

House Bill 794

By: Representatives Braddock of the 19th, Welch of the 110th, Lindsey of the 54th, Clark of the 98th, Hawkins of the 27th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to adopt the Compact for a Balanced Budget and promote the proposal and ratification
3 of a balanced budget amendment to the United States Constitution; to provide for powers,
4 duties, and procedures relative to the Compact; to provide for related matters; to provide an
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
9 by adding a new chapter to read as follows:

10 "CHAPTER 38

11 50-38-1.

12 The State of Georgia enacts, adopts, and agrees to be bound by the following compact:

13 'ARTICLE I

14 DECLARATION OF POLICY, PURPOSE, AND INTENT

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

19 Now, therefore, in consideration of their expressed mutual promises and obligations, be it
20 enacted by every State enacting, adopting, and agreeing to be bound by this Compact, and
21 resolved by each of their respective legislatures, as the case may be, to exercise herewith
22 all of their respective powers as set forth herein notwithstanding any law to the 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 organized by
27 this Compact under Article V of the Constitution of the United States and, where
28 contextually appropriate to ensure the terms of this Compact are not evaded, any other
29 similar gathering or body, which might be organized as a consequence of Congress
30 receiving the application set out in this Compact and claim authority to propose or
31 effectuate any amendment, alteration or revision to the Constitution of the United States.
32 This term is not intended to pertain to any convention held under Article V of the
33 Constitution of the United States which originates as a result of a separate and distinct
34 application by any State.

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

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

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

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

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

53 "ARTICLE

54 Section 1. Total outlays of the government of the United States shall not exceed total
55 receipts of the government of the United States at any point in time unless the excess of
56 outlays over receipts is financed exclusively by debt issued in strict conformity with this
57 article.

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

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

72 Section 4. Whenever the outstanding debt exceeds 98 percent of the debt limit set by
73 Section 2, the President shall enforce said limit by publicly designating specific
74 expenditures for impoundment in an amount sufficient to ensure outstanding debt shall
75 not exceed the authorized debt. Said impoundment shall become effective thirty (30)
76 days thereafter, unless Congress first designates an alternate impoundment of the same
77 or greater amount by concurrent resolution, which shall become immediately effective.
78 The failure of the President to designate or enforce the required impoundment is an
79 impeachable misdemeanor. Any purported issuance or incurrence of any debt in excess
80 of the debt limit set by Section 2 is void.

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

84 end user sales tax which would completely replace every existing income tax levied by
 85 the government of the United States; or for the reduction or elimination of an exemption,
 86 deduction, or credit allowed under an existing general revenue tax.

87 Section 6. For purposes of this article, "debt" means any obligation backed by the full
 88 faith and credit of the government of the United States; "outstanding debt" means all debt
 89 held in any account and by any entity at a given point in time; "authorized debt" means
 90 the maximum total amount of debt that may be lawfully issued and outstanding at any
 91 single point in time under this article; "total outlays of the government of the United
 92 States" means all expenditures of the government of the United States from any source;
 93 "total receipts of the government of the United States" means all tax receipts and other
 94 income of the government of the United States, excluding proceeds from its issuance or
 95 incurrence of debt or any type of liability; "impoundment" means a proposal not to spend
 96 all or part of a sum of money appropriated by Congress; and "general revenue tax" means
 97 any income tax, sales tax, or value-added tax levied by the government of the United
 98 States excluding imposts and duties.

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

101 ARTICLE III

102 COMPACT MEMBERSHIP AND WITHDRAWAL

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

105 Section 2. By becoming a Member State, each such State offers, promises and agrees to
 106 perform and comply strictly in accordance with the terms and conditions of this Compact,
 107 and has made such offer, promise, and agreement in anticipation and consideration of, and
 108 in substantial reliance upon, such mutual and reciprocal performance and compliance by
 109 each other current and future Member State, if any. Accordingly, in addition to having the
 110 force of law in each Member State upon its respective effective date, this Compact and
 111 each of its Articles shall also be construed as contractually binding each Member State
 112 when: (a) at least one other State has likewise become a Member State by enacting
 113 substantively identical legislation adopting and agreeing to be bound by this Compact; and
 114 (b) notice of such State's Member State status is or has been seasonably received by the

115 Compact Administrator, if any, or otherwise by the chief executive officer of each other
 116 Member State.

117 Section 3. For purposes of determining Member State status under this Compact, as long
 118 as all other provisions of the Compact remain identical and operative on the same terms,
 119 legislation enacting, adopting and agreeing to be bound by this Compact shall be deemed
 120 and regarded as "substantively identical" with respect to such other legislation enacted by
 121 another State notwithstanding: (a) any difference in section 2 of Article IV with specific
 122 regard to the respectively enacting State's own method of appointing its member to the
 123 Commission; (b) any difference in section 5 of Article IV with specific regard to the
 124 respectively enacting State's own obligation to fund the Commission; (c) any difference in
 125 sections 1 and 2 of Article VI with specific regard to the number and identity of each
 126 delegate respectively appointed on behalf of the enacting State, provided that no more than
 127 three delegates may attend and participate in the Convention on behalf of any State; or (d)
 128 any difference in section 7 of Article X with specific regard to the respectively enacting
 129 State as to whether section 1 of Article V of this Compact shall survive termination of the
 130 Compact, and thereafter become a continuing resolution of the Legislature of such State
 131 applying to Congress for the calling of a convention of the states under Article V of the
 132 Constitution of the United States, under such terms and limitations as may be specified by
 133 such State.

134 Section 4. When fewer than three-fourths of the States are Member States, any Member
 135 State may withdraw from this Compact by enacting appropriate legislation, as determined
 136 by state law, and giving notice of such withdrawal to the Compact Administrator, if any,
 137 or otherwise to the chief executive officer of each other Member State. A withdrawal shall
 138 not affect the validity or applicability of the compact with respect to remaining Member
 139 States, provided that there remain at least two such States. However, once at least
 140 three-fourths of the States are Member States, then no Member State may withdraw from
 141 the Compact prior to its termination absent unanimous consent of all Member States.

142 ARTICLE IV

143 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

144 Section 1. Nature of the Compact Commission. The Compact Commission
 145 ("Commission") is hereby established. It has the power and duty: (a) to appoint and
 146 oversee a Compact Administrator; (b) to encourage States to join the Compact and
 147 Congress to call the Convention in accordance with this Compact; (c) to coordinate the
 148 performance of obligations under the Compact; (d) to oversee the Convention's logistical

149 operations, as appropriate to ensure this Compact governs its proceedings; (e) to oversee
150 the defense and enforcement of the Compact in appropriate legal venues; (f) to request
151 funds and to disburse those funds to support the operations of the Commission, Compact
152 Administrator, and Convention; and (g) to cooperate with any entity that shares a common
153 interest with the Commission and engages in policy research, public interest litigation, or
154 lobbying in support of the purposes of the Compact. The Commission shall only have such
155 implied powers as are essential to carrying out these express powers and duties. It shall
156 take no action that contravenes or is inconsistent with this Compact or any law of any State
157 that is not superseded by this Compact. It may adopt and publish corresponding bylaws
158 and policies.

159 Section 2. Commission Membership. The Commission initially consists of three unpaid
160 members. Each Member State may appoint one member to the Commission through an
161 appointment process to be determined by their respective chief executive officer until all
162 positions on the Commission are filled. Positions shall be assigned to appointees in the
163 order in which their respective appointing States became Member States. The bylaws of
164 the Commission may expand its membership to include representatives of additional
165 Member States and to allow for modest salaries and reimbursement of expenses if adequate
166 funding exists.

167 Section 3. Commission Action. Each Commission member is entitled to one vote. The
168 Commission shall not act unless a majority of its appointed membership is present, and no
169 action shall be binding unless approved by a majority of the Commission's appointed
170 membership. The Commission shall meet at least once a year, and may meet more
171 frequently.

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

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

178 Section 6. Compact Administrator. The Compact Administrator has the power and duty:
179 (a) to timely notify the States of the date, time, and location of the Convention; (b) to
180 organize and direct the logistical operations of the Convention; (c) to maintain an accurate

181 list of all Member States, their appointed delegates, including contact information; and (d)
182 to formulate, transmit, and maintain all official notices, records, and communications
183 relating to this Compact. The Compact Administrator shall only have such implied powers
184 as are essential to carrying out these express powers and duties; and shall take no action
185 that contravenes or is inconsistent with this Compact or any law of any State that is not
186 superseded by this Compact. The Compact Administrator serves at the pleasure of the
187 Commission and must keep the Commission seasonably apprised of the performance or
188 nonperformance of the terms and conditions of this Compact. Any notice sent by a
189 Member State to the Compact Administrator concerning this Compact shall be adequate
190 notice to each other Member State provided that a copy of said notice is seasonably
191 delivered by the Compact Administrator to each other Member State's respective chief
192 executive officer.

193 Section 7. Notice of Key Events. Upon the occurrence of each of the following described
194 events, or otherwise as soon as possible, the Compact Administrator shall immediately
195 send the following notices to all Compact Notice Recipients, together with certified
196 conforming copies of the chaptered version of this Compact as maintained in the statutes
197 of each Member State: (a) whenever any State becomes a Member State, notice of that fact
198 shall be given; (b) once at least three-fourths of the States are Member States, notice of that
199 fact shall be given together with a statement declaring that the legislatures of at least
200 two-thirds of the several states have applied for a convention for proposing amendments
201 under Article V of the Constitution of the United States, petitioning Congress to call the
202 Convention contemplated by this Compact, and further requesting cooperation in
203 organizing the same in accordance with this Compact; (c) once Congress has called the
204 Convention contemplated by this Compact, and whenever the date, time, and location of
205 the Convention has been determined, notice of that fact shall be given together with the
206 date, time, and location of the Convention and other essential logistical matters; (d) upon
207 approval of the Balanced Budget Amendment by the Convention, notice of that fact shall
208 be given together with the transmission of certified copies of such approved proposed
209 amendment and a statement requesting Congress to refer the same for ratification by
210 three-fourths of the legislatures of the several states under Article V of the Constitution of
211 the United States (however, in no event shall any proposed amendment other than the
212 Balanced Budget Amendment be transmitted); and (e) when any Article of this Compact
213 prospectively ratifying the Balanced Budget Amendment is effective in any Member State,
214 notice of the same shall be given together with a statement declaring such ratification and
215 further requesting cooperation in ensuring that the official record confirms and reflects the
216 effective corresponding amendment to the Constitution of the United States. However,

217 whenever any Member State enacts appropriate legislation, as determined by the laws of
 218 the respective state, withdrawing from this Compact, the Compact Administrator shall
 219 immediately send certified conforming copies of the chaptered version of such withdrawal
 220 legislation as maintained in the statutes of each such withdrawing Member State, solely to
 221 each chief executive officer of each remaining Member State, giving notice of such
 222 withdrawal.

223 Section 8. Cooperation. The Commission, Member States, and Compact Administrator
 224 shall cooperate with each other and give each other mutual assistance in enforcing this
 225 Compact and shall give the chief law enforcement officer of each other Member State any
 226 information or documents that are reasonably necessary to facilitate the enforcement of this
 227 Compact.

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

229 ARTICLE V

230 RESOLUTION APPLYING FOR CONVENTION

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

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

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

239 ARTICLE VI

240 DELEGATE APPOINTMENT, LIMITATIONS, AND INSTRUCTIONS

241 Section 1. Number of Delegates. This Member State shall be entitled to three delegates
 242 to represent its sovereign interests at the Convention.

243 Section 2. Identity. The Governor, Speaker of the House of Representatives, and President
 244 Pro Tempore of the Senate of this Member State, or their respective designee, as identified

245 in a sworn affidavit executed by such officer, are each appointed in an individual capacity
246 to represent this Member State at the Convention as its sole and exclusive delegates. A
247 majority vote of this delegation shall serve to decide any issue at the Convention on behalf
248 of this Member State.

249 Section 3. Replacement or Recall of Delegates. A delegate appointed hereunder may be
250 replaced or recalled by the legislature of his or her respective state at any time for good
251 cause, such as criminal misconduct or the violation of this Compact. If replaced or
252 recalled, any delegate previously appointed hereunder must immediately vacate the
253 Convention and return to their respective State's capitol.

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

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

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

273 Section 7. Delegate Authority. No delegate of any Member State may introduce, debate,
274 vote upon, reject, or propose for ratification any constitutional amendment at the
275 Convention unless: (a) the Convention Rules specified in this Compact govern the

276 Convention and their actions; and (b) the constitutional amendment is the Balanced Budget
277 Amendment.

278 Section 8. Delegate Authority. The power and authority of any delegate at the Convention
279 does not include any power or authority associated with any other public office held by the
280 delegate. Any person appointed to serve as a delegate shall take a temporary leave of
281 absence from any other public office held by the delegate while attending the Convention,
282 and may not exercise any power or authority associated with any other public office held
283 by the delegate while attending the Convention. All actions taken by any delegate in
284 violation of this section are void ab initio.

285 Section 9. Order of Business. Before introducing, debating, voting upon, rejecting, or
286 proposing for ratification any constitutional amendment at the Convention, each delegate
287 of every Member State must first ensure the Convention Rules in this Compact govern the
288 Convention and their actions. Every delegate and each Member State must immediately
289 vacate the Convention and notify the Compact Administrator by the most effective and
290 expeditious means if the Convention Rules in this Compact are not adopted to govern the
291 Convention and their actions.

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

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

300 ARTICLE VII
301 CONVENTION RULES

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

304 Section 2. Agenda of the Convention. The agenda of the Convention shall be entirely
305 focused upon and exclusively limited to introducing, debating, voting upon, and rejecting

306 or proposing for ratification the Balanced Budget Amendment under the Convention Rules
307 specified in this Article and in accordance with the Compact. It shall not be in order for
308 the Convention to consider any matter that is outside the scope of this agenda.

309 Section 3. Delegate Identity and Procedure. States shall be represented at the Convention
310 through duly appointed delegates. The number, identity, and authority of delegates
311 assigned to each State shall be determined by this Compact in the case of Member States
312 or, in the case of states that are not Member States, by their respective state laws.
313 However, to prevent disruption of proceedings, no more than three delegates may attend
314 and participate in the Convention on behalf of any State. A certified chaptered conforming
315 copy of this Compact, together with government-issued photographic proof of
316 identification, shall suffice as credentials for delegates of Member States. Any commission
317 for delegates of states that are not Member States shall be based on their respective state
318 laws, but it shall furnish credentials that are at least as reliable as those required of Member
319 States.

320 Section 4. Voting. Each state represented at the Convention shall have one vote, exercised
321 by the vote of that State's delegate in the case of states represented by one delegate, or, in
322 the case of any State that is represented by more than one delegate, by the majority vote of
323 that state's respective delegates.

324 Section 5. Quorum. A majority of the several states of the United States, each present
325 through its respective delegate in the case of any State that is represented by one delegate,
326 or through a majority of its respective delegates, in the case of any state that is represented
327 by more than one delegate, shall constitute a quorum for the transaction of any business on
328 behalf of the Convention.

329 Section 6. Action by the Convention. The Convention shall only act as a committee of the
330 whole chaired by the delegate representing the first state to have become a Member State,
331 if that state is represented by one delegate, or otherwise by the delegate chosen by the
332 majority vote of that state's respective delegates. The transaction of any business on behalf
333 of the Convention, including the designation of a secretary, the adoption of parliamentary
334 procedures, and the rejection or proposal of any constitutional amendments, requires a
335 quorum to be present and a majority affirmative vote of those states constituting the
336 quorum.

337 Section 7. Emergency Suspension and Relocation of the Convention. In the event that the
338 Chair of the Convention declares an emergency due to disorder or an imminent threat to
339 public health and safety prior to the completion of the business on the Agenda, and a
340 majority of the States present at the Convention do not object to such declaration, further
341 Convention proceedings shall be temporarily suspended, and the Commission shall
342 subsequently relocate or reschedule the Convention to resume proceedings in an orderly
343 fashion in accordance with the terms and conditions of this Compact with prior notice
344 given to the Compact Notice Recipients.

345 Section 8. Parliamentary Procedure. In adopting, applying, and formulating parliamentary
346 procedure, the Convention shall exclusively adopt, apply, or appropriately adapt provisions
347 of the most recent editions of Robert's Rules of Order and the American Institute of
348 Parliamentarians Standard Code of Parliamentary Procedure. In adopting, applying, or
349 adapting parliamentary procedure, the Convention shall exclusively consider analogous
350 precedent arising within the jurisdiction of the United States. Parliamentary procedures
351 adopted, applied, or adapted pursuant to this section shall not obstruct, override, or
352 otherwise conflict with this Compact.

353 Section 9. Transmittal. Upon approval of the Balanced Budget Amendment by the
354 Convention to propose for ratification, the chair of the Convention shall immediately
355 transmit certified copies of such approved proposed amendment to the Compact
356 Administrator and all Compact Notice Recipients, notifying them respectively of such
357 approval and requesting Congress to refer the same for ratification by the States under
358 Article V of the Constitution of the United States. However, in no event shall any
359 proposed amendment other than the Balanced Budget Amendment be transmitted as
360 aforsaid.

361 Section 10. Transparency. Records of the Convention, including the identities of all
362 attendees and detailed minutes of all proceedings, shall be kept by the chair of the
363 Convention or secretary designated by the Convention. All proceedings and records of the
364 Convention shall be open to the public upon request subject to reasonable regulations
365 adopted by the Convention that are closely tailored to preventing disruption of proceedings
366 under this Article.

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

370

ARTICLE VIII

371

PROHIBITION ON ULTRA VIRES CONVENTION

372 Section 1. Member States shall not participate in the Convention unless: (a) Congress first
 373 calls the Convention in accordance with this Compact; and (b) the Convention Rules of this
 374 Compact are adopted by the Convention as its first order of business.

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

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

386

ARTICLE IX

387

RESOLUTION PROSPECTIVELY RATIFYING THE

388

BALANCED BUDGET AMENDMENT

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

391 Section 2. This Article does not take effect until Congress effectively refers the Balanced
 392 Budget Amendment to the states for ratification by three-fourths of the legislatures of the
 393 several states under Article V of the Constitution of the United States.

394

ARTICLE X

395

CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

396 Section 1. To the extent that the effectiveness of this Compact or any of its Articles or
 397 provisions requires the alteration of local legislative rules, drafting policies, or procedure
 398 to be effective, the enactment of legislation enacting, adopting, and agreeing to be bound

399 by this Compact shall be deemed to waive, repeal, supersede, or otherwise amend and
400 conform all such rules, policies, or procedures to allow for the effectiveness of this
401 Compact to the fullest extent permitted by the constitution of any affected Member State.

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

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

412 Section 4. The exclusive venue for all actions in any way arising under this Compact shall
413 be in the United States District Court for the Northern District of Texas or the courts of the
414 State of Texas within the jurisdictional boundaries of the foregoing district court. Each
415 Member State shall submit to the jurisdiction of said courts with respect to such actions.
416 However, upon written request by the chief law enforcement officer of any Member State,
417 the Commission may elect to waive this provision for the purpose of ensuring an action
418 proceeds in the venue that allows for the most convenient and effective enforcement or
419 defense of this Compact. Any such waiver shall be limited to the particular action to which
420 it is applied and not construed or relied upon as a general waiver of this provision. The
421 waiver decisions of the Commission under this provision shall be final and binding on each
422 Member State.

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

426 Section 6. Article VIII of this Compact is hereby deemed non-severable prior to
427 termination of the Compact. However, if any other phrase, clause, sentence, or provision
428 of this Compact, or the applicability of any other phrase, clause, sentence, or provision of
429 this Compact to any government, agency, person, or circumstance, is declared in a final
430 judgment to be contrary to the Constitution of the United States, contrary to the state

431 constitution of any Member State, or is otherwise held invalid by a court of competent
 432 jurisdiction, such phrase, clause, sentence, or provision shall be severed and held for
 433 naught, and the validity of the remainder of this Compact and the applicability of the
 434 remainder of this Compact to any government, agency, person, or circumstance shall not
 435 be affected. Furthermore, if this Compact is declared in a final judgment by a court of
 436 competent jurisdiction to be entirely contrary to the state constitution of any Member State
 437 or otherwise entirely invalid as to any Member State, such Member State shall be deemed
 438 to have withdrawn from the Compact, and the Compact shall remain in full force and effect
 439 as to any remaining Member State. Finally, if this Compact is declared in a final judgment
 440 by a court of competent jurisdiction to be wholly or substantially in violation of Article I,
 441 Section 10, of the Constitution of the United States, then it shall be construed and enforced
 442 solely as reciprocal legislation enacted by the affected Member State(s).

443 Section 7. Termination. This Compact shall terminate and be held for naught when it is
 444 fully performed and the Constitution of the United States is amended by the Balanced
 445 Budget Amendment. However, notwithstanding anything to the contrary set forth in this
 446 Compact, in the event such amendment does not occur within seven (7) years after the first
 447 State passes legislation enacting, adopting, and agreeing to be bound to this Compact, the
 448 Compact shall terminate as follows: (a) the Commission shall dissolve and wind up its
 449 operations within ninety (90) days thereafter, with the Compact Administrator giving
 450 notice of such dissolution and the operative effect of this section to the Compact Notice
 451 Recipients; (b) upon the completed dissolution of the Commission, Articles I, II, III, IV,
 452 VI, VII, VIII, and IX, as well as sections 2 and 3 of Article V and sections 1 through 6 of
 453 Article X, of this Compact for this Member State shall be deemed terminated, repealed, and
 454 held for naught; and (c) section 1 of Article V of this Compact, together with the
 455 constructional rule of this subsection, both of which shall survive termination of the
 456 Compact, shall thereafter become and be construed as an immediately effective
 457 freestanding continuing resolution, passed by the Legislature of this Member State,
 458 applying to Congress for the calling of a convention for proposing amendments under
 459 Article V of the Constitution of the United States, limited to proposing amendments such
 460 as a balanced budget amendment, which shall be capable of aggregation with any other
 461 similar application."

462 **SECTION 2.**

463 This Act shall become effective upon its approval by the Governor or upon its becoming law
 464 without such approval.

465

SECTION 3.

466 All laws and parts of laws in conflict with this Act are repealed.