

FIRST REGULAR SESSION

SENATE BILL NO. 13

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0308S.01I

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 section, to be known as section 1.600, to read as follows:

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

COMPACT FOR A BALANCED BUDGET

ARTICLE I

DECLARATION OF POLICY, PURPOSE AND INTENT

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

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

ARTICLE II

DEFINITIONS

Section 1. "Compact" means this "Compact for a Balanced 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 the
45 United States, the President of the United States, the President of the
46 United States Senate, the Office of the Secretary of the United States
47 Senate, the Speaker of the United States House of Representatives, the
48 Office of the Clerk of the United States House of Representatives, the
49 chief executive officer of each State, and the presiding officer(s) of each
50 house of the Legislatures of the several States.

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

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

56 "Article

57 Section 1. Total outlays of the government of the United States
58 shall not exceed total receipts of the government of the United States

59 at any point in time unless the excess of outlays over receipts is
60 financed exclusively by debt issued in strict conformity with this
61 article.

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

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

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

92 Section 5. No bill that provides for a new or increased general
93 revenue tax shall become law unless approved by a two-thirds roll call
94 vote of the whole number of each House of Congress. However, this
95 requirement shall not apply to any bill that provides for a new end user

96 sales tax which would completely replace every existing income tax
97 levied by the government of the United States; or for the reduction or
98 elimination of an exemption, deduction, or credit allowed under an
99 existing general revenue tax.

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

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

118 ARTICLE III

119 COMPACT MEMBERSHIP AND WITHDRAWAL

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

123 Section 2. By becoming a Member State, each such State offers,
124 promises and agrees to perform and comply strictly in accordance with
125 the terms and conditions of this Compact, and has made such offer,
126 promise and agreement in anticipation and consideration of, and in
127 substantial reliance upon, such mutual and reciprocal performance and
128 compliance by each other current and future Member State, if
129 any. Accordingly, in addition to having the force of law in each
130 Member State upon its respective effective date, this Compact and each
131 of its Articles shall also be construed as contractually binding each
132 Member State when: (a) at least one other State has likewise become

133 a Member State by enacting substantively identical legislation adopting
134 and agreeing to be bound by this Compact; and (b) notice of such
135 State's Member State status is or has been seasonably received by the
136 Compact Administrator, if any, or otherwise by the chief executive
137 officer of each other Member State.

138 Section 3. For purposes of determining Member State status
139 under this Compact, as long as all other provisions of the Compact
140 remain identical and operative on the same terms, legislation enacting,
141 adopting and agreeing to be bound by this Compact shall be deemed
142 and regarded as "substantively identical" with respect to such other
143 legislation enacted by another State notwithstanding: (a) any
144 difference in section 2 of Article IV with specific regard to the
145 respectively enacting State's own method of appointing its member to
146 the Commission; (b) any difference in section 5 of Article IV with
147 specific regard to the respectively enacting State's own obligation to
148 fund the Commission; (c) any difference in sections 1 and 2 of Article
149 VI with specific regard to the number and identity of each delegate
150 respectively appointed on behalf of the enacting State, provided that
151 no more than three delegates may attend and participate in the
152 Convention on behalf of any State; or (d) any difference in section 7 of
153 Article X with specific regard to the respectively enacting State as to
154 whether section 1 of Article V of this Compact shall survive termination
155 of the Compact, and thereafter become a continuing resolution of the
156 Legislature of such State applying to Congress for the calling of a
157 convention of the states under Article V of the Constitution of the
158 United States, under such terms and limitations as may be specified by
159 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. The Speaker of the House of
300 Representatives, the President Pro Tempore of the Senate, and the
301 Governor, who are serving in this Member State on the enactment date
302 of the legislation by which this Member State joins this Compact, or,
303 alternatively, their respective designee, are each hereby appointed to
304 serve respectively as a delegate in an individual capacity among the
305 three delegates who shall represent this Member State at the
306 Convention. Said alternate delegate designation, if any, shall be made
307 by way of public written declaration and no later than the conclusion
308 of the respective officer's term in office. Said three delegates shall
309 represent this Member State at the Convention as its sole and exclusive
310 delegates. A majority vote of this delegation shall serve to decide any
311 issue at the Convention on behalf of this Member State.

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

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

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

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

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

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

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

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

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

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

377 ARTICLE VII

378 CONVENTION RULES

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

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

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

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

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

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

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

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

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

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

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

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

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

463 **ARTICLE VIII**

464 **PROHIBITION ON ULTRA VIRES CONVENTION**

465 **Section 1. Member States shall not participate in the Convention**

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

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

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

483 ARTICLE IX

484 RESOLUTION PROSPECTIVELY RATIFYING THE 485 BALANCED BUDGET AMENDMENT

486 Section 1. Each Member State, by and through its respective
487 Legislature, hereby adopts and ratifies the Balanced Budget
488 Amendment.

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

493 ARTICLE X

494 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

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

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

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

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

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

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

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

556 Section 7. Termination. This Compact shall terminate and be
557 held for naught when the Compact is fully performed and the
558 Constitution of the United States is amended by the Balanced Budget
559 Amendment. However, notwithstanding anything to the contrary set
560 forth in this Compact, in the event such amendment does not occur
561 within seven (7) years after the first State passes legislation enacting,
562 adopting and agreeing to be bound to this Compact, the Compact shall
563 terminate as follows: (a) the Commission shall dissolve and wind up its
564 operations within ninety (90) days thereafter, with the Compact
565 Administrator giving notice of such dissolution and the operative effect
566 of this section to the Compact Notice Recipients; and (b) upon the
567 completed dissolution of the Commission, this Compact shall be deemed
568 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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