

REFERENCE TITLE: compact; balanced budget; convention

State of Arizona
House of Representatives
Fifty-first Legislature
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2014

HB 2305

Introduced by
Representatives Mesnard, Barton, Borrelli, Dial, Gowan, Kwasman,
Livingston, Mitchell, Orr, Smith, Thorpe, Townsend, Senator Ward:
Representatives Allen, Brophy McGee, Fann, Olson

AN ACT

AMENDING TITLE 41, CHAPTER 2.1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO THE COMPACT REGARDING A BALANCED BUDGET AMENDMENT UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 2.1, Arizona Revised Statutes, is amended
3 by adding article 2, to read:

4 ARTICLE 2. COMPACT FOR A BALANCED BUDGET

5 41-451. Adoption of compact; text of compact

6 THE COMPACT FOR A BALANCED BUDGET IS ENACTED INTO LAW AS FOLLOWS:

7 COMPACT FOR A BALANCED BUDGET

8 THE STATE OF ARIZONA ENACTS, ADOPTS AND AGREES TO BE BOUND BY THE
9 FOLLOWING COMPACT:

10 ARTICLE I

11 DECLARATION OF POLICY, PURPOSE AND INTENT

12 WHEREAS, EVERY STATE ENACTING, ADOPTING AND AGREEING TO BE BOUND BY
13 THIS COMPACT INTENDS TO ENSURE THAT THEIR RESPECTIVE LEGISLATURE'S USE OF THE
14 POWER TO ORIGINATE A BALANCED BUDGET AMENDMENT UNDER ARTICLE V OF THE
15 CONSTITUTION OF THE UNITED STATES WILL BE EXERCISED CONVENIENTLY AND WITH
16 REASONABLE CERTAINTY AS TO THE CONSEQUENCES THEREOF.

17 NOW, THEREFORE, IN CONSIDERATION OF THEIR EXPRESSED MUTUAL PROMISES AND
18 OBLIGATIONS, BE IT ENACTED BY EVERY STATE ENACTING, ADOPTING AND AGREEING TO
19 BE BOUND BY THIS COMPACT, AND RESOLVED BY EACH OF THEIR RESPECTIVE
20 LEGISLATURES, AS THE CASE MAY BE, TO EXERCISE HEREWITH ALL OF THEIR
21 RESPECTIVE POWERS AS SET FORTH HEREIN NOTWITHSTANDING ANY LAW TO THE
22 CONTRARY.

23 ARTICLE II

24 DEFINITIONS

25 SECTION 1. "COMPACT" MEANS THIS "COMPACT FOR A BALANCED BUDGET."

26 SECTION 2. "CONVENTION" MEANS THE CONVENTION FOR PROPOSING AMENDMENTS
27 ORGANIZED BY THIS COMPACT UNDER ARTICLE V OF THE CONSTITUTION OF THE UNITED
28 STATES AND, WHERE CONTEXTUALLY APPROPRIATE TO ENSURE THE TERMS OF THIS
29 COMPACT ARE NOT EVADED, ANY OTHER SIMILAR GATHERING OR BODY, WHICH MIGHT BE
30 ORGANIZED AS A CONSEQUENCE OF CONGRESS RECEIVING THE APPLICATION SET OUT IN
31 THIS COMPACT AND CLAIM AUTHORITY TO PROPOSE OR EFFECTUATE ANY AMENDMENT,
32 ALTERATION OR REVISION TO THE CONSTITUTION OF THE UNITED STATES.

33 SECTION 3. "STATE" MEANS ONE OF THE SEVERAL STATES OF THE UNITED
34 STATES. WHERE CONTEXTUALLY APPROPRIATE, THE TERM "STATE" SHALL BE CONSTRUED
35 TO INCLUDE ALL OF ITS BRANCHES, DEPARTMENTS, AGENCIES, POLITICAL
36 SUBDIVISIONS, AND OFFICERS AND REPRESENTATIVES ACTING IN THEIR OFFICIAL
37 CAPACITY.

38 SECTION 4. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED, ADOPTED AND
39 AGREED TO BE BOUND TO THIS COMPACT. FOR ANY STATE TO QUALIFY AS A MEMBER
40 STATE WITH RESPECT TO ANY OTHER STATE UNDER THIS COMPACT, EACH SUCH STATE
41 MUST HAVE ENACTED, ADOPTED AND AGREED TO BE BOUND BY SUBSTANTIVELY IDENTICAL
42 COMPACT LEGISLATION.

43 SECTION 5. "COMPACT NOTICE RECIPIENTS" MEANS THE ARCHIVIST OF THE
44 UNITED STATES, THE PRESIDENT OF THE UNITED STATES, THE PRESIDENT OF THE
45 UNITED STATES SENATE, THE OFFICE OF THE SECRETARY OF THE UNITED STATES

1 SENATE, THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE OFFICE
2 OF THE CLERK OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE CHIEF
3 EXECUTIVE OFFICER OF EACH STATE, AND THE PRESIDING OFFICER(S) OF EACH HOUSE
4 OF THE LEGISLATURES OF THE SEVERAL STATES.

5 SECTION 6. NOTICE. ALL NOTICES REQUIRED BY THIS COMPACT SHALL BE BY
6 U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR AN EQUIVALENT OR SUPERIOR
7 FORM OF NOTICE, SUCH AS PERSONAL DELIVERY DOCUMENTED BY EVIDENCE OF ACTUAL
8 RECEIPT.

9 SECTION 7. "BALANCED BUDGET AMENDMENT" MEANS THE FOLLOWING:

10 "ARTICLE ___

11 SECTION 1. TOTAL OUTLAYS OF THE GOVERNMENT OF THE UNITED STATES SHALL
12 NOT EXCEED TOTAL RECEIPTS OF THE GOVERNMENT OF THE UNITED STATES AT ANY POINT
13 IN TIME UNLESS THE EXCESS OF OUTLAYS OVER RECEIPTS IS FINANCED EXCLUSIVELY BY
14 DEBT ISSUED IN STRICT CONFORMITY WITH THIS ARTICLE.

15 SECTION 2. OUTSTANDING DEBT SHALL NOT EXCEED AUTHORIZED DEBT, WHICH
16 INITIALLY SHALL BE AN AMOUNT EQUAL TO 105 PERCENT OF THE OUTSTANDING DEBT ON
17 THE EFFECTIVE DATE OF THIS ARTICLE. AUTHORIZED DEBT SHALL NOT BE INCREASED
18 ABOVE ITS AFORESAID INITIAL AMOUNT UNLESS SUCH INCREASE IS FIRST APPROVED BY
19 THE LEGISLATURES OF THE SEVERAL STATES AS PROVIDED IN SECTION 3.

20 SECTION 3. FROM TIME TO TIME, CONGRESS MAY INCREASE AUTHORIZED DEBT TO
21 AN AMOUNT IN EXCESS OF ITS INITIAL AMOUNT SET BY SECTION 2 ONLY IF IT FIRST
22 PUBLICLY REFERS TO THE LEGISLATURES OF THE SEVERAL STATES AN UNCONDITIONAL,
23 SINGLE SUBJECT MEASURE PROPOSING THE AMOUNT OF SUCH INCREASE, IN SUCH FORM AS
24 PROVIDED BY LAW, AND THE MEASURE IS THEREAFTER PUBLICLY AND UNCONDITIONALLY
25 APPROVED BY A SIMPLE MAJORITY OF THE LEGISLATURES OF THE SEVERAL STATES, IN
26 SUCH FORM AS PROVIDED RESPECTIVELY BY STATE LAW; PROVIDED THAT NO INDUCEMENT
27 REQUIRING AN EXPENDITURE OR TAX LEVY SHALL BE DEMANDED, OFFERED OR ACCEPTED
28 AS A QUID PRO QUO FOR SUCH APPROVAL. IF SUCH APPROVAL IS NOT OBTAINED WITHIN
29 SIXTY (60) CALENDAR DAYS AFTER REFERRAL THEN THE MEASURE SHALL BE DEEMED
30 DISAPPROVED AND THE AUTHORIZED DEBT SHALL THEREBY REMAIN UNCHANGED.

31 SECTION 4. WHENEVER THE OUTSTANDING DEBT EXCEEDS 98 PERCENT OF THE
32 DEBT LIMIT SET BY SECTION 2, THE PRESIDENT SHALL ENFORCE SAID LIMIT BY
33 PUBLICLY DESIGNATING SPECIFIC EXPENDITURES FOR IMPOUNDMENT IN AN AMOUNT
34 SUFFICIENT TO ENSURE OUTSTANDING DEBT SHALL NOT EXCEED THE AUTHORIZED
35 DEBT. SAID IMPOUNDMENT SHALL BECOME EFFECTIVE THIRTY (30) DAYS THEREAFTER,
36 UNLESS CONGRESS FIRST DESIGNATES AN ALTERNATE IMPOUNDMENT OF THE SAME OR
37 GREATER AMOUNT BY CONCURRENT RESOLUTION, WHICH SHALL BECOME IMMEDIATELY
38 EFFECTIVE. THE FAILURE OF THE PRESIDENT TO DESIGNATE OR ENFORCE THE REQUIRED
39 IMPOUNDMENT IS AN IMPEACHABLE MISDEMEANOR. ANY PURPORTED ISSUANCE OR
40 INCURRENCE OF ANY DEBT IN EXCESS OF THE DEBT LIMIT SET BY SECTION 2 IS VOID.

41 SECTION 5. NO BILL THAT PROVIDES FOR A NEW OR INCREASED GENERAL
42 REVENUE TAX SHALL BECOME LAW UNLESS APPROVED BY A TWO-THIRDS ROLL CALL VOTE
43 OF THE WHOLE NUMBER OF EACH HOUSE OF CONGRESS. HOWEVER, THIS REQUIREMENT
44 SHALL NOT APPLY TO ANY BILL THAT PROVIDES FOR A NEW END USER SALES TAX WHICH
45 WOULD COMPLETELY REPLACE EVERY EXISTING INCOME TAX LEVIED BY THE GOVERNMENT

1 OF THE UNITED STATES; OR FOR THE REDUCTION OR ELIMINATION OF AN EXEMPTION,
2 DEDUCTION, OR CREDIT ALLOWED UNDER AN EXISTING GENERAL REVENUE TAX.

3 SECTION 6. FOR PURPOSES OF THIS ARTICLE, "DEBT" MEANS ANY OBLIGATION
4 BACKED BY THE FULL FAITH AND CREDIT OF THE GOVERNMENT OF THE UNITED STATES;
5 "OUTSTANDING DEBT" MEANS ALL DEBT HELD IN ANY ACCOUNT AND BY ANY ENTITY AT A
6 GIVEN POINT IN TIME; "AUTHORIZED DEBT" MEANS THE MAXIMUM TOTAL AMOUNT OF DEBT
7 THAT MAY BE LAWFULLY ISSUED AND OUTSTANDING AT ANY SINGLE POINT IN TIME UNDER
8 THIS ARTICLE; "TOTAL OUTLAYS OF THE GOVERNMENT OF THE UNITED STATES" MEANS
9 ALL EXPENDITURES OF THE GOVERNMENT OF THE UNITED STATES FROM ANY SOURCE;
10 "TOTAL RECEIPTS OF THE GOVERNMENT OF THE UNITED STATES" MEANS ALL TAX
11 RECEIPTS AND OTHER INCOME OF THE GOVERNMENT OF THE UNITED STATES, EXCLUDING
12 PROCEEDS FROM ITS ISSUANCE OR INCURRENCE OF DEBT OR ANY TYPE OF LIABILITY;
13 "IMPOUNDMENT MEANS A PROPOSAL NOT TO SPEND ALL OR PART OF A SUM OF MONEY
14 APPROPRIATED BY CONGRESS; AND "GENERAL REVENUE TAX" MEANS ANY INCOME TAX,
15 SALES TAX, OR VALUE-ADDED TAX LEVIED BY THE GOVERNMENT OF THE UNITED STATES
16 EXCLUDING IMPOSTS AND DUTIES.

17 SECTION 7. THIS ARTICLE IS IMMEDIATELY OPERATIVE UPON RATIFICATION,
18 SELF-ENFORCING, AND CONGRESS MAY ENACT CONFORMING LEGISLATION TO FACILITATE
19 ENFORCEMENT."

20 ARTICLE III

21 COMPACT MEMBERSHIP AND WITHDRAWAL

22 SECTION 1. THIS COMPACT GOVERNS EACH MEMBER STATE TO THE FULLEST
23 EXTENT PERMITTED BY THEIR RESPECTIVE CONSTITUTIONS, SUPERSEDING AND REPEALING
24 ANY CONFLICTING OR CONTRARY LAW.

25 SECTION 2. BY BECOMING A MEMBER STATE, EACH SUCH STATE OFFERS,
26 PROMISES AND AGREES TO PERFORM AND COMPLY STRICTLY IN ACCORDANCE WITH THE
27 TERMS AND CONDITIONS OF THIS COMPACT, AND HAS MADE SUCH OFFER, PROMISE AND
28 AGREEMENT IN ANTICIPATION AND CONSIDERATION OF, AND IN SUBSTANTIAL RELIANCE
29 UPON, SUCH MUTUAL AND RECIPROCAL PERFORMANCE AND COMPLIANCE BY EACH OTHER
30 CURRENT AND FUTURE MEMBER STATE, IF ANY. ACCORDINGLY, IN ADDITION TO HAVING
31 THE FORCE OF LAW IN EACH MEMBER STATE UPON ITS RESPECTIVE EFFECTIVE DATE,
32 THIS COMPACT AND EACH OF ITS ARTICLES SHALL ALSO BE CONSTRUED AS
33 CONTRACTUALLY BINDING EACH MEMBER STATE WHEN:

34 (a) AT LEAST ONE OTHER STATE HAS LIKEWISE BECOME A MEMBER STATE BY
35 ENACTING SUBSTANTIVELY IDENTICAL LEGISLATION ADOPTING AND AGREEING TO BE
36 BOUND BY THIS COMPACT; AND

37 (b) NOTICE OF SUCH STATE'S MEMBER STATE STATUS IS OR HAS BEEN
38 SEASONABLY RECEIVED BY THE COMPACT ADMINISTRATOR, IF ANY, OR OTHERWISE BY THE
39 CHIEF EXECUTIVE OFFICER OF EACH OTHER MEMBER STATE.

40 SECTION 3. FOR PURPOSES OF DETERMINING MEMBER STATE STATUS UNDER THIS
41 COMPACT, AS LONG AS ALL OTHER PROVISIONS OF THE COMPACT REMAIN IDENTICAL AND
42 OPERATIVE ON THE SAME TERMS, LEGISLATION ENACTING, ADOPTING AND AGREEING TO
43 BE BOUND BY THIS COMPACT SHALL BE DEEMED AND REGARDED AS "SUBSTANTIVELY
44 IDENTICAL" WITH RESPECT TO SUCH OTHER LEGISLATION ENACTED BY ANOTHER STATE
45 NOTWITHSTANDING:

1 (a) ANY DIFFERENCE IN SECTION 2 OF ARTICLE IV WITH SPECIFIC REGARD TO
2 THE RESPECTIVELY ENACTING STATE'S OWN METHOD OF APPOINTING ITS MEMBER TO THE
3 COMMISSION;

4 (b) ANY DIFFERENCE IN SECTION 5 OF ARTICLE IV WITH SPECIFIC REGARD TO
5 THE RESPECTIVELY ENACTING STATE'S OWN OBLIGATION TO FUND THE COMMISSION;

6 (c) ANY DIFFERENCE IN SECTIONS 1 AND 2 OF ARTICLE VI WITH SPECIFIC
7 REGARD TO THE NUMBER AND IDENTITY OF EACH DELEGATE RESPECTIVELY APPOINTED ON
8 BEHALF OF THE ENACTING STATE, PROVIDED THAT NO MORE THAN THREE DELEGATES MAY
9 ATTEND AND PARTICIPATE IN THE CONVENTION ON BEHALF OF ANY STATE; OR

10 (d) ANY DIFFERENCE IN SECTION 7 OF ARTICLE X WITH SPECIFIC REGARD TO
11 THE RESPECTIVELY ENACTING STATE AS TO WHETHER SECTION 1 OF ARTICLE V OF THIS
12 COMPACT SHALL SURVIVE TERMINATION OF THE COMPACT, AND THEREAFTER BECOME A
13 CONTINUING RESOLUTION OF THE LEGISLATURE OF SUCH STATE APPLYING TO CONGRESS
14 FOR THE CALLING OF A CONVENTION OF THE STATES UNDER ARTICLE V OF THE
15 CONSTITUTION OF THE UNITED STATES, UNDER SUCH TERMS AND LIMITATIONS AS MAY BE
16 SPECIFIED BY SUCH STATE.

17 SECTION 4. WHEN FEWER THAN THREE-FOURTHS OF THE STATES ARE MEMBER
18 STATES, ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING
19 APPROPRIATE LEGISLATION, AS DETERMINED BY STATE LAW, AND GIVING NOTICE OF
20 SUCH WITHDRAWAL TO THE COMPACT ADMINISTRATOR, IF ANY, OR OTHERWISE TO THE
21 CHIEF EXECUTIVE OFFICER OF EACH OTHER MEMBER STATE. A WITHDRAWAL SHALL NOT
22 AFFECT THE VALIDITY OR APPLICABILITY OF THE COMPACT WITH RESPECT TO REMAINING
23 MEMBER STATES, PROVIDED THAT THERE REMAIN AT LEAST TWO SUCH STATES. HOWEVER,
24 ONCE AT LEAST THREE-FOURTHS OF THE STATES ARE MEMBER STATES, THEN NO MEMBER
25 STATE MAY WITHDRAW FROM THE COMPACT PRIOR TO ITS TERMINATION ABSENT UNANIMOUS
26 CONSENT OF ALL MEMBER STATES.

27 ARTICLE IV

28 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

29 SECTION 1. NATURE OF THE COMPACT COMMISSION. THE COMPACT COMMISSION
30 ("COMMISSION") IS HEREBY ESTABLISHED. IT HAS THE POWER AND DUTY:

31 (a) TO APPOINT AND OVERSEE A COMPACT ADMINISTRATOR;

32 (b) TO ENCOURAGE STATES TO JOIN THE COMPACT AND CONGRESS TO CALL THE
33 CONVENTION IN ACCORDANCE WITH THIS COMPACT;

34 (c) TO COORDINATE THE PERFORMANCE OF OBLIGATIONS UNDER THE COMPACT;

35 (d) TO OVERSEE THE CONVENTION'S LOGISTICAL OPERATIONS AS APPROPRIATE
36 TO ENSURE THIS COMPACT GOVERNS ITS PROCEEDINGS;

37 (e) TO OVERSEE THE DEFENSE AND ENFORCEMENT OF THE COMPACT IN
38 APPROPRIATE LEGAL VENUES;

39 (f) TO REQUEST FUNDS AND TO DISBURSE THOSE FUNDS TO SUPPORT THE
40 OPERATIONS OF THE COMMISSION, COMPACT ADMINISTRATOR, AND CONVENTION; AND

41 (g) TO COOPERATE WITH ANY ENTITY THAT SHARES A COMMON INTEREST WITH
42 THE COMMISSION AND ENGAGES IN POLICY RESEARCH, PUBLIC INTEREST LITIGATION OR
43 LOBBYING IN SUPPORT OF THE PURPOSES OF THE COMPACT.

44 THE COMMISSION SHALL ONLY HAVE SUCH IMPLIED POWERS AS ARE ESSENTIAL TO
45 CARRYING OUT THESE EXPRESS POWERS AND DUTIES. IT SHALL TAKE NO ACTION THAT

1 CONTRAVENES OR IS INCONSISTENT WITH THIS COMPACT OR ANY LAW OF ANY STATE THAT
2 IS NOT SUPERSEDED BY THIS COMPACT. IT MAY ADOPT AND PUBLISH CORRESPONDING
3 BYLAWS AND POLICIES.

4 SECTION 2. COMMISSION MEMBERSHIP. THE COMMISSION INITIALLY CONSISTS
5 OF THREE UNPAID MEMBERS. EACH MEMBER STATE MAY APPOINT ONE MEMBER TO THE
6 COMMISSION THROUGH AN APPOINTMENT PROCESS TO BE DETERMINED BY THEIR
7 RESPECTIVE CHIEF EXECUTIVE OFFICER UNTIL ALL POSITIONS ON THE COMMISSION ARE
8 FILLED. POSITIONS SHALL BE ASSIGNED TO APPOINTEES IN THE ORDER IN WHICH
9 THEIR RESPECTIVE APPOINTING STATES BECAME MEMBER STATES. THE BYLAWS OF THE
10 COMMISSION MAY EXPAND ITS MEMBERSHIP TO INCLUDE REPRESENTATIVES OF ADDITIONAL
11 MEMBER STATES AND TO ALLOW FOR MODEST SALARIES AND REIMBURSEMENT OF EXPENSES
12 IF ADEQUATE FUNDING EXISTS.

13 SECTION 3. COMMISSION ACTION. EACH COMMISSION MEMBER IS ENTITLED TO
14 ONE VOTE. THE COMMISSION SHALL NOT ACT UNLESS A MAJORITY OF ITS APPOINTED
15 MEMBERSHIP IS PRESENT, AND NO ACTION SHALL BE BINDING UNLESS APPROVED BY A
16 MAJORITY OF THE COMMISSION'S APPOINTED MEMBERSHIP. THE COMMISSION SHALL MEET
17 AT LEAST ONCE A YEAR, AND MAY MEET MORE FREQUENTLY.

18 SECTION 4. FIRST ORDER OF BUSINESS. THE COMMISSION SHALL AT THE
19 EARLIEST POSSIBLE TIME ELECT FROM AMONG ITS MEMBERSHIP A CHAIRPERSON,
20 DETERMINE A PRIMARY PLACE OF DOING BUSINESS, AND APPOINT A COMPACT
21 ADMINISTRATOR.

22 SECTION 5. FUNDING. THE COMMISSION AND THE COMPACT ADMINISTRATOR'S
23 ACTIVITIES SHALL BE FUNDED EXCLUSIVELY BY EACH MEMBER STATE, AS DETERMINED BY
24 THEIR RESPECTIVE STATE LAW, OR BY VOLUNTARY DONATIONS.

25 SECTION 6. COMPACT ADMINISTRATOR. THE COMPACT ADMINISTRATOR HAS THE
26 POWER AND DUTY:

27 (a) TO TIMELY NOTIFY THE STATES OF THE DATE, TIME AND LOCATION OF THE
28 CONVENTION;

29 (b) TO ORGANIZE AND DIRECT THE LOGISTICAL OPERATIONS OF THE
30 CONVENTION;

31 (c) TO MAINTAIN AN ACCURATE LIST OF ALL MEMBER STATES, THEIR APPOINTED
32 DELEGATES, INCLUDING CONTACT INFORMATION; AND

33 (d) TO FORMULATE, TRANSMIT, AND MAINTAIN ALL OFFICIAL NOTICES,
34 RECORDS, AND COMMUNICATIONS RELATING TO THIS COMPACT.

35 THE COMPACT ADMINISTRATOR SHALL ONLY HAVE SUCH IMPLIED POWERS AS ARE
36 ESSENTIAL TO CARRYING OUT THESE EXPRESS POWERS AND DUTIES; AND SHALL TAKE NO
37 ACTION THAT CONTRAVENES OR IS INCONSISTENT WITH THIS COMPACT OR ANY LAW OF
38 ANY STATE THAT IS NOT SUPERSEDED BY THIS COMPACT. THE COMPACT ADMINISTRATOR
39 SERVES AT THE PLEASURE OF THE COMMISSION AND MUST KEEP THE COMMISSION
40 SEASONABLY APPRISED OF THE PERFORMANCE OR NONPERFORMANCE OF THE TERMS AND
41 CONDITIONS OF THIS COMPACT. ANY NOTICE SENT BY A MEMBER STATE TO THE COMPACT
42 ADMINISTRATOR CONCERNING THIS COMPACT SHALL BE ADEQUATE NOTICE TO EACH OTHER
43 MEMBER STATE PROVIDED THAT A COPY OF SAID NOTICE IS SEASONABLY DELIVERED BY
44 THE COMPACT ADMINISTRATOR TO EACH OTHER MEMBER STATE'S RESPECTIVE CHIEF
45 EXECUTIVE OFFICER.

1 SECTION 7. NOTICE OF KEY EVENTS. UPON THE OCCURRENCE OF EACH OF THE
2 FOLLOWING DESCRIBED EVENTS, OR OTHERWISE AS SOON AS POSSIBLE, THE COMPACT
3 ADMINISTRATOR SHALL IMMEDIATELY SEND THE FOLLOWING NOTICES TO ALL COMPACT
4 NOTICE RECIPIENTS, TOGETHER WITH CERTIFIED CONFORMING COPIES OF THE CHARTERED
5 VERSION OF THIS COMPACT AS MAINTAINED IN THE STATUTES OF EACH MEMBER STATE:

6 (a) WHENEVER ANY STATE BECOMES A MEMBER STATE, NOTICE OF THAT FACT
7 SHALL BE GIVEN;

8 (b) ONCE AT LEAST THREE-FOURTHS OF THE STATES ARE MEMBER STATES,
9 NOTICE OF THAT FACT SHALL BE GIVEN TOGETHER WITH A STATEMENT DECLARING THAT
10 THE LEGISLATURES OF AT LEAST TWO-THIRDS OF THE SEVERAL STATES HAVE APPLIED
11 FOR A CONVENTION FOR PROPOSING AMENDMENTS UNDER ARTICLE V OF THE CONSTITUTION
12 OF THE UNITED STATES, PETITIONING CONGRESS TO CALL THE CONVENTION
13 CONTEMPLATED BY THIS COMPACT, AND FURTHER REQUESTING COOPERATION IN
14 ORGANIZING THE SAME IN ACCORDANCE WITH THIS COMPACT;

15 (c) ONCE CONGRESS HAS CALLED THE CONVENTION CONTEMPLATED BY THIS
16 COMPACT, AND WHENEVER THE DATE, TIME AND LOCATION OF THE CONVENTION HAS BEEN
17 DETERMINED, NOTICE OF THAT FACT SHALL BE GIVEN TOGETHER WITH THE DATE, TIME
18 AND LOCATION OF THE CONVENTION AND OTHER ESSENTIAL LOGISTICAL MATTERS;

19 (d) UPON APPROVAL OF THE BALANCED BUDGET AMENDMENT BY THE CONVENTION,
20 NOTICE OF THAT FACT SHALL BE GIVEN TOGETHER WITH THE TRANSMISSION OF
21 CERTIFIED COPIES OF SUCH APPROVED PROPOSED AMENDMENT AND A STATEMENT
22 REQUESTING CONGRESS TO REFER THE SAME FOR RATIFICATION BY THREE-FOURTHS OF
23 THE LEGISLATURES OF THE SEVERAL STATES UNDER ARTICLE V OF THE CONSTITUTION OF
24 THE UNITED STATES (HOWEVER, IN NO EVENT SHALL ANY PROPOSED AMENDMENT OTHER
25 THAN THE BALANCED BUDGET AMENDMENT BE TRANSMITTED); AND

26 (e) WHEN ANY ARTICLE OF THIS COMPACT PROSPECTIVELY RATIFYING THE
27 BALANCED BUDGET AMENDMENT IS EFFECTIVE IN ANY MEMBER STATE, NOTICE OF THE
28 SAME SHALL BE GIVEN TOGETHER WITH A STATEMENT DECLARING SUCH RATIFICATION AND
29 FURTHER REQUESTING COOPERATION IN ENSURING THAT THE OFFICIAL RECORD CONFIRMS
30 AND REFLECTS THE EFFECTIVE CORRESPONDING AMENDMENT TO THE CONSTITUTION OF THE
31 UNITED STATES.

32 HOWEVER, WHENEVER ANY MEMBER STATE ENACTS APPROPRIATE LEGISLATION, AS
33 DETERMINED BY THE LAWS OF THE RESPECTIVE STATE, WITHDRAWING FROM THIS
34 COMPACT, THE COMPACT ADMINISTRATOR SHALL IMMEDIATELY SEND CERTIFIED
35 CONFORMING COPIES OF THE CHARTERED VERSION OF SUCH WITHDRAWAL LEGISLATION AS
36 MAINTAINED IN THE STATUTES OF EACH SUCH WITHDRAWING MEMBER STATE, SOLELY TO
37 EACH CHIEF EXECUTIVE OFFICER OF EACH REMAINING MEMBER STATE, GIVING NOTICE OF
38 SUCH WITHDRAWAL.

39 SECTION 8. COOPERATION. THE COMMISSION, MEMBER STATES AND COMPACT
40 ADMINISTRATOR SHALL COOPERATE WITH EACH OTHER AND GIVE EACH OTHER MUTUAL
41 ASSISTANCE IN ENFORCING THIS COMPACT AND SHALL GIVE THE CHIEF LAW ENFORCEMENT
42 OFFICER OF EACH OTHER MEMBER STATE ANY INFORMATION OR DOCUMENTS THAT ARE
43 REASONABLY NECESSARY TO FACILITATE THE ENFORCEMENT OF THIS COMPACT.

44 SECTION 9. THIS ARTICLE DOES NOT TAKE EFFECT UNTIL THERE ARE AT LEAST
45 TWO MEMBER STATES.

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ARTICLE V
RESOLUTION APPLYING FOR CONVENTION

SECTION 1. BE IT RESOLVED, AS PROVIDED FOR IN ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES, THE LEGISLATURE OF EACH MEMBER STATE HERewith APPLIES TO CONGRESS FOR THE CALLING OF A CONVENTION FOR PROPOSING AMENDMENTS LIMITED TO THE SUBJECT MATTER OF PROPOSING FOR RATIFICATION THE BALANCED BUDGET AMENDMENT.

SECTION 2. CONGRESS IS FURTHER PETITIONED TO REFER THE BALANCED BUDGET AMENDMENT TO THE STATES FOR RATIFICATION BY THREE-FOURTHS OF THEIR RESPECTIVE LEGISLATURES.

SECTION 3. THIS ARTICLE DOES NOT TAKE EFFECT UNTIL AT LEAST THREE-FOURTHS OF THE SEVERAL STATES ARE MEMBER STATES.

ARTICLE VI
DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

SECTION 1. NUMBER OF DELEGATES. EACH MEMBER STATE SHALL BE ENTITLED TO ONE DELEGATE AS ITS SOLE AND EXCLUSIVE REPRESENTATIVE AT THE CONVENTION AS SET FORTH IN THIS ARTICLE.

SECTION 2. IDENTITY OF DELEGATES. EACH MEMBER STATE'S CHIEF EXECUTIVE OFFICER, WHO IS SERVING ON THE ENACTMENT DATE OF THIS COMPACT, IS APPOINTED IN AN INDIVIDUAL CAPACITY TO REPRESENT HIS OR HER RESPECTIVE STATE AT THE CONVENTION AS ITS SOLE AND EXCLUSIVE DELEGATE.

SECTION 3. REPLACEMENT OR RECALL OF DELEGATES. A DELEGATE APPOINTED HEREUNDER MAY BE REPLACED OR RECALLED BY THE LEGISLATURE OF HIS OR HER RESPECTIVE STATE AT ANY TIME FOR GOOD CAUSE, SUCH AS CRIMINAL MISCONDUCT OR THE VIOLATION OF THIS COMPACT. IF REPLACED OR RECALLED, ANY DELEGATE PREVIOUSLY APPOINTED HEREUNDER MUST IMMEDIATELY VACATE THE CONVENTION AND RETURN TO THEIR RESPECTIVE STATE'S CAPITOL.

SECTION 4. OATH. THE POWER AND AUTHORITY OF A DELEGATE UNDER THIS ARTICLE MAY ONLY BE EXERCISED AFTER THE CONVENTION IS FIRST CALLED BY CONGRESS IN ACCORDANCE WITH THIS COMPACT AND SUCH APPOINTMENT IS DULY ACCEPTED BY SUCH APPOINTEE PUBLICLY TAKING THE FOLLOWING OATH OR AFFIRMATION: "I DO SOLEMNLY SWEAR (OR AFFIRM) THAT I ACCEPT THIS APPOINTMENT AND WILL ACT STRICTLY IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE COMPACT FOR A BALANCED BUDGET, THE CONSTITUTION OF THE STATE I REPRESENT, AND THE CONSTITUTION OF THE UNITED STATES. I UNDERSTAND THAT VIOLATING THIS OATH (OR AFFIRMATION) FORFEITS MY APPOINTMENT AND MAY SUBJECT ME TO OTHER PENALTIES AS PROVIDED BY LAW."

SECTION 5. TERM. THE TERM OF A DELEGATE HEREUNDER COMMENCES UPON ACCEPTANCE OF APPOINTMENT AND TERMINATES UPON THE PERMANENT ADJOURNMENT OF THE CONVENTION, UNLESS SHORTENED BY RECALL, REPLACEMENT OR FORFEITURE UNDER THIS ARTICLE. UPON EXPIRATION OF SUCH TERM, ANY PERSON FORMERLY SERVING AS A DELEGATE MUST IMMEDIATELY WITHDRAW FROM AND CEASE PARTICIPATION AT THE CONVENTION, IF ANY IS PROCEEDING.

SECTION 6. DELEGATE AUTHORITY. THE POWER AND AUTHORITY OF ANY DELEGATE APPOINTED HEREUNDER IS STRICTLY LIMITED:

1 (a) TO INTRODUCING, DEBATING, VOTING UPON, PROPOSING AND ENFORCING THE
2 CONVENTION RULES SPECIFIED IN THIS COMPACT, AS NEEDED TO ENSURE THOSE RULES
3 GOVERN THE CONVENTION; AND

4 (b) TO INTRODUCING, DEBATING, VOTING UPON, AND REJECTING OR PROPOSING
5 FOR RATIFICATION THE BALANCED BUDGET AMENDMENT.
6 ALL ACTIONS TAKEN BY ANY DELEGATE IN VIOLATION OF THIS SECTION ARE VOID AB
7 INITIO.

8 SECTION 7. NO DELEGATE OF ANY MEMBER STATE MAY INTRODUCE, DEBATE, VOTE
9 UPON, REJECT OR PROPOSE FOR RATIFICATION ANY CONSTITUTIONAL AMENDMENT AT THE
10 CONVENTION UNLESS:

11 (a) THE CONVENTION RULES SPECIFIED IN THIS COMPACT GOVERN THE
12 CONVENTION AND THEIR ACTIONS; AND

13 (b) THE CONSTITUTIONAL AMENDMENT IS THE BALANCED BUDGET AMENDMENT.

14 SECTION 8. THE POWER AND AUTHORITY OF ANY DELEGATE AT THE CONVENTION
15 DOES NOT INCLUDE ANY POWER OR AUTHORITY ASSOCIATED WITH ANY OTHER PUBLIC
16 OFFICE HELD BY THE DELEGATE. ANY PERSON APPOINTED TO SERVE AS A DELEGATE
17 SHALL TAKE A TEMPORARY LEAVE OF ABSENCE, OR OTHERWISE SHALL BE DEEMED
18 TEMPORARILY DISABLED, FROM ANY OTHER PUBLIC OFFICE HELD BY THE DELEGATE WHILE
19 ATTENDING THE CONVENTION, AND MAY NOT EXERCISE ANY POWER OR AUTHORITY
20 ASSOCIATED WITH ANY OTHER PUBLIC OFFICE HELD BY THE DELEGATE WHILE ATTENDING
21 THE CONVENTION. ALL ACTIONS TAKEN BY ANY DELEGATE IN VIOLATION OF THIS
22 SECTION ARE VOID AB INITIO.

23 SECTION 9. ORDER OF BUSINESS. BEFORE INTRODUCING, DEBATING, VOTING
24 UPON, REJECTING OR PROPOSING FOR RATIFICATION ANY CONSTITUTIONAL AMENDMENT AT
25 THE CONVENTION, EACH DELEGATE OF EVERY MEMBER STATE MUST FIRST ENSURE THE
26 CONVENTION RULES IN THIS COMPACT GOVERN THE CONVENTION AND THEIR ACTIONS.
27 EVERY DELEGATE AND EACH MEMBER STATE MUST IMMEDIATELY VACATE THE CONVENTION
28 AND NOTIFY THE COMPACT ADMINISTRATOR BY THE MOST EFFECTIVE AND EXPEDITIOUS
29 MEANS IF THE CONVENTION RULES IN THIS COMPACT ARE NOT ADOPTED TO GOVERN THE
30 CONVENTION AND THEIR ACTIONS.

31 SECTION 10. FORFEITURE OF APPOINTMENT. IF ANY MEMBER STATE OR
32 DELEGATE VIOLATES ANY PROVISION OF THIS COMPACT, THEN EVERY DELEGATE OF THAT
33 MEMBER STATE IMMEDIATELY FORFEITS HIS OR HER APPOINTMENT, AND SHALL
34 IMMEDIATELY CEASE PARTICIPATION AT THE CONVENTION, VACATE THE CONVENTION, AND
35 RETURN TO HIS OR HER RESPECTIVE STATE'S CAPITOL.

36 SECTION 11. EXPENSES. A DELEGATE APPOINTED HEREUNDER IS ENTITLED TO
37 REIMBURSEMENT OF REASONABLE EXPENSES FOR ATTENDING THE CONVENTION FROM HIS OR
38 HER RESPECTIVE MEMBER STATE. NO DELEGATE MAY ACCEPT ANY OTHER FORM OF
39 REMUNERATION OR COMPENSATION FOR SERVICE UNDER THIS COMPACT.

40 ARTICLE VII
41 CONVENTION RULES

42 SECTION 1. NATURE OF THE CONVENTION. THE CONVENTION SHALL BE
43 ORGANIZED, CONSTRUED AND CONDUCTED AS A BODY EXCLUSIVELY REPRESENTING AND
44 CONSTITUTED BY THE SEVERAL STATES.

1 SECTION 2. AGENDA OF THE CONVENTION. THE AGENDA OF THE CONVENTION
2 SHALL BE ENTIRELY FOCUSED UPON AND EXCLUSIVELY LIMITED TO INTRODUCING,
3 DEBATING, VOTING UPON, AND REJECTING OR PROPOSING FOR RATIFICATION THE
4 BALANCED BUDGET AMENDMENT UNDER THE CONVENTION RULES SPECIFIED IN THIS
5 ARTICLE AND IN ACCORDANCE WITH THE COMPACT. IT SHALL NOT BE IN ORDER FOR THE
6 CONVENTION TO CONSIDER ANY MATTER THAT IS OUTSIDE THE SCOPE OF THIS AGENDA.

7 SECTION 3. DELEGATE IDENTITY AND PROCEDURE. STATES SHALL BE
8 REPRESENTED AT THE CONVENTION THROUGH DULY APPOINTED DELEGATES. THE NUMBER,
9 IDENTITY AND AUTHORITY OF DELEGATES ASSIGNED TO EACH STATE SHALL BE
10 DETERMINED BY THIS COMPACT IN THE CASE OF MEMBER STATES OR, IN THE CASE OF
11 STATES THAT ARE NOT MEMBER STATES, BY THEIR RESPECTIVE STATE LAWS. HOWEVER,
12 TO PREVENT DISRUPTION OF PROCEEDINGS, NO MORE THAN THREE DELEGATES MAY ATTEND
13 AND PARTICIPATE IN THE CONVENTION ON BEHALF OF ANY STATE. A CERTIFIED
14 CHAPTERED CONFORMING COPY OF THIS COMPACT, TOGETHER WITH GOVERNMENT-ISSUED
15 PHOTOGRAPHIC PROOF OF IDENTIFICATION, SHALL SUFFICE AS CREDENTIALS FOR
16 DELEGATES OF MEMBER STATES. ANY COMMISSION FOR DELEGATES OF STATES THAT ARE
17 NOT MEMBER STATES SHALL BE BASED ON THEIR RESPECTIVE STATE LAWS, BUT IT SHALL
18 FURNISH CREDENTIALS THAT ARE AT LEAST AS RELIABLE AS THOSE REQUIRED OF MEMBER
19 STATES.

20 SECTION 4. VOTING. EACH STATE REPRESENTED AT THE CONVENTION SHALL
21 HAVE ONE VOTE, EXERCISED BY THE VOTE OF THAT STATE'S DELEGATE IN THE CASE OF
22 STATES REPRESENTED BY ONE DELEGATE, OR, IN THE CASE OF ANY STATE THAT IS
23 REPRESENTED BY MORE THAN ONE DELEGATE, BY THE MAJORITY VOTE OF THAT STATE'S
24 RESPECTIVE DELEGATES.

25 SECTION 5. QUORUM. A MAJORITY OF THE SEVERAL STATES OF THE UNITED
26 STATES, EACH PRESENT THROUGH ITS RESPECTIVE DELEGATE IN THE CASE OF ANY STATE
27 THAT IS REPRESENTED BY ONE DELEGATE, OR THROUGH A MAJORITY OF ITS RESPECTIVE
28 DELEGATES, IN THE CASE OF ANY STATE THAT IS REPRESENTED BY MORE THAN ONE
29 DELEGATE, SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS ON
30 BEHALF OF THE CONVENTION.

31 SECTION 6. ACTION BY THE CONVENTION. THE CONVENTION SHALL ONLY ACT AS
32 A COMMITTEE OF THE WHOLE, CHAIRED BY THE DELEGATE REPRESENTING THE FIRST
33 STATE TO HAVE BECOME A MEMBER STATE, IF THAT STATE IS REPRESENTED BY ONE
34 DELEGATE, OR OTHERWISE BY THE DELEGATE CHOSEN BY THE MAJORITY VOTE OF THAT
35 STATE'S RESPECTIVE DELEGATES. THE TRANSACTION OF ANY BUSINESS ON BEHALF OF
36 THE CONVENTION, INCLUDING THE DESIGNATION OF A SECRETARY, THE ADOPTION OF
37 PARLIAMENTARY PROCEDURES AND THE REJECTION OR PROPOSAL OF ANY CONSTITUTIONAL
38 AMENDMENT, REQUIRES A QUORUM TO BE PRESENT AND A MAJORITY AFFIRMATIVE VOTE OF
39 THOSE STATES CONSTITUTING THE QUORUM.

40 SECTION 7. EMERGENCY SUSPENSION AND RELOCATION OF THE CONVENTION. IN
41 THE EVENT THAT THE CHAIR OF THE CONVENTION DECLARES AN EMERGENCY DUE TO
42 DISORDER OR AN IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY PRIOR TO THE
43 COMPLETION OF THE BUSINESS ON THE AGENDA, AND A MAJORITY OF THE STATES
44 PRESENT AT THE CONVENTION DO NOT OBJECT TO SUCH DECLARATION, FURTHER
45 CONVENTION PROCEEDINGS SHALL BE TEMPORARILY SUSPENDED, AND THE COMMISSION

1 SHALL SUBSEQUENTLY RELOCATE OR RESCHEDULE THE CONVENTION TO RESUME
2 PROCEEDINGS IN AN ORDERLY FASHION IN ACCORDANCE WITH THE TERMS AND CONDITIONS
3 OF THIS COMPACT WITH PRIOR NOTICE GIVEN TO THE COMPACT NOTICE RECIPIENTS.

4 SECTION 8. PARLIAMENTARY PROCEDURE. IN ADOPTING, APPLYING AND
5 FORMULATING PARLIAMENTARY PROCEDURE, THE CONVENTION SHALL EXCLUSIVELY ADOPT,
6 APPLY OR APPROPRIATELY ADAPT PROVISIONS OF THE MOST RECENT EDITIONS OF
7 ROBERT'S RULES OF ORDER AND THE AMERICAN INSTITUTE OF PARLIAMENTARIANS
8 STANDARD CODE OF PARLIAMENTARY PROCEDURE. IN ADOPTING, APPLYING OR ADAPTING
9 PARLIAMENTARY PROCEDURE, THE CONVENTION SHALL EXCLUSIVELY CONSIDER ANALOGOUS
10 PRECEDENT ARISING WITHIN THE JURISDICTION OF THE UNITED STATES.
11 PARLIAMENTARY PROCEDURES ADOPTED, APPLIED OR ADAPTED PURSUANT TO THIS SECTION
12 SHALL NOT OBSTRUCT, OVERRIDE OR OTHERWISE CONFLICT WITH THIS COMPACT.

13 SECTION 9. TRANSMITTAL. UPON APPROVAL OF THE BALANCED BUDGET
14 AMENDMENT BY THE CONVENTION TO PROPOSE FOR RATIFICATION, THE CHAIR OF THE
15 CONVENTION SHALL IMMEDIATELY TRANSMIT CERTIFIED COPIES OF SUCH APPROVED
16 PROPOSED AMENDMENT TO THE COMPACT ADMINISTRATOR AND ALL COMPACT NOTICE
17 RECIPIENTS, NOTIFYING THEM RESPECTIVELY OF SUCH APPROVAL AND REQUESTING
18 CONGRESS TO REFER THE SAME FOR RATIFICATION BY THE STATES UNDER ARTICLE V OF
19 THE CONSTITUTION OF THE UNITED STATES. HOWEVER, IN NO EVENT SHALL ANY
20 PROPOSED AMENDMENT OTHER THAN THE BALANCED BUDGET AMENDMENT BE TRANSMITTED AS
21 AFORESAID.

22 SECTION 10. TRANSPARENCY. RECORDS OF THE CONVENTION, INCLUDING THE
23 IDENTITIES OF ALL ATTENDEES AND DETAILED MINUTES OF ALL PROCEEDINGS, SHALL BE
24 KEPT BY THE CHAIR OF THE CONVENTION OR SECRETARY DESIGNATED BY THE
25 CONVENTION. ALL PROCEEDINGS AND RECORDS OF THE CONVENTION SHALL BE OPEN TO
26 THE PUBLIC UPON REQUEST SUBJECT TO REASONABLE REGULATIONS ADOPTED BY THE
27 CONVENTION THAT ARE CLOSELY TAILORED TO PREVENTING DISRUPTION OF PROCEEDINGS
28 UNDER THIS ARTICLE.

29 SECTION 11. ADJOURNMENT OF THE CONVENTION. THE CONVENTION SHALL
30 PERMANENTLY ADJOURN UPON THE EARLIER OF TWENTY-FOUR HOURS AFTER COMMENCING
31 PROCEEDINGS UNDER THIS ARTICLE OR THE COMPLETION OF THE BUSINESS ON ITS
32 AGENDA.

33 ARTICLE VIII

34 PROHIBITION ON ULTRA VIRES CONVENTION

35 SECTION 1. MEMBER STATES SHALL NOT PARTICIPATE IN THE CONVENTION
36 UNLESS:

37 (a) CONGRESS FIRST CALLS THE CONVENTION IN ACCORDANCE WITH THIS
38 COMPACT; AND

39 (b) THE CONVENTION RULES OF THIS COMPACT ARE ADOPTED BY THE CONVENTION
40 AS ITS FIRST ORDER OF BUSINESS.

41 SECTION 2. ANY PROPOSAL OR ACTION OF THE CONVENTION IS VOID AB INITIO
42 AND ISSUED BY A BODY THAT IS CONDUCTING ITSELF IN AN UNLAWFUL AND ULTRA VIRES
43 FASHION IF THAT PROPOSAL OR ACTION:

1 (a) VIOLATES OR WAS APPROVED IN VIOLATION OF THE CONVENTION RULES OR
2 THE DELEGATE INSTRUCTIONS AND LIMITATIONS ON DELEGATE AUTHORITY SPECIFIED IN
3 THIS COMPACT;

4 (b) PURPORTS TO PROPOSE OR EFFECTUATE A MODE OF RATIFICATION THAT IS
5 NOT SPECIFIED IN ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES; OR

6 (c) PURPORTS TO PROPOSE OR EFFECTUATE THE FORMATION OF A NEW
7 GOVERNMENT.

8 ALL MEMBER STATES ARE PROHIBITED FROM ADVANCING OR ASSISTING IN THE
9 ADVANCEMENT OF ANY SUCH PROPOSAL OR ACTION.

10 SECTION 3. MEMBER STATES SHALL NOT RATIFY OR OTHERWISE APPROVE ANY
11 PROPOSED AMENDMENT, ALTERATION OR REVISION TO THE CONSTITUTION OF THE UNITED
12 STATES, WHICH ORIGINATES FROM THE CONVENTION, OTHER THAN THE BALANCED BUDGET
13 AMENDMENT.

14 ARTICLE IX
15 RESOLUTION PROSPECTIVELY RATIFYING THE
16 BALANCED BUDGET AMENDMENT

17 SECTION 1. EACH MEMBER STATE, BY AND THROUGH ITS RESPECTIVE
18 LEGISLATURE, HEREBY ADOPTS AND RATIFIES THE BALANCED BUDGET AMENDMENT.

19 SECTION 2. THIS ARTICLE DOES NOT TAKE EFFECT UNTIL CONGRESS
20 EFFECTIVELY REFERS THE BALANCED BUDGET AMENDMENT TO THE STATES FOR
21 RATIFICATION BY THREE-FOURTHS OF THE LEGISLATURES OF THE SEVERAL STATES UNDER
22 ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES.

23 ARTICLE X
24 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

25 SECTION 1. TO THE EXTENT THAT THE EFFECTIVENESS OF THIS COMPACT OR ANY
26 OF ITS ARTICLES OR PROVISIONS REQUIRES THE ALTERATION OF LOCAL LEGISLATIVE
27 RULES, DRAFTING POLICIES, OR PROCEDURE TO BE EFFECTIVE, THE ENACTMENT OF
28 LEGISLATION ENACTING, ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT SHALL
29 BE DEEMED TO WAIVE, REPEAL, SUPERSEDE, OR OTHERWISE AMEND AND CONFORM ALL
30 SUCH RULES, POLICIES OR PROCEDURES TO ALLOW FOR THE EFFECTIVENESS OF THIS
31 COMPACT TO THE FULLEST EXTENT PERMITTED BY THE CONSTITUTION OF ANY AFFECTED
32 MEMBER STATE.

33 SECTION 2. DATE AND LOCATION OF THE CONVENTION. UNLESS OTHERWISE
34 SPECIFIED BY CONGRESS IN ITS CALL, THE CONVENTION SHALL BE HELD IN DALLAS,
35 TEXAS AND COMMENCE PROCEEDINGS AT 9:00 A.M. CENTRAL STANDARD TIME ON THE
36 SIXTH WEDNESDAY AFTER THE LATTER OF THE EFFECTIVE DATE OF ARTICLE V OF THIS
37 COMPACT OR THE ENACTMENT DATE OF THE CONGRESSIONAL RESOLUTION CALLING THE
38 CONVENTION.

39 SECTION 3. IN ADDITION TO ALL OTHER POWERS AND DUTIES CONFERRED BY
40 STATE LAW WHICH ARE CONSISTENT WITH THE TERMS AND CONDITIONS OF THIS COMPACT,
41 THE CHIEF LAW ENFORCEMENT OFFICER OF EACH MEMBER STATE IS EMPOWERED TO DEFEND
42 THE COMPACT FROM ANY LEGAL CHALLENGE, AS WELL AS TO SEEK CIVIL MANDATORY AND
43 PROHIBITORY INJUNCTIVE RELIEF TO ENFORCE THIS COMPACT; AND SHALL TAKE SUCH
44 ACTION WHENEVER THE COMPACT IS CHALLENGED OR VIOLATED.

1 SECTION 4. THE EXCLUSIVE VENUE FOR ALL ACTIONS IN ANY WAY ARISING
2 UNDER THIS COMPACT SHALL BE IN THE UNITED STATES DISTRICT COURT FOR THE
3 NORTHERN DISTRICT OF TEXAS OR THE COURTS OF THE STATE OF TEXAS WITHIN THE
4 JURISDICTIONAL BOUNDARIES OF THE FOREGOING DISTRICT COURT. EACH MEMBER STATE
5 SHALL SUBMIT TO THE JURISDICTION OF SAID COURTS WITH RESPECT TO SUCH ACTIONS.
6 HOWEVER, UPON WRITTEN REQUEST BY THE CHIEF LAW ENFORCEMENT OFFICER OF ANY
7 MEMBER STATE, THE COMMISSION MAY ELECT TO WAIVE THIS PROVISION FOR THE
8 PURPOSE OF ENSURING AN ACTION PROCEEDS IN THE VENUE THAT ALLOWS FOR THE MOST
9 CONVENIENT AND EFFECTIVE ENFORCEMENT OR DEFENSE OF THIS COMPACT. ANY SUCH
10 WAIVER SHALL BE LIMITED TO THE PARTICULAR ACTION TO WHICH IT IS APPLIED AND
11 NOT CONSTRUED OR RELIED UPON AS A GENERAL WAIVER OF THIS PROVISION. THE
12 WAIVER DECISIONS OF THE COMMISSION UNDER THIS PROVISION SHALL BE FINAL AND
13 BINDING ON EACH MEMBER STATE.

14 SECTION 5. THE EFFECTIVE DATE OF THIS COMPACT AND ANY OF ITS ARTICLES
15 IS THE LATTER OF: (a) THE DATE OF ANY EVENT RENDERING THE SAME EFFECTIVE
16 ACCORDING TO ITS RESPECTIVE TERMS AND CONDITIONS; OR (b) THE EARLIEST DATE
17 OTHERWISE PERMITTED BY LAW.

18 SECTION 6. ARTICLE VIII OF THIS COMPACT IS HEREBY DEEMED NON-SEVERABLE
19 PRIOR TO TERMINATION OF THE COMPACT. HOWEVER, IF ANY OTHER PHRASE, CLAUSE,
20 SENTENCE OR PROVISION OF THIS COMPACT, OR THE APPLICABILITY OF ANY OTHER
21 PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT TO ANY GOVERNMENT,
22 AGENCY, PERSON OR CIRCUMSTANCE, IS DECLARED IN A FINAL JUDGMENT TO BE
23 CONTRARY TO THE CONSTITUTION OF THE UNITED STATES, CONTRARY TO THE STATE
24 CONSTITUTION OF ANY MEMBER STATE, OR IS OTHERWISE HELD INVALID BY A COURT OF
25 COMPETENT JURISDICTION, SUCH PHRASE, CLAUSE, SENTENCE OR PROVISION SHALL BE
26 SEVERED AND HELD FOR NAUGHT, AND THE VALIDITY OF THE REMAINDER OF THIS
27 COMPACT AND THE APPLICABILITY OF THE REMAINDER OF THIS COMPACT TO ANY
28 GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE SHALL NOT BE AFFECTED.
29 FURTHERMORE, IF THIS COMPACT IS DECLARED IN A FINAL JUDGMENT BY A COURT OF
30 COMPETENT JURISDICTION TO BE ENTIRELY CONTRARY TO THE STATE CONSTITUTION OF
31 ANY MEMBER STATE OR OTHERWISE ENTIRELY INVALID AS TO ANY MEMBER STATE, SUCH
32 MEMBER STATE SHALL BE DEEMED TO HAVE WITHDRAWN FROM THE COMPACT, AND THE
33 COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO ANY REMAINING MEMBER
34 STATE. FINALLY, IF THIS COMPACT IS DECLARED IN A FINAL JUDGMENT BY A COURT
35 OF COMPETENT JURISDICTION TO BE WHOLLY OR SUBSTANTIALLY IN VIOLATION OF
36 ARTICLE I, SECTION 10, OF THE CONSTITUTION OF THE UNITED STATES, THEN IT
37 SHALL BE CONSTRUED AND ENFORCED SOLELY AS RECIPROCAL LEGISLATION ENACTED BY
38 THE AFFECTED MEMBER STATES.

39 SECTION 7. TERMINATION. THIS COMPACT SHALL TERMINATE AND BE HELD FOR
40 NAUGHT WHEN THE COMPACT IS FULLY PERFORMED AND THE CONSTITUTION OF THE UNITED
41 STATES IS AMENDED BY THE BALANCED BUDGET AMENDMENT. HOWEVER, NOTWITHSTANDING
42 ANYTHING TO THE CONTRARY SET FORTH IN THIS COMPACT, IN THE EVENT SUCH
43 AMENDMENT DOES NOT OCCUR WITHIN SEVEN (7) YEARS AFTER THE FIRST STATE PASSES
44 LEGISLATION ENACTING, ADOPTING AND AGREEING TO BE BOUND TO THIS COMPACT, THE
45 COMPACT SHALL TERMINATE AS FOLLOWS:

1 (a) THE COMMISSION SHALL DISSOLVE AND WIND UP ITS OPERATIONS WITHIN
2 NINETY (90) DAYS THEREAFTER, WITH THE COMPACT ADMINISTRATOR GIVING NOTICE OF
3 SUCH DISSOLUTION AND THE OPERATIVE EFFECT OF THIS SECTION TO THE COMPACT
4 NOTICE RECIPIENTS; AND

5 (b) UPON THE COMPLETED DISSOLUTION OF THE COMMISSION, THIS COMPACT
6 SHALL BE DEEMED TERMINATED, REPEALED, VOID AB INITIO, AND HELD FOR NAUGHT.