

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HOUSE BILL 2326

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. THIS TERM
33 DOES NOT ENCOMPASS A CONVENTION FOR PROPOSING AMENDMENTS UNDER ARTICLE V OF
34 THE CONSTITUTION OF THE UNITED STATES THAT IS ORGANIZED INDEPENDENTLY OF THIS
35 COMPACT BASED ON THE SEPARATE AND DISTINCT APPLICATION OF ANY STATE.

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

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

1 SECTION 5. "COMPACT NOTICE RECIPIENTS" MEANS THE ARCHIVIST OF THE
2 UNITED STATES, THE PRESIDENT OF THE UNITED STATES, THE PRESIDENT OF THE
3 UNITED STATES SENATE, THE OFFICE OF THE SECRETARY OF THE UNITED STATES
4 SENATE, THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE OFFICE
5 OF THE CLERK OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE CHIEF
6 EXECUTIVE OFFICER OF EACH STATE, AND THE PRESIDING OFFICER(S) OF EACH HOUSE
7 OF THE LEGISLATURES OF THE SEVERAL STATES.

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

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

13 "ARTICLE ____

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

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

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

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

44 SECTION 5. NO BILL THAT PROVIDES FOR A NEW OR INCREASED GENERAL
45 REVENUE TAX SHALL BECOME LAW UNLESS APPROVED BY A TWO-THIRDS ROLL CALL VOTE

1 OF THE WHOLE NUMBER OF EACH HOUSE OF CONGRESS. HOWEVER, THIS REQUIREMENT
2 SHALL NOT APPLY TO ANY BILL THAT PROVIDES FOR A NEW END USER SALES TAX WHICH
3 WOULD COMPLETELY REPLACE EVERY EXISTING INCOME TAX LEVIED BY THE GOVERNMENT
4 OF THE UNITED STATES; OR FOR THE REDUCTION OR ELIMINATION OF AN EXEMPTION,
5 DEDUCTION, OR CREDIT ALLOWED UNDER AN EXISTING GENERAL REVENUE TAX.

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

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

23 ARTICLE III

24 COMPACT MEMBERSHIP AND WITHDRAWAL

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

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

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

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

43 SECTION 3. FOR PURPOSES OF DETERMINING MEMBER STATE STATUS UNDER THIS
44 COMPACT, AS LONG AS ALL OTHER PROVISIONS OF THE COMPACT REMAIN IDENTICAL AND
45 OPERATIVE ON THE SAME TERMS, LEGISLATION ENACTING, ADOPTING AND AGREEING TO

1 BE BOUND BY THIS COMPACT SHALL BE DEEMED AND REGARDED AS "SUBSTANTIVELY
2 IDENTICAL" WITH RESPECT TO SUCH OTHER LEGISLATION ENACTED BY ANOTHER STATE
3 NOTWITHSTANDING:

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

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

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

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

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

30 ARTICLE IV

31 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

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

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

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

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

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

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

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

1 (g) TO COOPERATE WITH ANY ENTITY THAT SHARES A COMMON INTEREST WITH
2 THE COMMISSION AND ENGAGES IN POLICY RESEARCH, PUBLIC INTEREST LITIGATION OR
3 LOBBYING IN SUPPORT OF THE PURPOSES OF THE COMPACT.
4 THE COMMISSION SHALL ONLY HAVE SUCH IMPLIED POWERS AS ARE ESSENTIAL TO
5 CARRYING OUT THESE EXPRESS POWERS AND DUTIES. IT SHALL TAKE NO ACTION THAT
6 CONTRAVENES OR IS INCONSISTENT WITH THIS COMPACT OR ANY LAW OF ANY STATE THAT
7 IS NOT SUPERSEDED BY THIS COMPACT. IT MAY ADOPT AND PUBLISH CORRESPONDING
8 BYLAWS AND POLICIES.

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

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

23 SECTION 4. FIRST ORDER OF BUSINESS. THE COMMISSION SHALL AT THE
24 EARLIEST POSSIBLE TIME ELECT FROM AMONG ITS MEMBERSHIP A CHAIRPERSON,
25 DETERMINE A PRIMARY PLACE OF DOING BUSINESS, AND APPOINT A COMPACT
26 ADMINISTRATOR.

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

30 SECTION 6. COMPACT ADMINISTRATOR. THE COMPACT ADMINISTRATOR HAS THE
31 POWER AND DUTY:

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

34 (b) TO ORGANIZE AND DIRECT THE LOGISTICAL OPERATIONS OF THE
35 CONVENTION;

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

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

40 THE COMPACT ADMINISTRATOR SHALL ONLY HAVE SUCH IMPLIED POWERS AS ARE
41 ESSENTIAL TO CARRYING OUT THESE EXPRESS POWERS AND DUTIES; AND SHALL TAKE NO
42 ACTION THAT CONTRAVENES OR IS INCONSISTENT WITH THIS COMPACT OR ANY LAW OF
43 ANY STATE THAT IS NOT SUPERSEDED BY THIS COMPACT. THE COMPACT ADMINISTRATOR
44 SERVES AT THE PLEASURE OF THE COMMISSION AND MUST KEEP THE COMMISSION
45 SEASONABLY APPRISED OF THE PERFORMANCE OR NONPERFORMANCE OF THE TERMS AND

1 CONDITIONS OF THIS COMPACT. ANY NOTICE SENT BY A MEMBER STATE TO THE COMPACT
2 ADMINISTRATOR CONCERNING THIS COMPACT SHALL BE ADEQUATE NOTICE TO EACH OTHER
3 MEMBER STATE PROVIDED THAT A COPY OF SAID NOTICE IS SEASONABLY DELIVERED BY
4 THE COMPACT ADMINISTRATOR TO EACH OTHER MEMBER STATE'S RESPECTIVE CHIEF
5 EXECUTIVE OFFICER.

6 SECTION 7. NOTICE OF KEY EVENTS. UPON THE OCCURRENCE OF EACH OF THE
7 FOLLOWING DESCRIBED EVENTS, OR OTHERWISE AS SOON AS POSSIBLE, THE COMPACT
8 ADMINISTRATOR SHALL IMMEDIATELY SEND THE FOLLOWING NOTICES TO ALL COMPACT
9 NOTICE RECIPIENTS, TOGETHER WITH CERTIFIED CONFORMING COPIES OF THE CHAPTERED
10 VERSION OF THIS COMPACT AS MAINTAINED IN THE STATUTES OF EACH MEMBER STATE:

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

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

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

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

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

37 HOWEVER, WHENEVER ANY MEMBER STATE ENACTS APPROPRIATE LEGISLATION, AS
38 DETERMINED BY THE LAWS OF THE RESPECTIVE STATE, WITHDRAWING FROM THIS
39 COMPACT, THE COMPACT ADMINISTRATOR SHALL IMMEDIATELY SEND CERTIFIED
40 CONFORMING COPIES OF THE CHAPTERED VERSION OF SUCH WITHDRAWAL LEGISLATION AS
41 MAINTAINED IN THE STATUTES OF EACH SUCH WITHDRAWING MEMBER STATE, SOLELY TO
42 EACH CHIEF EXECUTIVE OFFICER OF EACH REMAINING MEMBER STATE, GIVING NOTICE OF
43 SUCH WITHDRAWAL.

44 SECTION 8. COOPERATION. THE COMMISSION, MEMBER STATES AND COMPACT
45 ADMINISTRATOR SHALL COOPERATE WITH EACH OTHER AND GIVE EACH OTHER MUTUAL

1 ASSISTANCE IN ENFORCING THIS COMPACT AND SHALL GIVE THE CHIEF LAW ENFORCEMENT
2 OFFICER OF EACH OTHER MEMBER STATE ANY INFORMATION OR DOCUMENTS THAT ARE
3 REASONABLY NECESSARY TO FACILITATE THE ENFORCEMENT OF THIS COMPACT.

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

6 ARTICLE V

7 RESOLUTION APPLYING FOR CONVENTION

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

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

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

18 ARTICLE VI

19 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

20 SECTION 1. NUMBER OF DELEGATES. THIS MEMBER STATE SHALL BE ENTITLED
21 TO THREE DELEGATES TO REPRESENT ITS SOVEREIGN INTERESTS AT THE CONVENTION.

22 SECTION 2. IDENTITY. THE GOVERNOR, SPEAKER OF THE HOUSE OF
23 REPRESENTATIVES AND PRESIDENT OF THE SENATE OF THIS MEMBER STATE ON THE
24 ENACTMENT DATE OF THIS COMPACT, OR THEIR RESPECTIVE DESIGNEE, AS IDENTIFIED
25 IN A SWORN AFFIDAVIT EXECUTED BY SUCH OFFICER, ARE EACH APPOINTED IN AN
26 INDIVIDUAL CAPACITY TO REPRESENT THIS MEMBER STATE AT THE CONVENTION AS ITS
27 SOLE AND EXCLUSIVE DELEGATES. A MAJORITY VOTE OF THIS DELEGATION SHALL SERVE
28 TO DECIDE ANY ISSUE AT THE CONVENTION ON BEHALF OF THIS MEMBER STATE.

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

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

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

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

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

12 (b) TO INTRODUCING, DEBATING, VOTING UPON, AND REJECTING OR PROPOSING
13 FOR RATIFICATION THE BALANCED BUDGET AMENDMENT.

14 ALL ACTIONS TAKEN BY ANY DELEGATE IN VIOLATION OF THIS SECTION ARE VOID AB
15 INITIO.

16 SECTION 7. DELEGATE AUTHORITY. NO DELEGATE OF ANY MEMBER STATE MAY
17 INTRODUCE, DEBATE, VOTE UPON, REJECT OR PROPOSE FOR RATIFICATION ANY
18 CONSTITUTIONAL AMENDMENT AT THE CONVENTION UNLESS:

19 (a) THE CONVENTION RULES SPECIFIED IN THIS COMPACT GOVERN THE
20 CONVENTION AND THEIR ACTIONS; AND

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

22 SECTION 8. DELEGATE AUTHORITY. THE POWER AND AUTHORITY OF ANY
23 DELEGATE AT THE CONVENTION DOES NOT INCLUDE ANY POWER OR AUTHORITY ASSOCIATED
24 WITH ANY OTHER PUBLIC OFFICE HELD BY THE DELEGATE. ANY PERSON APPOINTED TO
25 SERVE AS A DELEGATE SHALL TAKE A TEMPORARY LEAVE OF ABSENCE, OR OTHERWISE
26 SHALL BE DEEMED TEMPORARILY DISABLED, FROM ANY OTHER PUBLIC OFFICE HELD BY
27 THE DELEGATE WHILE ATTENDING THE CONVENTION, AND MAY NOT EXERCISE ANY POWER
28 OR AUTHORITY ASSOCIATED WITH ANY OTHER PUBLIC OFFICE HELD BY THE DELEGATE
29 WHILE ATTENDING THE CONVENTION. ALL ACTIONS TAKEN BY ANY DELEGATE IN
30 VIOLATION OF THIS SECTION ARE VOID AB INITIO.

31 SECTION 9. ORDER OF BUSINESS. BEFORE INTRODUCING, DEBATING, VOTING
32 UPON, REJECTING OR PROPOSING FOR RATIFICATION ANY CONSTITUTIONAL AMENDMENT AT
33 THE CONVENTION, EACH DELEGATE OF EVERY MEMBER STATE MUST FIRST ENSURE THE
34 CONVENTION RULES IN THIS COMPACT GOVERN THE CONVENTION AND THEIR ACTIONS.
35 EVERY DELEGATE AND EACH MEMBER STATE MUST IMMEDIATELY VACATE THE CONVENTION
36 AND NOTIFY THE COMPACT ADMINISTRATOR BY THE MOST EFFECTIVE AND EXPEDITIOUS
37 MEANS IF THE CONVENTION RULES IN THIS COMPACT ARE NOT ADOPTED TO GOVERN THE
38 CONVENTION AND THEIR ACTIONS.

39 SECTION 10. FORFEITURE OF APPOINTMENT. IF ANY MEMBER STATE OR
40 DELEGATE VIOLATES ANY PROVISION OF THIS COMPACT, THEN EVERY DELEGATE OF THAT
41 MEMBER STATE IMMEDIATELY FORFEITS HIS OR HER APPOINTMENT, AND SHALL
42 IMMEDIATELY CEASE PARTICIPATION AT THE CONVENTION, VACATE THE CONVENTION, AND
43 RETURN TO HIS OR HER RESPECTIVE STATE'S CAPITOL.

44 SECTION 11. EXPENSES. A DELEGATE APPOINTED HEREUNDER IS ENTITLED TO
45 REIMBURSEMENT OF REASONABLE EXPENSES FOR ATTENDING THE CONVENTION FROM HIS OR

1 HER RESPECTIVE MEMBER STATE. NO DELEGATE MAY ACCEPT ANY OTHER FORM OF
2 REMUNERATION OR COMPENSATION FOR SERVICE UNDER THIS COMPACT.

3 ARTICLE VII
4 CONVENTION RULES

5 SECTION 1. NATURE OF THE CONVENTION. THE CONVENTION SHALL BE
6 ORGANIZED, CONSTRUED AND CONDUCTED AS A BODY EXCLUSIVELY REPRESENTING AND
7 CONSTITUTED BY THE SEVERAL STATES.

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

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

27 SECTION 4. VOTING. EACH STATE REPRESENTED AT THE CONVENTION SHALL
28 HAVE ONE VOTE, EXERCISED BY THE VOTE OF THAT STATE'S DELEGATE IN THE CASE OF
29 STATES REPRESENTED BY ONE DELEGATE, OR, IN THE CASE OF ANY STATE THAT IS
30 REPRESENTED BY MORE THAN ONE DELEGATE, BY THE MAJORITY VOTE OF THAT STATE'S
31 RESPECTIVE DELEGATES.

32 SECTION 5. QUORUM. A MAJORITY OF THE SEVERAL STATES OF THE UNITED
33 STATES, EACH PRESENT THROUGH ITS RESPECTIVE DELEGATE IN THE CASE OF ANY STATE
34 THAT IS REPRESENTED BY ONE DELEGATE, OR THROUGH A MAJORITY OF ITS RESPECTIVE
35 DELEGATES, IN THE CASE OF ANY STATE THAT IS REPRESENTED BY MORE THAN ONE
36 DELEGATE, SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS ON
37 BEHALF OF THE CONVENTION.

38 SECTION 6. ACTION BY THE CONVENTION. THE CONVENTION SHALL ONLY ACT AS
39 A COMMITTEE OF THE WHOLE, CHAIRED BY THE DELEGATE REPRESENTING THE FIRST
40 STATE TO HAVE BECOME A MEMBER STATE, IF THAT STATE IS REPRESENTED BY ONE
41 DELEGATE, OR OTHERWISE BY THE DELEGATE CHOSEN BY THE MAJORITY VOTE OF THAT
42 STATE'S RESPECTIVE DELEGATES. THE TRANSACTION OF ANY BUSINESS ON BEHALF OF
43 THE CONVENTION, INCLUDING THE DESIGNATION OF A SECRETARY, THE ADOPTION OF
44 PARLIAMENTARY PROCEDURES AND THE REJECTION OR PROPOSAL OF ANY CONSTITUTIONAL

1 AMENDMENT, REQUIRES A QUORUM TO BE PRESENT AND A MAJORITY AFFIRMATIVE VOTE OF
2 THOSE STATES CONSTITUTING THE QUORUM.

3 SECTION 7. EMERGENCY SUSPENSION AND RELOCATION OF THE CONVENTION. IN
4 THE EVENT THAT THE CHAIR OF THE CONVENTION DECLARES AN EMERGENCY DUE TO
5 DISORDER OR AN IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY PRIOR TO THE
6 COMPLETION OF THE BUSINESS ON THE AGENDA, AND A MAJORITY OF THE STATES
7 PRESENT AT THE CONVENTION DO NOT OBJECT TO SUCH DECLARATION, FURTHER
8 CONVENTION PROCEEDINGS SHALL BE TEMPORARILY SUSPENDED, AND THE COMMISSION
9 SHALL SUBSEQUENTLY RELOCATE OR RESCHEDULE THE CONVENTION TO RESUME
10 PROCEEDINGS IN AN ORDERLY FASHION IN ACCORDANCE WITH THE TERMS AND CONDITIONS
11 OF THIS COMPACT WITH PRIOR NOTICE GIVEN TO THE COMPACT NOTICE RECIPIENTS.

12 SECTION 8. PARLIAMENTARY PROCEDURE. IN ADOPTING, APPLYING AND
13 FORMULATING PARLIAMENTARY PROCEDURE, THE CONVENTION SHALL EXCLUSIVELY ADOPT,
14 APPLY OR APPROPRIATELY ADAPT PROVISIONS OF THE MOST RECENT EDITIONS OF
15 ROBERT'S RULES OF ORDER AND THE AMERICAN INSTITUTE OF PARLIAMENTARIANS
16 STANDARD CODE OF PARLIAMENTARY PROCEDURE. IN ADOPTING, APPLYING OR ADAPTING
17 PARLIAMENTARY PROCEDURE, THE CONVENTION SHALL EXCLUSIVELY CONSIDER ANALOGOUS
18 PRECEDENT ARISING WITHIN THE JURISDICTION OF THE UNITED STATES.
19 PARLIAMENTARY PROCEDURES ADOPTED, APPLIED OR ADAPTED PURSUANT TO THIS SECTION
20 SHALL NOT OBSTRUCT, OVERRIDE OR OTHERWISE CONFLICT WITH THIS COMPACT.

21 SECTION 9. TRANSMITTAL. UPON APPROVAL OF THE BALANCED BUDGET
22 AMENDMENT BY THE CONVENTION TO PROPOSE FOR RATIFICATION, THE CHAIR OF THE
23 CONVENTION SHALL IMMEDIATELY TRANSMIT CERTIFIED COPIES OF SUCH APPROVED
24 PROPOSED AMENDMENT TO THE COMPACT ADMINISTRATOR AND ALL COMPACT NOTICE
25 RECIPIENTS, NOTIFYING THEM RESPECTIVELY OF SUCH APPROVAL AND REQUESTING
26 CONGRESS TO REFER THE SAME FOR RATIFICATION BY THE STATES UNDER ARTICLE V OF
27 THE CONSTITUTION OF THE UNITED STATES. HOWEVER, IN NO EVENT SHALL ANY
28 PROPOSED AMENDMENT OTHER THAN THE BALANCED BUDGET AMENDMENT BE TRANSMITTED AS
29 AFORESAID.

30 SECTION 10. TRANSPARENCY. RECORDS OF THE CONVENTION, INCLUDING THE
31 IDENTITIES OF ALL ATTENDEES AND DETAILED MINUTES OF ALL PROCEEDINGS, SHALL BE
32 KEPT BY THE CHAIR OF THE CONVENTION OR SECRETARY DESIGNATED BY THE
33 CONVENTION. ALL PROCEEDINGS AND RECORDS OF THE CONVENTION SHALL BE OPEN TO
34 THE PUBLIC UPON REQUEST SUBJECT TO REASONABLE REGULATIONS ADOPTED BY THE
35 CONVENTION THAT ARE CLOSELY TAILORED TO PREVENTING DISRUPTION OF PROCEEDINGS
36 UNDER THIS ARTICLE.

37 SECTION 11. ADJOURNMENT OF THE CONVENTION. THE CONVENTION SHALL
38 PERMANENTLY ADJOURN UPON THE EARLIER OF TWENTY-FOUR HOURS AFTER COMMENCING
39 PROCEEDINGS UNDER THIS ARTICLE OR THE COMPLETION OF THE BUSINESS ON ITS
40 AGENDA.

41 ARTICLE VIII

42 PROHIBITION ON ULTRA VIRES CONVENTION

43 SECTION 1. MEMBER STATES SHALL NOT PARTICIPATE IN THE CONVENTION
44 UNLESS:

1 (a) CONGRESS FIRST CALLS THE CONVENTION IN ACCORDANCE WITH THIS
2 COMPACT; AND

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

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

8 (a) VIOLATES OR WAS APPROVED IN VIOLATION OF THE CONVENTION RULES OR
9 THE DELEGATE INSTRUCTIONS AND LIMITATIONS ON DELEGATE AUTHORITY SPECIFIED IN
10 THIS COMPACT;

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

13 (c) PURPORTS TO PROPOSE OR EFFECTUATE THE FORMATION OF A NEW
14 GOVERNMENT.

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

17 SECTION 3. MEMBER STATES SHALL NOT RATIFY OR OTHERWISE APPROVE ANY
18 PROPOSED AMENDMENT, ALTERATION OR REVISION TO THE CONSTITUTION OF THE UNITED
19 STATES, WHICH ORIGINATES FROM THE CONVENTION, OTHER THAN THE BALANCED BUDGET
20 AMENDMENT.

21 ARTICLE IX
22 RESOLUTION PROSPECTIVELY RATIFYING THE
23 BALANCED BUDGET AMENDMENT

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

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

30 ARTICLE X
31 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

32 SECTION 1. TO THE EXTENT THAT THE EFFECTIVENESS OF THIS COMPACT OR ANY
33 OF ITS ARTICLES OR PROVISIONS REQUIRES THE ALTERATION OF LOCAL LEGISLATIVE
34 RULES, DRAFTING POLICIES, OR PROCEDURE TO BE EFFECTIVE, THE ENACTMENT OF
35 LEGISLATION ENACTING, ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT SHALL
36 BE DEEMED TO WAIVE, REPEAL, SUPERSEDE, OR OTHERWISE AMEND AND CONFORM ALL
37 SUCH RULES, POLICIES OR PROCEDURES TO ALLOW FOR THE EFFECTIVENESS OF THIS
38 COMPACT TO THE FULLEST EXTENT PERMITTED BY THE CONSTITUTION OF ANY AFFECTED
39 MEMBER STATE.

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

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

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

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

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

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

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

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