 withdrawing from this Compact, the Compact Administrator shall
270 immediately send certified conforming copies of the chaptered version
271 of such withdrawal legislation as maintained in the statutes of each
272 such withdrawing Member State, solely to each chief executive officer
273 of each remaining Member State, giving notice of such withdrawal.

274 Section 8. Cooperation. The Commission, Member States and
275 Compact Administrator shall cooperate with each other and give each
276 other mutual assistance in enforcing this Compact and shall give the
277 chief law enforcement officer of each other Member State any

278 information or documents that are reasonably necessary to facilitate
279 the enforcement of this Compact.

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

282 ARTICLE V

283 RESOLUTION APPLYING FOR CONVENTION

284 Section 1. Be it resolved, as provided for in Article V of the
285 Constitution of the United States, the Legislature of each Member State
286 herewith applies to Congress for the calling of a convention for
287 proposing amendments limited to the subject matter of proposing for
288 ratification the Balanced Budget Amendment.

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

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

294 ARTICLE VI

295 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

296 Section 1. Number of Delegates. This Member State shall be
297 entitled to three delegates as its sole and exclusive representatives at
298 the Convention as set forth in this Article.

299 Section 2. Identity of Delegates. This Member State shall be
300 represented at the Convention by the following delegates: (a) One
301 delegate appointed by the Speaker of the House of Representatives; (b)
302 One delegate appointed by the President Pro Tempore of the Senate;
303 and (c) One delegate jointly appointed by the Minority Floor Leaders
304 of the House of Representatives and of the Senate. Said three delegates
305 shall be sitting members of the general assembly and shall represent
306 this Member State at the Convention as its sole and exclusive delegates.
307 A majority vote of this delegation shall serve to decide any issue at the
308 Convention on behalf of this Member State.

309 Section 3. Replacement or Recall of Delegates. A delegate
310 appointed hereunder may be replaced or recalled by the Legislature of
311 his or her respective State at any time for good cause, such as criminal
312 misconduct or the violation of this Compact. If replaced or recalled,
313 any delegate previously appointed hereunder must immediately vacate
314 the Convention and return to their respective State's capitol.

315 **Section 4. Oath.** The power and authority of a delegate under
316 this Article may only be exercised after the Convention is first called
317 by Congress in accordance with this Compact and such appointment is
318 duly accepted by such appointee publicly taking the following oath or
319 affirmation: "I do solemnly swear (or affirm) that I accept this
320 appointment and will act strictly in accordance with the terms and
321 conditions of the Compact for a Balanced Budget, the Constitution of
322 the State I represent, and the Constitution of the United States. I
323 understand that violating this oath (or affirmation) forfeits my
324 appointment and may subject me to other penalties as provided by law."

325 **Section 5. Term.** The term of a delegate hereunder commences
326 upon acceptance of appointment and terminates upon the permanent
327 adjournment of the Convention, unless shortened by recall, replacement
328 or forfeiture under this Article. Upon expiration of such term, any
329 person formerly serving as a delegate must immediately withdraw from
330 and cease participation at the Convention, if any is proceeding.

331 **Section 6. Delegate Authority.** The power and authority of any
332 delegate appointed hereunder is strictly limited: (a) to introducing,
333 debating, voting upon, proposing and enforcing the Convention Rules
334 specified in this Compact, as needed to ensure those rules govern the
335 Convention; and (b) to introducing, debating, voting upon, and rejecting
336 or proposing for ratification the Balanced Budget Amendment. All
337 actions taken by any delegate in violation of this section are void ab
338 initio.

339 **Section 7. Delegate Authority.** No delegate of any Member State
340 may introduce, debate, vote upon, reject or propose for ratification any
341 constitutional amendment at the Convention unless: (a) the Convention
342 Rules specified in this Compact govern the Convention and their
343 actions; and (b) the constitutional amendment is the Balanced Budget
344 Amendment.

345 **Section 8. Delegate Authority.** The power and authority of any
346 delegate at the Convention does not include any power or authority
347 associated with any other public office held by the delegate. Any
348 person appointed to serve as a delegate shall take a temporary leave of
349 absence, or otherwise shall be deemed temporarily disabled, from any
350 other public office held by the delegate while attending the Convention,
351 and may not exercise any power or authority associated with any other

352 public office held by the delegate, while attending the Convention. All
353 actions taken by any delegate in violation of this section are void ab
354 initio.

355 Section 9. Order of Business. Before introducing, debating,
356 voting upon, rejecting or proposing for ratification any constitutional
357 amendment at the Convention, each delegate of every Member State
358 must first ensure the Convention Rules in this Compact govern the
359 Convention and their actions. Every delegate and each Member State
360 must immediately vacate the Convention and notify the Compact
361 Administrator by the most effective and expeditious means if the
362 Convention Rules in this Compact are not adopted to govern the
363 Convention and their actions.

364 Section 10. Forfeiture of Appointment. If any Member State or
365 delegate violates any provision of this Compact, then every delegate of
366 that Member State immediately forfeits his or her appointment, and
367 shall immediately cease participation at the Convention, vacate the
368 Convention, and return to his or her respective State's capitol.

369 Section 11. Expenses. A delegate appointed hereunder is
370 entitled to reimbursement of reasonable expenses for attending the
371 Convention from his or her respective Member State. No delegate may
372 accept any other form of remuneration or compensation for service
373 under this Compact.

374 ARTICLE VII

375 CONVENTION RULES

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

379 Section 2. Agenda of the Convention. The agenda of the
380 Convention shall be entirely focused upon and exclusively limited to
381 introducing, debating, voting upon, and rejecting or proposing for
382 ratification the Balanced Budget Amendment under the Convention
383 Rules specified in this Article and in accordance with the Compact. It
384 shall not be in order for the Convention to consider any matter that is
385 outside the scope of this agenda.

386 Section 3. Delegate Identity and Procedure. States shall be
387 represented at the Convention through duly appointed delegates. The
388 number, identity and authority of delegates assigned to each State shall

389 be determined by this Compact in the case of Member States or, in the
390 case of States that are not Member States, by their respective state
391 laws. However, to prevent disruption of proceedings, no more than
392 three delegates may attend and participate in the Convention on behalf
393 of any State. A certified chaptered conforming copy of this Compact,
394 together with government-issued photographic proof of identification,
395 shall suffice as credentials for delegates of Member States. Any
396 commission for delegates of States that are not Member States shall be
397 based on their respective state laws, but it shall furnish credentials
398 that are at least as reliable as those required of Member States.

399 Section 4. Voting. Each State represented at the Convention
400 shall have one vote, exercised by the vote of that State's delegate in the
401 case of States represented by one delegate, or, in the case of any State
402 that is represented by more than one delegate, by the majority vote of
403 that State's respective delegates.

404 Section 5. Quorum. A majority of the several States of the
405 United States, each present through its respective delegate in the case
406 of any State that is represented by one delegate, or through a majority
407 of its respective delegates, in the case of any State that is represented
408 by more than one delegate, shall constitute a quorum for the
409 transaction of any business on behalf of the Convention.

410 Section 6. Action by the Convention. The Convention shall only
411 act as a committee of the whole, chaired by the delegate representing
412 the first State to have become a Member State, if that State is
413 represented by one delegate, or otherwise by the delegate chosen by the
414 majority vote of that State's respective delegates. The transaction of
415 any business on behalf of the Convention, including the designation of
416 a Secretary, the adoption of parliamentary procedures and the
417 rejection or proposal of any constitutional amendment, requires a
418 quorum to be present and a majority affirmative vote of those States
419 constituting the quorum.

420 Section 7. Emergency Suspension and Relocation of the
421 Convention. In the event that the Chair of the Convention declares an
422 emergency due to disorder or an imminent threat to public health and
423 safety prior to the completion of the business on the Agenda, and a
424 majority of the States present at the Convention do not object to such
425 declaration, further Convention proceedings shall be temporarily

426 suspended, and the Commission shall subsequently relocate or
427 reschedule the Convention to resume proceedings in an orderly fashion
428 in accordance with the terms and conditions of this Compact with prior
429 notice given to the Compact Notice Recipients.

430 Section 8. Parliamentary Procedure. In adopting, applying and
431 formulating parliamentary procedure, the Convention shall exclusively
432 adopt, apply or appropriately adapt provisions of the most recent
433 editions of Robert's Rules of Order and the American Institute of
434 Parliamentarians Standard Code of Parliamentary Procedure. In
435 adopting, applying or adapting parliamentary procedure, the
436 Convention shall exclusively consider analogous precedent arising
437 within the jurisdiction of the United States. Parliamentary procedures
438 adopted, applied or adapted pursuant to this section shall not obstruct,
439 override or otherwise conflict with this Compact.

440 Section 9. Transmittal. Upon approval of the Balanced Budget
441 Amendment by the Convention to propose for ratification, the Chair of
442 the Convention shall immediately transmit certified copies of such
443 approved proposed amendment to the Compact Administrator and all
444 Compact Notice Recipients, notifying them respectively of such
445 approval and requesting Congress to refer the same for ratification by
446 the States under Article IV of the Constitution of the United
447 States. However, in no event shall any proposed amendment other than
448 the Balanced Budget Amendment be transmitted as aforesaid.

449 Section 10. Transparency. Records of the Convention, including
450 the identities of all attendees and detailed minutes of all proceedings,
451 shall be kept by the Chair of the Convention or Secretary designated
452 by the Convention. All proceedings and records of the Convention shall
453 be open to the public upon request subject to reasonable regulations
454 adopted by the Convention that are closely tailored to preventing
455 disruption of proceedings under this Article.

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

460 ARTICLE VIII

461 PROHIBITION ON ULTRA VIRES CONVENTION

462 Section 1. Member States shall not participate in the Convention

463 unless: (a) Congress first calls the Convention in accordance with this
464 Compact; and (b) the Convention Rules of this Compact are adopted by
465 the Convention as its first order of business.

466 Section 2. Any proposal or action of the Convention is void ab
467 initio and issued by a body that is conducting itself in an unlawful and
468 ultra vires fashion if that proposal or action: (a) violates or was
469 approved in violation of the Convention Rules or the delegate
470 instructions and limitations on delegate authority specified in this
471 Compact; (b) purports to propose or effectuate a mode of ratification
472 that is not specified in Article V of the Constitution of the United
473 States; or (c) purports to propose or effectuate the formation of a new
474 government. All Member States are prohibited from advancing or
475 assisting in the advancement of any such proposal or action.

476 Section 3. Member States shall not ratify or otherwise approve
477 any proposed amendment, alteration or revision to the Constitution of
478 the United States, which originates from the Convention, other than the
479 Balanced Budget Amendment.

480 ARTICLE IX

481 RESOLUTION PROSPECTIVELY RATIFYING THE 482 BALANCED BUDGET AMENDMENT

483 Section 1. Each Member State, by and through its respective
484 Legislature, hereby adopts and ratifies the Balanced Budget
485 Amendment.

486 Section 2. This Article does not take effect until Congress
487 effectively refers the Balanced Budget Amendment to the States for
488 ratification by three-fourths of the Legislatures of the several States
489 under Article V of the Constitution of the United States.

490 ARTICLE X

491 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

492 Section 1. To the extent that the effectiveness of this Compact
493 or any of its Articles or provisions requires the alteration of local
494 legislative rules, drafting policies, or procedure to be effective, the
495 enactment of legislation enacting, adopting and agreeing to be bound
496 by this Compact shall be deemed to waive, repeal, supersede, or
497 otherwise amend and conform all such rules, policies or procedures to
498 allow for the effectiveness of this Compact to the fullest extent
499 permitted by the constitution of any affected Member State.

500 **Section 2. Date and Location of the Convention.** Unless
501 otherwise specified by Congress in its call, the Convention shall be held
502 in Dallas, Texas and commence proceedings at 9:00 a.m. Central
503 Standard Time on the sixth Wednesday after the latter of the effective
504 date of Article V of this Compact or the enactment date of the
505 Congressional resolution calling the Convention.

506 **Section 3.** In addition to all other powers and duties conferred
507 by state law which are consistent with the terms and conditions of this
508 Compact, the chief law enforcement officer of each Member State is
509 empowered to defend the Compact from any legal challenge, as well as
510 to seek civil mandatory and prohibitory injunctive relief to enforce this
511 Compact; and shall take such action whenever the Compact is
512 challenged or violated.

513 **Section 4.** The exclusive venue for all actions in any way arising
514 under this Compact shall be in the United States District Court for the
515 Northern District of Texas or the courts of the State of Texas within the
516 jurisdictional boundaries of the foregoing district court. Each Member
517 State shall submit to the jurisdiction of said courts with respect to such
518 actions. However, upon written request by the chief law enforcement
519 officer of any Member State, the Commission may elect to waive this
520 provision for the purpose of ensuring an action proceeds in the venue
521 that allows for the most convenient and effective enforcement or
522 defense of this Compact. Any such waiver shall be limited to the
523 particular action to which it is applied and not construed or relied
524 upon as a general waiver of this provision. The waiver decisions of the
525 Commission under this provision shall be final and binding on each
526 Member State.

527 **Section 5.** The effective date of this Compact and any of its
528 Articles is the latter of: (a) the date of any event rendering the same
529 effective according to its respective terms and conditions; or (b) the
530 earliest date otherwise permitted by law.

531 **Section 6.** Article VIII of this Compact is hereby deemed non-
532 severable prior to termination of the Compact. However, if any other
533 phrase, clause, sentence or provision of this Compact, or the
534 applicability of any other phrase, clause, sentence or provision of this
535 Compact to any government, agency, person or circumstance, is
536 declared in a final judgment to be contrary to the Constitution of the

537 United States, contrary to the state constitution of any Member State,
538 or is otherwise held invalid by a court of competent jurisdiction, such
539 phrase, clause, sentence or provision shall be severed and held for
540 naught, and the validity of the remainder of this Compact and the
541 applicability of the remainder of this Compact to any government,
542 agency, person or circumstance shall not be affected. Furthermore, if
543 this Compact is declared in a final judgment by a court of competent
544 jurisdiction to be entirely contrary to the state constitution of any
545 Member State or otherwise entirely invalid as to any Member State,
546 such Member State shall be deemed to have withdrawn from the
547 Compact, and the Compact shall remain in full force and effect as to
548 any remaining Member State. Finally, if this Compact is declared in a
549 final judgment by a court of competent jurisdiction to be wholly or
550 substantially in violation of Article I, Section 10, of the Constitution of
551 the United States, then it shall be construed and enforced solely as
552 reciprocal legislation enacted by the affected Member State(s).

553 Section 7. Termination. This Compact shall terminate and be
554 held for naught when the Compact is fully performed and the
555 Constitution of the United States is amended by the Balanced Budget
556 Amendment. However, notwithstanding anything to the contrary set
557 forth in this Compact, in the event such amendment does not occur
558 within seven (7) years after the first State passes legislation enacting,
559 adopting and agreeing to be bound to this Compact, the Compact shall
560 terminate as follows: (a) the Commission shall dissolve and wind up its
561 operations within ninety (90) days thereafter, with the Compact
562 Administrator giving notice of such dissolution and the operative effect
563 of this section to the Compact Notice Recipients; and (b) upon the
564 completed dissolution of the Commission, this Compact shall be deemed
565 terminated, repealed, void ab initio, and held for naught.

Section B. Because only the first three member states to the compact may
2 appoint a member of the compact commission, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace and
4 safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and section A of this act shall be in full force and effect upon its
6 passage and approval.

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