

HOUSE BILL NO. 1469

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURLISON.

4944H.011

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 known as section 1.600, to read as follows:

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

COMPACT FOR A BALANCED BUDGET

ARTICLE I

DECLARATION OF POLICY, PURPOSE, AND INTENT

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

Now, therefore, in consideration of their expressed mutual promises and obligations, be it enacted by every State enacting, adopting, and agreeing to be bound by this Compact, and resolved by each of their respective Legislatures, as the case may be, to exercise herewith all of their respective powers as set forth herein notwithstanding any law to the contrary.

ARTICLE II

DEFINITIONS

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.

55 **Section 3. From time to time, Congress may increase authorized debt to an amount**
56 **in excess of its initial amount set by Section 2 only if it first publicly refers to the**
57 **legislatures of the several states an unconditional, single subject measure proposing the**
58 **amount of such increase, in such form as provided by law, and the measure is thereafter**
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**
62 **as a quid pro quo for such approval. If such approval is not obtained within sixty (60)**
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**
66 **by Section 2, the President shall enforce said limit by publicly designating specific**
67 **expenditures for impoundment in an amount sufficient to ensure outstanding debt shall**
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**
72 **impeachable misdemeanor. Any purported issuance or incurrence of any debt in excess**
73 **of the debt limit set by Section 2 is void.**

74 **Section 5. No bill that provides for a new or increased general revenue tax shall**
75 **become law unless approved by a two-thirds roll call vote of the whole number of each**
76 **House of Congress. However, this requirement shall not apply to any bill that provides for**
77 **a new end user sales tax which would completely replace every existing income tax levied**
78 **by the government of the United States; or for the reduction or elimination of an**
79 **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;**
86 **"total receipts of the government of the United States" means all tax receipts and other**
87 **income of the government of the United States, excluding proceeds from its issuance or**
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.**

165 **appointed membership. The Commission shall meet at least once a year and may meet**
166 **more frequently.**

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

170 **Section 5. Funding. The Commission and the Compact Administrator's activities**
171 **shall be funded exclusively by each Member State, as determined by their respective state**
172 **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;**
175 **(b) to organize and direct the logistical operations of the Convention; (c) to maintain an**
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**
184 **sent by a Member State to the Compact Administrator concerning this Compact shall be**
185 **adequate notice to each other Member State provided that a copy of said notice is**
186 **seasonably delivered by the Compact Administrator to each other Member State's**
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**
195 **least two-thirds of the several States have applied for a convention for proposing**
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**

202 approval of the Balanced Budget Amendment by the Convention, notice of that fact shall
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.

225 ARTICLE V

226 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.

231 Section 2. Congress is further petitioned to refer the Balanced Budget Amendment
232 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.

235 ARTICLE VI

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.

248 **Section 3. Replacement or Recall of Delegates.** A delegate appointed hereunder
249 may be replaced or recalled by the Legislature of their respective State at any time for good
250 cause, such as criminal misconduct or the violation of this Compact. If replaced or
251 recalled, any delegate previously appointed hereunder shall immediately vacate the
252 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."

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

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

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

300 **ARTICLE VII**

301 **CONVENTION RULES**

302 **Section 1. Nature of the Convention.** The Convention shall be organized,
303 **construed, and conducted as a body exclusively representing and constituted by the several**
304 **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.**

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.

326 **Section 5. Quorum.** A majority of the several States of the United States, each
327 present through its respective delegate in the case of any State that is represented by one
328 delegate or through a majority of its respective delegates in the case of any State that is
329 represented by more than one delegate, shall constitute a quorum for the transaction of any
330 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
341 threat to public health and safety prior to the completion of the business on the Agenda,
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.

384 of a new government. All Member States are prohibited from advancing or assisting in the
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
388 originates from the Convention, other than the Balanced Budget Amendment.

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
406 Congress in its call, the Convention shall be held in Dallas, Texas and commence
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
409 Congressional resolution calling the Convention.

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
417 the courts of the State of Texas within the jurisdictional boundaries of the foregoing
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**
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).**

446 **Section 7. Termination. This Compact shall terminate and be held for naught if**
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.

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