SECOND REGULAR SESSION

HOUSE BILL NO. 1469

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURLISON.

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to the compact for a balanced budget, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be 2 known as section 1.600, to read as follows:

1.600. The State of Missouri enacts, adopts, and agrees to be bound by the following2compact:

3	COMPACT FOR A BALANCED BUDGET
4	ARTICLE I
5	DECLARATION OF POLICY, PURPOSE, AND INTENT
6	Whereas, every State enacting, adopting, and agreeing to be bound by this Compact
7	intends to ensure that their respective Legislature's use of the power to originate a
8	Balanced Budget Amendment under Article V of the Constitution of the United States will
9	be exercised conveniently and with reasonable certainty as to the consequences thereof.
10	Now, therefore, in consideration of their expressed mutual promises and
11	obligations, be it enacted by every State enacting, adopting, and agreeing to be bound by
12	this Compact, and resolved by each of their respective Legislatures, as the case may be, to
13	exercise herewith all of their respective powers as set forth herein notwithstanding any law
14	to the contrary.
15	ARTICLE II
16	DEFINITIONS
17	Section 1. "Compact" means this "Compact for a Balanced Budget."

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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18 Section 2. "Convention" means the convention for proposing amendments 19 organized by this Compact under Article V of the Constitution of the United States and, 20 if contextually appropriate to ensure the terms of this Compact are not evaded, any other 21 similar gathering or body, which might be organized as a consequence of Congress 22 receiving the application set out in this Compact and claim authority to propose or 23 effectuate any amendment, alteration, or revision to the Constitution of the United States. 24 This term does not encompass a convention for proposing amendments under Article V of 25 the Constitution of the United States that is organized independently of this Compact based 26 on the separate and distinct application of any State.

27 Section 3. "State" means one of the several States of the United States. If 28 contextually appropriate, the term "State" shall be construed to include all of its branches, 29 departments, agencies, political subdivisions, and officers and representatives acting in 30 their official capacity.

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

35 Section 5. "Compact Notice Recipients" means the Archivist of the United States, 36 the President of the United States, the President of the United States Senate, the Office of 37 the Secretary of the United States Senate, the Speaker of the United States House of 38 Representatives, the Office of the Clerk of the United States House of Representatives, the 39 chief executive officer of each State, and the presiding officer(s) of each house of the 40 Legislatures of the several States.

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

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Article

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

46 Section 1. Total outlays of the government of the United States shall not exceed 47 total receipts of the government of the United States at any point in time unless the excess 48 of outlays over receipts is financed exclusively by debt issued in strict conformity with this 49 article.

50 Section 2. Outstanding debt shall not exceed authorized debt, which initially shall 51 be an amount equal to one hundred and five percent of the outstanding debt on the 52 effective date of this article. Authorized debt shall not be increased above its aforesaid 53 initial amount unless such increase is first approved by the legislatures of the several states 54 as provided in Section 3.

55 Section 3. From time to time, Congress may increase authorized debt to an amount in excess of its initial amount set by Section 2 only if it first publicly refers to the 56 57 legislatures of the several states an unconditional, single subject measure proposing the amount of such increase, in such form as provided by law, and the measure is thereafter 58 59 publicly and unconditionally approved by a simple majority of the legislatures of the 60 several states, in such form as provided respectively by state law; provided that, no 61 inducement requiring an expenditure or tax levy shall be demanded, offered, or accepted as a quid pro quo for such approval. If such approval is not obtained within sixty (60) 62 63 calendar days after referral, then the measure shall be deemed disapproved and the 64 authorized debt shall thereby remain unchanged.

65 Section 4. If the outstanding debt exceeds ninety-eight percent of the debt limit set by Section 2, the President shall enforce said limit by publicly designating specific 66 expenditures for impoundment in an amount sufficient to ensure outstanding debt shall 67 68 not exceed the authorized debt. Said impoundment shall become effective thirty (30) days 69 thereafter, unless Congress first designates an alternate impoundment of the same or 70 greater amount by concurrent resolution, which shall become immediately effective. The 71 failure of the President to designate or enforce the required impoundment is an impeachable misdemeanor. Any purported issuance or incurrence of any debt in excess 72 73 of the debt limit set by Section 2 is void.

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

80 Section 6. For purposes of this article, "debt" means any obligation backed by the 81 full faith and credit of the government of the United States; "outstanding debt" means all 82 debt held in any account and by any entity at a given point in time; "authorized debt" 83 means the maximum total amount of debt that may be lawfully issued and outstanding at 84 any single point in time under this article; "total outlays of the government of the United 85 States" means all expenditures of the government of the United States from any source; "total receipts of the government of the United States" means all tax receipts and other 86 income of the government of the United States, excluding proceeds from its issuance or 87 88 incurrence of debt or any type of liability; "impoundment" means a proposal not to spend 89 all or part of a sum of money appropriated by Congress; and "general revenue tax" means 90 any income tax, sales tax, or value-added tax levied by the government of the United States 91 excluding imposts and duties.

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92 Section 7. This article is immediately operative upon ratification, self-enforcing, 93 and Congress may enact conforming legislation to facilitate enforcement."

ARTICLE III

COMPACT MEMBERSHIP AND WITHDRAWAL

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

99 Section 2. By becoming a Member State, each such State offers, promises, and 100 agrees to perform and comply strictly in accordance with the terms and conditions of this 101 Compact, and has made such offer, promise, and agreement in anticipation and 102 consideration of, and in substantial reliance upon, such mutual and reciprocal 103 performance and compliance by each other current and future Member State, if any. 104 Accordingly, in addition to having the force of law in each Member State upon its 105 respective effective date, this Compact and each of its Articles shall also be construed as contractually binding each Member State if: (a) at least one other State has likewise 106 107 become a Member State by enacting substantively identical legislation adopting and 108 agreeing to be bound by this Compact; and (b) notice of such State's Member State status 109 is or has been seasonably received by the Compact Administrator, if any, or otherwise by the chief executive officer of each other Member State. 110

111 Section 3. For purposes of determining Member State status under this Compact, 112 as long as all other provisions of the Compact remain identical and operative on the same 113 terms, legislation enacting, adopting, and agreeing to be bound by this Compact shall be deemed and regarded as "substantively identical" with respect to such other legislation 114 115 enacted by another State notwithstanding: (a) any difference in section 2 of Article IV with 116 specific regard to the respectively enacting State's own method of appointing its member 117 to the Commission; (b) any difference in section 5 of Article IV with specific regard to the 118 respectively enacting State's own obligation to fund the Commission; (c) any difference in 119 sections 1 and 2 of Article VI with specific regard to the number and identity of each 120 delegate respectively appointed on behalf of the enacting State, provided that, no more 121 than three delegates may attend and participate in the Convention on behalf of any State; 122 or (d) any difference in section 7 of Article X with specific regard to the respectively 123 enacting State as to whether section 1 of Article V of this Compact shall survive 124 termination of the Compact, and thereafter become a continuing resolution of the 125 Legislature of such State applying to Congress for the calling of a convention of the states 126 under Article V of the Constitution of the United States, under such terms and limitations

127 as may be specified by such State.

128 Section 4. If fewer than three-fourths of the States are Member States, any 129 Member State may withdraw from this Compact by enacting appropriate legislation, as 130 determined by state law, and giving notice of such withdrawal to the Compact 131 Administrator, if any, or otherwise to the chief executive officer of each other Member 132 State. A withdrawal shall not affect the validity or applicability of the compact with 133 respect to remaining Member States, provided that, there shall remain at least two such 134 States. However, once at least three-fourths of the States are Member States, then no Member State may withdraw from the Compact prior to its termination absent unanimous 135 136 consent of all Member States.

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ARTICLE IV

COMPACT COMMISSION AND COMPACT ADMINISTRATOR

139 Section 1. Nature of the Compact Commission. The Compact Commission 140 ("Commission") is hereby established. It has the power and duty: (a) to appoint and 141 oversee a Compact Administrator; (b) to encourage States to join the Compact and 142 Congress to call the Convention in accordance with this Compact; (c) to coordinate the 143 performance of obligations under the Compact; (d) to oversee the Convention's logistical 144 operations as appropriate to ensure this Compact governs its proceedings; (e) to oversee 145 the defense and enforcement of the Compact in appropriate legal venues; (f) to request 146 funds and to disburse those funds to support the operations of the Commission, Compact 147 Administrator, and Convention; and (g) to cooperate with any entity that shares a common 148 interest with the Commission and engages in policy research, public interest litigation, or 149 lobbying in support of the purposes of the Compact. The Commission shall only have such 150 implied powers as are essential to carrying out these express powers and duties. It shall 151 take no action that contravenes or is inconsistent with this Compact or any law of any State 152 that is not superseded by this Compact. It may adopt and publish corresponding bylaws 153 and policies.

154 Section 2. Commission Membership. The Commission shall initially consist of 155 three unpaid members. Each Member State may appoint one member to the Commission 156 until all positions on the Commission are filled. Positions shall be assigned to appointees 157 in the order in which their respective appointing States became Member States. The bylaws of the Commission may expand its membership to include representatives of 158 159 additional Member States and to allow for modest salaries and reimbursement of expenses 160 if adequate funding exists. Any member to the Commission appointed by this Member State shall be appointed by the Governor with the advice and consent of the Senate. 161

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

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appointed membership. The Commission shall meet at least once a year and may meetmore frequently.

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

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

173 Section 6. Compact Administrator. The Compact Administrator has the power 174 and duty: (a) to timely notify the States of the date, time, and location of the Convention; (b) to organize and direct the logistical operations of the Convention; (c) to maintain an 175 176 accurate list of all Member States, their appointed delegates, including contact 177 information; and (d) to formulate, transmit, and maintain all official notices, records, and 178 communications relating to this Compact. The Compact Administrator shall only have 179 such implied powers as are essential to carrying out these express powers and duties, and 180 shall take no action that contravenes or is inconsistent with this Compact or any law of any 181 State that is not superseded by this Compact. The Compact Administrator serves at the 182 pleasure of the Commission and shall keep the Commission seasonably apprised of the 183 performance or nonperformance of the terms and conditions of this Compact. Any notice sent by a Member State to the Compact Administrator concerning this Compact shall be 184 185 adequate notice to each other Member State provided that a copy of said notice is seasonably delivered by the Compact Administrator to each other Member State's 186 187 respective chief executive officer.

188 Section 7. Notice of Key Events. Upon the occurrence of each of the following 189 described events, or otherwise as soon as possible, the Compact Administrator shall 190 immediately send the following notices to all Compact Notice Recipients, together with 191 certified conforming copies of the chaptered version of this Compact as maintained in the 192 statutes of each Member State: (a) when any State becomes a Member State, notice of that 193 fact shall be given; (b) once at least three-fourths of the States are Member States, notice 194 of that fact shall be given together with a statement declaring that the Legislatures of at least two-thirds of the several States have applied for a convention for proposing 195 196 amendments under Article V of the Constitution of the United States, petitioning Congress 197 to call the Convention contemplated by this Compact, and further requesting cooperation 198 in organizing the same in accordance with this Compact; (c) once Congress has called the 199 Convention contemplated by this Compact, and when the date, time, and location of the 200 Convention has been determined, notice of that fact shall be given together with the date, 201 time, and location of the Convention and other essential logistical matters; (d) upon

approval of the Balanced Budget Amendment by the Convention, notice of that fact shall 202 203 be given together with the transmission of certified copies of such approved proposed 204 amendment and a statement requesting Congress to refer the same for ratification by 205 three-fourths of the Legislatures of the several States under Article V of the Constitution 206 of the United States. However, in no event shall any proposed amendment other than the 207 Balanced Budget Amendment be transmitted; and (e) when any Article of this Compact 208 prospectively ratifying the Balanced Budget Amendment is effective in any Member State, 209 notice of the same shall be given together with a statement declaring such ratification and 210 further requesting cooperation in ensuring that the official record confirms and reflects 211 the effective corresponding amendment to the Constitution of the United States. However, 212 when any Member State enacts appropriate legislation, as determined by the laws of the 213 respective state, withdrawing from this Compact, the Compact Administrator shall 214 immediately send certified conforming copies of the chaptered version of such withdrawal 215 legislation as maintained in the statutes of each such withdrawing Member State, solely to 216 each chief executive officer of each remaining Member State, giving notice of such 217 withdrawal.

218 Section 8. Cooperation. The Commission, Member States, and Compact 219 Administrator shall cooperate with each other and give each other mutual assistance in 220 enforcing this Compact and shall give the chief law enforcement officer of each other 221 Member State any information or documents that are reasonably necessary to facilitate the 222 enforcement of this Compact.

223 Section 9. This Article does not take effect until there are at least two Member 224 States.

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ARTICLE V RESOLUTION APPLYING FOR CONVENTION

227 Section 1. Be it resolved, as provided for in Article V of the Constitution of the 228 United States, that the Legislature of each Member State herewith applies to Congress for 229 the calling of a convention for proposing amendments limited to the subject matter of 230 proposing for ratification the Balanced Budget Amendment.

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

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

ARTICLE VI

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- 236 DELEGATE APPOINTMENT, LIMITATIONS, AND INSTRUCTIONS

237 Section 1. Number of Delegates. This Member State shall be entitled to three 238 delegates as its sole and exclusive representatives at the Convention as set forth in this 239 Article.

240 Section 2. Identity of Delegates. This Member State shall be represented at the 241 Convention by the following delegates: (a) One delegate appointed by the Speaker of the 242 House of Representatives; (b) One delegate appointed by the President Pro Tempore of the 243 Senate; and (c) One delegate jointly appointed by the Minority Floor Leaders of the House 244 of Representatives and of the Senate. Said three delegates shall be sitting members of the 245 general assembly and shall represent this Member State at the Convention as its sole and 246 exclusive delegates. A majority vote of this delegation shall serve to decide any issue at the 247 Convention on behalf of this Member State.

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

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

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

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

272 Section 7. Delegate Authority. No delegate of any Member State may introduce, 273 debate, vote upon, reject, or propose for ratification any constitutional amendment at the 274 Convention unless: (a) the Convention Rules specified in this Compact govern the
275 Convention and their actions; and (b) the constitutional amendment is the Balanced
276 Budget Amendment.

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

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

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

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

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ARTICLE VII

CONVENTION RULES

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

305 Section 2. Agenda of the Convention. The agenda of the Convention shall be 306 entirely focused upon and exclusively limited to introducing, debating, voting upon, and 307 rejecting or proposing for ratification the Balanced Budget Amendment under the 308 Convention Rules specified in this Article and in accordance with the Compact. It shall 309 not be in order for the Convention to consider any matter that is outside the scope of this 310 agenda.

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311 Section 3. Delegate Identity and Procedure. States shall be represented at the 312 Convention through duly appointed delegates. The number, identity and authority of 313 delegates assigned to each State shall be determined by this Compact in the case of 314 Member States or, in the case of States that are not Member States, by their respective 315 state laws. However, to prevent disruption of proceedings, no more than three delegates 316 may attend and participate in the Convention on behalf of any State. A certified chaptered 317 conforming copy of this Compact, together with government-issued photographic proof 318 of identification, shall suffice as credentials for delegates of Member States. Any 319 commission for delegates of States that are not Member States shall be based on their 320 respective state laws, but it shall furnish credentials that are at least as reliable as those 321 required of Member States.

322 Section 4. Voting. Each State represented at the Convention shall have one vote, 323 exercised by the vote of that State's delegate in the case of States represented by one 324 delegate or, in the case of any State that is represented by more than one delegate, by the 325 majority vote of that State's respective delegates.

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

331 Section 6. Action by the Convention. The Convention shall only act as a committee 332 of the whole, chaired by the delegate representing the first State to have become a Member 333 State, if that State is represented by one delegate, or otherwise by the delegate chosen by 334 the majority vote of that State's respective delegates. The transaction of any business on 335 behalf of the Convention, including the designation of a Secretary, the adoption of 336 parliamentary procedures, and the rejection or proposal of any constitutional amendment, 337 requires a quorum to be present and a majority affirmative vote of those States 338 constituting the quorum.

339 Section 7. Emergency Suspension and Relocation of the Convention. In the event 340 that the Chair of the Convention declares an emergency due to disorder or an imminent threat to public health and safety prior to the completion of the business on the Agenda, 341 342 and a majority of the States present at the Convention do not object to such declaration, 343 further Convention proceedings shall be temporarily suspended, and the Commission shall 344 subsequently relocate or reschedule the Convention to resume proceedings in an orderly 345 fashion in accordance with the terms and conditions of this Compact with prior notice 346 given to the Compact Notice Recipients.

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347 Section 8. Parliamentary Procedure. In adopting, applying, and formulating 348 parliamentary procedure, the Convention shall exclusively adopt, apply, or appropriately adapt provisions of the most recent editions of Robert's Rules of Order and the American 349 Institute of Parliamentarians Standard Code of Parliamentary Procedure. In adopting, 350 applying, or adapting parliamentary procedure, the Convention shall exclusively consider 351 352 analogous precedent arising within the jurisdiction of the United States. Parliamentary 353 procedures adopted, applied, or adapted pursuant to this section shall not obstruct, 354 override, or otherwise conflict with this Compact.

355 Section 9. Transmittal. Upon approval of the Balanced Budget Amendment by the Convention to propose for ratification, the Chair of the Convention shall immediately 356 transmit certified copies of such approved proposed amendment to the Compact 357 358 Administrator and all Compact Notice Recipients, notifying them respectively of such 359 approval and requesting Congress to refer the same for ratification by the States under Article IV of the Constitution of the United States. However, in no event shall any 360 361 proposed amendment other than the Balanced Budget Amendment be transmitted as 362 aforesaid.

363 Section 10. Transparency. Records of the Convention, including the identities of 364 all attendees and detailed minutes of all proceedings, shall be kept by the Chair of the 365 Convention or Secretary designated by the Convention. All proceedings and records of the 366 Convention shall be open to the public upon request subject to reasonable regulations 367 adopted by the Convention that are closely tailored to preventing disruption of proceedings 368 under this Article.

369 Section 11. Adjournment of the Convention. The Convention shall permanently 370 adjourn upon the earlier of twenty-four (24) hours after commencing proceedings under 371 this Article or the completion of the business on its Agenda.

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ARTICLE VIII PROHIBITION ON ULTRA VIRES CONVENTION

374 Section 1. Member States shall not participate in the Convention unless: (a) 375 Congress first calls the Convention in accordance with this Compact; and (b) the 376 Convention Rules of this Compact are adopted by the Convention as its first order of 377 business.

Section 2. Any proposal or action of the Convention is void ab initio and issued by a body that is conducting itself in an unlawful and ultra vires fashion if that proposal or action: (a) violates or was approved in violation of the Convention Rules or the delegate instructions and limitations on delegate authority specified in this Compact; (b) purports to propose or effectuate a mode of ratification that is not specified in Article V of the Constitution of the United States; or (c) purports to propose or effectuate the formation

of a new government. All Member States are prohibited from advancing or assisting in the 384 385 advancement of any such proposal or action. 386 Section 3. Member States shall not ratify or otherwise approve any proposed 387 amendment, alteration, or revision to the Constitution of the United States, which originates from the Convention, other than the Balanced Budget Amendment. 388 389 **ARTICLE IX** 390 **RESOLUTION PROSPECTIVELY RATIFYING THE** 391 **BALANCED BUDGET AMENDMENT** 392 Section 1. Each Member State, by and through its respective Legislature, hereby 393 adopts and ratifies the Balanced Budget Amendment. 394 Section 2. This Article does not take effect until Congress effectively refers the 395 Balanced Budget Amendment to the States for ratification by three-fourths of the 396 Legislatures of the several States under Article V of the Constitution of the United States. 397 **ARTICLE X** 398 **CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY** 399 Section 1. To the extent that the effectiveness of this Compact or any of its Articles 400 or provisions requires the alteration of local legislative rules, drafting policies, or 401 procedure to be effective, the enactment of legislation enacting, adopting, and agreeing to 402 be bound by this Compact shall be deemed to waive, repeal, supersede, or otherwise amend 403 and conform all such rules, policies, or procedures to allow for the effectiveness of this 404 Compact to the fullest extent permitted by the constitution of any affected Member State. 405 Section 2. Date and Location of the Convention. Unless otherwise specified by Congress in its call, the Convention shall be held in Dallas, Texas and commence 406 407 proceedings at 9:00 a.m. Central Standard Time on the sixth Wednesday after the latter 408 of the effective date of Article V of this Compact or the enactment date of the Congressional resolution calling the Convention. 409 410 Section 3. In addition to all other powers and duties conferred by state law which 411 are consistent with the terms and conditions of this Compact, the chief law enforcement 412 officer of each Member State is empowered to defend the Compact from any legal 413 challenge, as well as to seek civil mandatory and prohibitory injunctive relief to enforce 414 this Compact; and shall take such action if the Compact is challenged or violated. 415 Section 4. The exclusive venue for all actions in any way arising under this 416 Compact shall be in the United States District Court for the Northern District of Texas or the courts of the State of Texas within the jurisdictional boundaries of the foregoing 417 418 district court. Each Member State shall submit to the jurisdiction of said courts with 419 respect to such actions. However, upon written request by the chief law enforcement officer 420 of any Member State, the Commission may elect to waive this provision for the purpose of

421 ensuring an action proceeds in the venue that allows for the most convenient and effective

422 enforcement or defense of this Compact. Any such waiver shall be limited to the particular
423 action to which it is applied and not construed or relied upon as a general waiver of this

- 424 provision. The waiver decisions of the Commission under this provision shall be final and
- +2+ provision. The warver decisions of the Commission under
- 425 binding on each Member State.

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

429 Section 6. Article VIII of this Compact is hereby deemed non-severable prior to 430 termination of the Compact. However, if any other phrase, clause, sentence, or provision 431 of this Compact, or the applicability of any other phrase, clause, sentence, or provision of 432 this Compact to any government, agency, person, or circumstance, is declared in a final 433 judgment to be contrary to the Constitution of the United States, contrary to the state 434 constitution of any Member State, or is otherwise held invalid by a court of competent 435 jurisdiction, such phrase, clause, sentence, or provision shall be severed and held for 436 naught, and the validity of the remainder of this Compact and the applicability of the 437 remainder of this Compact to any government, agency, person, or circumstance shall not 438 be affected. Furthermore, if this Compact is declared in a final judgment by a court of 439 competent jurisdiction to be entirely contrary to the state constitution of any Member State 440 or otherwise entirely invalid as to any Member State, such Member State shall be deemed 441 to have withdrawn from the Compact, and the Compact shall remain in full force and 442 effect as to any remaining Member State. Finally, if this Compact is declared in a final 443 judgment by a court of competent jurisdiction to be wholly or substantially in violation of 444 Article I, Section 10, of the Constitution of the United States, then it shall be construed and 445 enforced solely as reciprocal legislation enacted by the affected Member State(s).

Section 7. Termination. This Compact shall terminate and be held for naught if 446 447 the Compact is fully performed and the Constitution of the United States is amended by 448 the Balanced Budget Amendment. However, notwithstanding anything to the contrary set 449 forth in this Compact, in the event such amendment does not occur within seven (7) years 450 after the first State passes legislation enacting, adopting, and agreeing to be bound to this 451 Compact, the Compact shall terminate as follows: (a) the Commission shall dissolve and 452 wind up its operations within ninety (90) days thereafter, with the Compact Administrator 453 giving notice of such dissolution and the operative effect of this section to the Compact 454 Notice Recipients; and (b) upon the completed dissolution of the Commission, this Compact 455 shall be deemed terminated, repealed, void ab initio, and held for naught.

Section B. Because only the first three member states to the compact may appoint a 2 member of the compact commission, section A of this act is deemed necessary for the immediate

- 3 preservation of the public health, welfare, peace and safety, and is hereby declared to be an
- 4 emergency act within the meaning of the constitution, and section A of this act shall be in full
- 5 force and effect upon its passage and approval.