

1 HB42  
2 172870-1  
3 By Representative Johnson (K)  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 02-FEB-16  
6 PFD: 02/01/2016

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

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

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

1 A BILL  
2 TO BE ENTITLED  
3 AN ACT  
4

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

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

18 ARTICLE I.

19 DECLARATION OF POLICY, PURPOSE, AND INTENT

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

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

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

## 6 ARTICLE II

### 7 DEFINITIONS

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

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

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

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

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

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

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

21           ARTICLE \_\_

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

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

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

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

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

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

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

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

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

10 ARTICLE III

11 COMPACT MEMBERSHIP AND WITHDRAWAL

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

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

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



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

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

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

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

16 ARTICLE IV

17 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 ARTICLE V

6 RESOLUTION APPLYING FOR CONVENTION

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

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

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

19 ARTICLE VI

20 DELEGATE APPOINTMENT, LIMITATIONS, AND INSTRUCTIONS

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

24 Section 2. Identity of Delegates. This Member State  
25 shall be represented at the Convention by the following  
26 delegates: (1) the Speaker of this State's House of  
27 Representatives who is serving on the date this State adopts

1 this Compact; (2) the Governor of this State on the date this  
2 State adopts this Compact; and (3) one delegate jointly  
3 appointed by the Minority Leaders of this State's House of  
4 Representatives and of the Senate who are serving on the date  
5 this state adopts this Compact. The three delegates shall  
6 represent this Member State at the Convention as its sole and  
7 exclusive delegates. A majority vote of this delegation shall  
8 serve to decide any issue at the Convention on behalf of this  
9 Member State. Each delegate may appoint a substitute designee  
10 subject to recall or replacement by the Legislature of this  
11 State.

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

19 Section 4. Oath. The power and authority of a  
20 delegate under this Article may only be exercised after the  
21 Convention is first called by Congress in accordance with this  
22 Compact and such appointment is duly accepted by such  
23 appointee publicly taking the following oath or affirmation:  
24 "I do solemnly swear (or affirm) that I accept this  
25 appointment and will act strictly in accordance with the terms  
26 and conditions of the Compact for a Balanced Budget, the  
27 Constitution of the State I represent, and the Constitution of



1 the United States. I understand that violating this oath (or  
2 affirmation) forfeits my appointment and may subject me to  
3 other penalties as provided by law."

4 Section 5. Term. The term of a delegate hereunder  
5 commences upon acceptance of appointment and terminates upon  
6 the permanent adjournment of the Convention, unless shortened  
7 by recall, replacement, or forfeiture under this Article. Upon  
8 expiration of the term, any person formerly serving as a  
9 delegate must immediately withdraw from and cease  
10 participation at the Convention, if any is proceeding.

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

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

26 Section 8. Delegate Authority. The power and  
27 authority of any delegate at the Convention does not include

1 any power or authority associated with any other public office  
2 held by the delegate. Any person appointed to serve as a  
3 delegate shall take a temporary leave of absence, or otherwise  
4 shall be deemed temporarily disabled, from any other public  
5 office held by the delegate while attending the Convention,  
6 and may not exercise any power or authority associated with  
7 any other public office held by the delegate while attending  
8 the Convention. All actions taken by any delegate in violation  
9 of this section are void ab initio.

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

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

26 Section 11. Expenses. A delegate appointed hereunder  
27 is entitled to reimbursement of reasonable expenses for

1 attending the Convention from his or her respective Member  
2 State. No delegate may accept any other form of remuneration  
3 or compensation for service under this Compact.

#### 4 ARTICLE VII

#### 5 CONVENTION RULES

6 Section 1. Nature of the Convention. The Convention  
7 shall be organized, construed, and conducted as a body  
8 exclusively representing and constituted by the several  
9 States.

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

18 Section 3. Delegate Identity and Procedure. States  
19 shall be represented at the Convention through duly appointed  
20 delegates. The number, identity, and authority of delegates  
21 assigned to each State shall be determined by this Compact in  
22 the case of Member States or, in the case of States that are  
23 not Member States, by their respective state laws. However, to  
24 prevent disruption of proceedings, no more than three  
25 delegates may attend and participate in the Convention on  
26 behalf of any State. A certified chaptered conforming copy of  
27 this Compact, together with government-issued photographic

1 proof of identification, shall suffice as credentials for  
2 delegates of Member States. Any commission for delegates of  
3 states that are not Member States shall be based on their  
4 respective state laws, but it shall furnish credentials that  
5 are at least as reliable as those required of Member States.

6 Section 4. Voting. Each State represented at the  
7 Convention shall have one vote, exercised by the vote of that  
8 State's delegate in the case of States represented by one  
9 delegate or, in the case of any State that is represented by  
10 more than one delegate, by the majority vote of that State's  
11 respective delegates.

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

19 Section 6. Action by the Convention. The Convention  
20 shall act only as a committee of the whole chaired by the  
21 delegate representing the first State to have become a Member  
22 State, if that State is represented by one delegate, or  
23 otherwise by the delegate chosen by the majority vote of that  
24 State's respective delegates. The transaction of any business  
25 on behalf of the Convention, including the designation of a  
26 secretary, the adoption of parliamentary procedures, and the  
27 rejection or proposal of any constitutional amendments,

1 requires a quorum to be present and a majority affirmative  
2 vote of those States constituting the quorum.

3 Section 7. Emergency Suspension and Relocation of  
4 the Convention. In the event that the Chair of the Convention  
5 declares an emergency due to disorder or an imminent threat to  
6 public health and safety prior to the completion of the  
7 business on the agenda, and a majority of the States present  
8 at the Convention do not object to such declaration, further  
9 Convention proceedings shall be temporarily suspended, and the  
10 Commission shall subsequently relocate or reschedule the  
11 Convention to resume proceedings in an orderly fashion in  
12 accordance with the terms and conditions of this Compact with  
13 prior notice given to the Compact Notice Recipients.

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

26 Section 9. Transmittal. Upon approval of the  
27 Balanced Budget Amendment by the Convention to propose for

1 ratification, the Chair of the Convention shall immediately  
2 transmit certified copies of the approved proposed amendment  
3 to the Compact Administrator and all Compact Notice  
4 Recipients, notifying them respectively of such approval and  
5 requesting Congress to refer the same for ratification by the  
6 States under Article V of the Constitution of the United  
7 States. However, in no event shall a proposed amendment other  
8 than the Balanced Budget Amendment be transmitted.

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

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

## 21 ARTICLE VIII

### 22 PROHIBITION ON ULTRA VIRES CONVENTION

23 Section 1. Member States may not participate in the  
24 Convention unless: (a) Congress first calls the Convention in  
25 accordance with this Compact; and (b) the Convention Rules of  
26 this Compact are adopted by the Convention as its first order  
27 of business.

1           Section 2. Any proposal or action of the Convention  
2 is void ab initio and issued by a body that is conducting  
3 itself in an unlawful and ultra vires fashion if that proposal  
4 or action: (a) violates or was approved in violation of the  
5 Convention Rules or the delegate instructions and limitations  
6 on delegate authority specified in this Compact; (b) purports  
7 to propose or effectuate a mode of ratification that is not  
8 specified in Article V of the Constitution of the United  
9 States; or (c) purports to propose or effectuate the formation  
10 of a new government. All Member States are prohibited from  
11 advancing or assisting in the advancement of any such proposal  
12 or action.

13           Section 3. Member States shall not ratify or  
14 otherwise approve any proposed amendment, alteration, or  
15 revision to the Constitution of the United States, which  
16 originates from the Convention, other than the Balanced Budget  
17 Amendment.

## 18           ARTICLE IX

### 19           RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED 20 BUDGET AMENDMENT

21           Section 1. Each Member State, by and through its  
22 respective legislature, hereby adopts and ratifies the  
23 Balanced Budget Amendment.

24           Section 2. This Article does not take effect until  
25 Congress effectively refers the Balanced Budget Amendment to  
26 the States for ratification by three-fourths of the

1 Legislatures of the several States under Article V of the  
2 Constitution of the United States.

3 ARTICLE X

4 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

5 Section 1. To the extent that the effectiveness of  
6 this Compact or any of its Articles or provisions requires the  
7 alteration of local legislative rules, drafting policies, or  
8 procedure to be effective, the enactment of legislation  
9 enacting, adopting, and agreeing to be bound by this Compact  
10 shall be deemed to waive, repeal, supersede, or otherwise  
11 amend and conform all such rules, policies, or procedures to  
12 allow for the effectiveness of this Compact to the fullest  
13 extent permitted by the constitution of any affected Member  
14 State.

15 Section 2. Date and Location of the Convention.

16 Unless otherwise specified by Congress in its call, the  
17 Convention shall be held in Dallas, Texas and commence  
18 proceedings at 9:00 a.m. Central Standard Time on the sixth  
19 Wednesday after the latter of the effective date of Article V  
20 of this Compact or the enactment date of the congressional  
21 resolution calling the Convention.

22 Section 3. In addition to all other powers and  
23 duties conferred by state law which are consistent with the  
24 terms and conditions of this Compact, the chief law  
25 enforcement officer of each Member State is empowered to  
26 defend the Compact from any legal challenge, as well as to  
27 seek civil mandatory and prohibitory injunctive relief to



1 enforce this Compact; and shall take such action whenever the  
2 Compact is challenged or violated.

3 Section 4. The exclusive venue for all actions in  
4 any way arising under this Compact shall be in the United  
5 States District Court for the Northern District of Texas or  
6 the courts of the State of Texas within the jurisdictional  
7 boundaries of the district court. Each Member State shall  
8 submit to the jurisdiction of the courts with respect to the  
9 action. However, upon written request by the chief law  
10 enforcement officer of any Member State, the Commission may  
11 elect to waive this provision for the purpose of ensuring an  
12 action proceeds in the venue that allows for the most  
13 convenient and effective enforcement or defense of this  
14 Compact. Any such waiver shall be limited to the particular  
15 action to which it is applied and not construed or relied upon  
16 as a general waiver of this provision. The waiver decisions of  
17 the Commission under this provision shall be final and binding  
18 on each Member State.

19 Section 5. The effective date of this Compact and  
20 any of its articles is the latter of: (a) the date of any  
21 event rendering the same effective according to its respective  
22 terms and conditions; or (b) the earliest date otherwise  
23 permitted by law.

24 Section 6. Article VIII of this Compact is hereby  
25 deemed non-severable prior to termination of the Compact.  
26 However, if any other phrase, clause, sentence, or provision  
27 of this Compact, or the applicability of any other phrase,

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

23 Section 7. Termination. This Compact shall terminate  
24 when it is fully performed and the Constitution of the United  
25 States is amended by the Balanced Budget Amendment. However,  
26 notwithstanding anything to the contrary set forth in this  
27 Compact, in the event such amendment does not occur within

1 seven (7) years after the first State passes legislation  
2 enacting, adopting, and agreeing to be bound to this Compact,  
3 the Compact shall terminate as follows: (a) the Commission  
4 shall dissolve and wind up its operations within ninety (90)  
5 days thereafter, with the Compact Administrator giving notice  
6 of the dissolution and the operative effect of this section to  
7 the Compact Notice Recipients; (b) upon the completed  
8 dissolution of the Commission, Articles I, II, III, IV, VI,  
9 VII, VIII, and IX, as well as Sections 2 and 3 of Article V  
10 and Sections 1 through 6 of Article X, of this Compact for  
11 this Member State shall be deemed terminated and repealed; and  
12 (c) Section 1 of Article V of this Compact, together with the  
13 constructional rule of this subsection, both of which shall  
14 survive termination of the Compact, shall thereafter become  
15 and be construed as an immediately effective freestanding  
16 continuing resolution, passed by the legislature of this  
17 State, applying to Congress for the calling of a Convention  
18 for proposing amendments under Article V of the Constitution  
19 of the United States, limited to proposing amendments such as  
20 a balanced budget amendment, which shall be capable of  
21 aggregation with any other similar application.

22 Section 2. This act shall become effective  
23 immediately following its passage and approval by the  
24 Governor, or its otherwise becoming law.