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HOUSE BILL 241

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY
Yvette Herrell

AN ACT

RELATING TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA;
ENACTING THE COMPACT WITH AMERICA; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. COMPACT WITH AMERICA.--

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 United States Constitution 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

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

6 ARTICLE II

7 DEFINITIONS

8 Section 1. "Compact" means this "Compact for America."

9 Section 2. "Convention" means the convention for proposing
10 amendments organized by this Compact under Article V of the
11 United States Constitution and, where contextually appropriate
12 to ensure the terms of this Compact are not evaded, any other
13 similar gathering or body, which might be organized as a
14 consequence of Congress receiving the application set out in
15 this Compact and claim authority to propose or effectuate any
16 amendment, alteration or revision to the United States
17 Constitution.

18 Section 3. "State" means a state of the United States.
19 Where contextually appropriate, the term "State" shall be
20 construed to include all of its branches, departments,
21 agencies, political subdivisions, and officers and
22 representatives acting in their official capacity.

23 Section 4. "Member State" means a State that has enacted,
24 adopted and agreed to be bound to this Compact. For any State
25 to qualify as a Member State with respect to any other State

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1 under this Compact, each such State must have enacted, adopted
2 and agreed to be bound by substantively identical compact
3 legislation.

4 Section 5. "Compact Notice Recipients" means the Archivist
5 of the United States, the President of the United States, the
6 President of the United States Senate, the Office of the
7 Secretary of the United States Senate, the Speaker of the
8 United States House of Representatives, the Office of the Clerk
9 of the United States House of Representatives, the chief
10 executive officer of each State, and the presiding officer(s)
11 of each house of the Legislatures of the several States.

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

16 Section 7. "Balanced Budget Amendment" means the following
17 model legislation:

18 "Article __

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

24 Section 2. Outstanding debt shall not exceed authorized
25 debt, which initially shall be an amount equal to 105 percent

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1 of the outstanding debt on the effective date of this article.
2 Authorized debt shall not be increased above its aforesaid
3 initial amount unless such increase is first approved by the
4 legislatures of the several states as provided in Section 3.

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

19 Section 4. Whenever the outstanding debt exceeds 98
20 percent of the debt limit set by Section 2, the President shall
21 enforce said limit by publicly designating specific
22 expenditures for impoundment in an amount sufficient to ensure
23 outstanding debt shall not exceed the authorized debt. Said
24 impoundment shall become effective thirty (30) days thereafter,
25 unless Congress first designates an alternate impoundment of

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

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

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

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1 other income of the government of the United States, excluding
2 proceeds from its issuance or incurrence of debt or any type of
3 liability; and "general revenue tax" means any income tax,
4 sales tax, or value-added tax levied by the government of the
5 United States excluding imposts and duties.

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

9 ARTICLE III

10 COMPACT MEMBERSHIP AND WITHDRAWAL

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

14 Section 2. By becoming a Member State, each such State
15 offers, promises and agrees to perform and comply strictly in
16 accordance with the terms and conditions of this Compact, and
17 has made such offer, promise and agreement in anticipation and
18 consideration of, and in substantial reliance upon, such mutual
19 and reciprocal performance and compliance by each other current
20 and future Member State, if any. Accordingly, in addition to
21 having the force of law in each Member State upon its
22 respective effective date, this Compact and each of its
23 Articles shall also be construed as contractually binding each
24 Member State when: (a) at least one other State has likewise
25 become a Member State by enacting substantively identical

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

6 Section 3. When fewer than three-fourths of the States are
7 Member States, any Member State may withdraw from this Compact
8 by enacting appropriate legislation, as determined by state
9 law, and giving notice of such withdrawal to the Compact
10 Administrator, if any, or otherwise to the chief executive
11 officer of each other Member State. A withdrawal shall not
12 affect the validity or applicability of the Compact with
13 respect to remaining Member States, provided that there remain
14 at least two such States. However, once at least three-fourths
15 of the States are Member States, then no Member State may
16 withdraw from the Compact absent unanimous consent of all
17 Member States.

18 ARTICLE IV

19 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

20 Section 1. Nature of the Compact Commission. The Compact
21 Commission ("Commission") is hereby established. It has the
22 power and duty: (a) to appoint and oversee a Compact
23 Administrator; (b) to encourage States to join the Compact and
24 Congress to consent to the Compact through educational efforts;
25 (c) to coordinate the performance of obligations under the

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1 Compact; (d) to determine the date, time and location of the
2 Convention and oversee its logistical operations, as
3 appropriate to ensure this Compact governs its proceedings; (e)
4 to oversee the defense and enforcement of the Compact in
5 appropriate legal venues; (f) to request funds and to disburse
6 those funds to support the operations of the Commission,
7 Compact Administrator, and Convention; and (g) to cooperate
8 with any entity that shares a common interest with the
9 Commission and engages in policy research, public interest
10 litigation or lobbying in support of the purposes of the
11 Compact. The Commission shall only have such implied powers as
12 are essential to carrying out these express powers and duties.
13 It shall take no action that contravenes or is inconsistent
14 with this Compact or any law of any State that is not
15 superseded by this Compact. It may adopt and publish
16 corresponding bylaws and policies.

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

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1 and reimbursement of expenses if adequate funding exists.

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

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

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

16 Section 6. Compact Administrator. The Compact
17 Administrator has the power and duty: (a) to timely notify the
18 States of the date, time and location of the Convention; (b) to
19 organize and direct the logistical operations of the
20 Convention; (c) to maintain an accurate list of all Member
21 States, their appointed delegates, including contact
22 information; and (d) to formulate, transmit, and maintain all
23 official notices, records, and communications relating to this
24 Compact. The Compact Administrator shall only have such implied
25 powers as are essential to carrying out these express powers

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1 and duties; and shall take no action that contravenes or is
2 inconsistent with this Compact or any law of any State that is
3 not superseded by this Compact. The Compact Administrator
4 serves at the pleasure of the Commission and must keep the
5 Commission seasonably apprised of the performance or
6 nonperformance of the terms and conditions of this Compact. Any
7 notice sent by a Member State to the Compact Administrator
8 concerning this Compact shall be adequate notice to each other
9 Member State provided that a copy of said notice is seasonably
10 delivered by the Compact Administrator to each other Member
11 State's respective chief executive officer.

12 Section 7. Notice of Key Events. Upon the occurrence of
13 each of the following described events, or otherwise as soon as
14 possible, the Compact Administrator shall immediately send the
15 following notices to all Compact Notice Recipients, together
16 with certified conforming copies of the chaptered version of
17 this Compact as maintained in the statutes of each Member
18 State: (a) whenever any State becomes a Member State, notice of
19 that fact shall be given; (b) once at least three-fourths of
20 the States are Member States, notice of that fact shall be
21 given together with a statement declaring that the Legislatures
22 of at least two-thirds of the several States have applied for a
23 convention for proposing amendments under Article V of the
24 United States Constitution, petitioning Congress to call the
25 Convention contemplated by this Compact, and further requesting

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1 cooperation in organizing the same in accordance with this
2 Compact; (c) once Congress has called the Convention
3 contemplated by this Compact, and whenever the date, time and
4 location of the Convention has been determined, notice of that
5 fact shall be given together with the date, time and location
6 of the Convention and other essential logistical matters; (d)
7 upon approval of the Balanced Budget Amendment by the
8 Convention, notice of that fact shall be given together with
9 the transmission of certified copies of such approved proposed
10 amendment and a statement requesting Congress to refer the same
11 for ratification by three-fourths of the Legislatures of the
12 several States under Article V of the United States
13 Constitution (however, in no event shall any proposed amendment
14 other than the Balanced Budget Amendment be transmitted); and
15 (e) when any Article of this Compact prospectively ratifying
16 the Balanced Budget Amendment is effective in any Member State,
17 notice of the same shall be given together with a statement
18 declaring such ratification and further requesting cooperation
19 in ensuring that the official record confirms and reflects the
20 effective corresponding amendment to the United States
21 Constitution. However, whenever any Member State enacts
22 appropriate legislation, as determined by the laws of the
23 respective state, withdrawing from this Compact, the Compact
24 Administrator shall immediately send certified conforming
25 copies of the chaptered version of such withdrawal legislation

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1 as maintained in the statutes of each such withdrawing Member
2 State, solely to each chief executive officer of each remaining
3 Member State, giving notice of such withdrawal.

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

10 Section 9. Dissolution. The Commission shall be deemed
11 dissolved, all of its members and the Compact Administrator
12 shall be discharged, and all rights and obligations of Member
13 States under this Article shall be deemed null and void, when
14 the United States Constitution is amended by the Balanced
15 Budget Amendment.

16 Section 10. This Article does not take effect until there
17 are at least two Member States.

18 ARTICLE V
19 RESOLUTION APPLYING FOR CONVENTION

20 Section 1. Be it resolved, as provided for in Article V of
21 the Constitution of the United States, the Legislature of each
22 Member State herewith applies to Congress for a convention for
23 proposing amendments.

24 Section 2. To the furthest extent permitted by law, the
25 Convention shall be entirely focused upon and exclusively

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1 limited to the subject matter of introducing, debating, voting
2 upon, and rejecting or proposing for ratification the Balanced
3 Budget Amendment.

4 Section 3. Congress is further petitioned to refer the
5 Balanced Budget Amendment to the States for ratification by
6 three-fourths of their respective Legislatures.

7 Section 4. This Article does not take effect until at
8 least three-fourths of the several States are Member States.

9 ARTICLE VI

10 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

11 Section 1. Number of Delegates. Each Member State shall be
12 entitled to one delegate as its sole and exclusive
13 representative at the Convention as set forth in this Article.

14 Section 2. Identity of Delegates. Each Member State's
15 chief executive officer, who is serving on the enactment date
16 of this Compact, is appointed in an individual capacity to
17 represent his or her respective State at the Convention as its
18 sole and exclusive delegate.

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

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1 Section 4. Oath. The power and authority of a delegate
2 under this Article may only be exercised after appointment is
3 duly accepted by such appointee publicly taking the following
4 oath or affirmation: "I do solemnly swear (or affirm) that I
5 accept this appointment and will act strictly in accordance
6 with the terms and conditions of the Compact for America, the
7 Constitution of the State I represent, and the United States
8 Constitution. I understand that violating this oath (or
9 affirmation) forfeits my appointment and may subject me to
10 other penalties as provided by law."

11 Section 5. Term. The term of a delegate hereunder
12 terminates upon the earlier of either one (1) calendar year
13 from the date of accepting the appointment or the adjournment
14 of the Convention, unless shortened by recall, replacement or
15 forfeiture under this Article. Upon expiration of such term,
16 any person formerly serving as a delegate must immediately
17 withdraw from and cease participation at the Convention, if any
18 is proceeding.

19 Section 6. Delegate Authority. The power and authority of
20 any delegate appointed hereunder is strictly limited: (a) to
21 introducing, debating, voting upon, proposing and enforcing the
22 Convention Rules specified in this Compact, as needed to ensure
23 those rules govern the Convention; and (b) to introducing,
24 debating, voting upon, and rejecting or proposing for
25 ratification the Balanced Budget Amendment. No delegate of any

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1 Member State may introduce, debate, vote upon, reject or
2 propose for ratification any constitutional amendment at the
3 Convention unless: (a) the Convention Rules specified in this
4 Compact govern the Convention and their actions; and (b) the
5 constitutional amendment is the Balanced Budget Amendment.
6 Furthermore, the power and authority of any delegate at the
7 Convention does not include any power or authority associated
8 with any other public office held by the delegate. Any person
9 appointed to serve as a delegate shall take a temporary leave
10 of absence from any other public office held by the delegate
11 while attending the Convention, and may not exercise any power
12 or authority associated with any other public office held by
13 the delegate while attending the Convention. All actions taken
14 by any delegate in violation of this section are void ab
15 initio.

16 Section 7. Order of Business. Before introducing,
17 debating, voting upon, rejecting or proposing for ratification
18 any constitutional amendment at the Convention, each delegate
19 of every Member State must first ensure the Convention Rules in
20 this Compact govern the Convention and their actions. Every
21 delegate and each Member State must immediately vacate the
22 Convention and notify the Compact Administrator by the most
23 effective and expeditious means if the Convention Rules in this
24 Compact are not adopted to govern the Convention and their
25 actions.

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1 Section 8. Forfeiture of Appointment. If any Member State
2 or delegate violates any provision of this Compact, then every
3 delegate of that Member State immediately forfeits his or her
4 appointment, and shall immediately cease participation at the
5 Convention, vacate the Convention, and return to his or her
6 respective State's capitol.

7 Section 9. Expenses. A delegate appointed hereunder is
8 entitled to reimbursement of reasonable expenses for attending
9 the Convention from his or her respective Member State. No
10 delegate may accept any other form of remuneration or
11 compensation for service under this Compact.

12 ARTICLE VII
13 CONVENTION RULES

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

17 Section 2. Date and Location of the Convention. The
18 Convention shall be held in Dallas, Texas and commence
19 proceedings within 60 days of the effective date of the
20 Congressional resolution calling the Convention, on a specific
21 date and a time to be determined by the Commission. With prior
22 notice given to all Compact Notice Recipients, the Commission
23 may subsequently relocate and reschedule the Convention to
24 ensure it proceeds in an orderly manner in accordance with the
25 terms and conditions of this Compact.

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1 Section 3. Agenda of the Convention. The agenda of the
2 Convention shall be entirely focused upon and exclusively
3 limited to introducing, debating, voting upon, and rejecting or
4 proposing for ratification the Balanced Budget Amendment under
5 the Convention Rules specified in this Article and in
6 accordance with the Compact. It shall not be in order for the
7 Convention to consider any matter that is outside the scope of
8 this agenda.

9 Section 4. Delegate Identity and Procedure. States shall
10 be represented at the Convention through duly appointed
11 delegates. The number, identity and authority of delegates
12 assigned to each State shall be determined by this Compact in
13 the case of Member States or, in the case of States that are
14 not Member States, by their respective state laws. However, to
15 prevent disruption of proceedings, no more than three delegates
16 may attend and participate in the Convention on behalf of any
17 State that is not a Member State. A certified chaptered
18 conforming copy of this Compact, together with
19 government-issued photographic proof of identification, shall
20 suffice as credentials for delegates of Member States. Any
21 commission for delegates of States that are not Member States
22 shall be based on their respective state laws, but it shall
23 furnish credentials that are at least as reliable as those
24 required of Member States.

25 Section 5. Voting. Each State represented at the

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1 Convention shall have one vote, exercised by the vote of that
2 State's delegate in the case of States represented by one
3 delegate, or, in the case of any State that is not a Member
4 State and that is represented by more than one delegate, by the
5 majority vote of that State's respective delegates.

6 Section 6. Quorum. A majority of the several States of the
7 United States, each present through their respective delegate
8 in the case of States represented by one delegate, or through a
9 majority of their respective delegates, in the case of any
10 State that is not a Member State and that is represented by
11 more than one delegate, shall constitute a quorum for the
12 transaction of any business on behalf of the Convention.

13 Section 7. Action by the Convention. The Convention shall
14 only act as a committee of the whole chaired by the delegate
15 representing the first State to have become a Member State. The
16 transaction of any business on behalf of the Convention,
17 including the designation of a Secretary, the adoption of
18 parliamentary procedures and the rejection or proposal of
19 constitutional amendments, requires a quorum to be present and
20 a majority affirmative vote of those States constituting the
21 quorum.

22 Section 8. Parliamentary Procedure. In adopting, applying
23 and formulating parliamentary procedure, the Convention shall
24 exclusively adopt, apply or appropriately adapt provisions of
25 the most recent editions of Robert's Rules of Order and the

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1 American Institute of Parliamentarians Standard Code of
2 Parliamentary Procedure. In adopting, applying or adapting
3 parliamentary procedure, the Convention shall exclusively
4 consider analogous precedent arising within the jurisdiction of
5 the United States. Parliamentary procedures adopted, applied or
6 adapted pursuant to this section shall not override or
7 otherwise conflict with this Compact.

8 Section 9. Transmittal. Upon approval of the Balanced
9 Budget Amendment by the Convention to propose for ratification,
10 the Chair of the Convention shall immediately transmit
11 certified copies of such approved proposed amendment to the
12 Compact Administrator and all Compact Notice Recipients,
13 notifying them respectively of such approval and requesting
14 Congress to refer the same for ratification by the States under
15 Article V of the United States Constitution. However, in no
16 event shall any proposed amendment other than the Balanced
17 Budget Amendment be transmitted as aforesaid.

18 Section 10. Transparency. Records of the Convention,
19 including the identities of all attendees and detailed minutes
20 of all proceedings, shall be kept by the Chair of the
21 Convention or Secretary designated by the Convention. All
22 proceedings and records of the Convention shall be open to the
23 public upon request subject to reasonable regulations adopted
24 by the Convention that are closely tailored to preventing
25 disruption of proceedings under this Article.

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

5 ARTICLE VIII

6 PROHIBITION ON ULTRA VIRES CONVENTION

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

19 Section 2. Member States shall not attend or participate
20 in the Convention unless: (a) its agenda is governed by the
21 Convention Rules of this Compact; and (b) Congress first calls
22 the Convention in accordance with this Compact and
23 prospectively designates the method of ratification for the
24 Balanced Budget Amendment as being by three-fourths of the
25 Legislatures of the several States.

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

5 ARTICLE IX
6 RESOLUTION PROSPECTIVELY RATIFYING THE
7 BALANCED BUDGET AMENDMENT

8 Section 1. Each Member State, by and through its
9 respective Legislature, hereby adopts and ratifies the Balanced
10 Budget Amendment.

11 Section 2. This Article does not take effect until
12 Congress effectively refers the Balanced Budget Amendment to
13 the States for ratification by three-fourths of the
14 Legislatures of the several States under Article V of the
15 Constitution of the United States.

16 ARTICLE X
17 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

18 Section 1. To the extent that the effectiveness of this
19 Compact or any of its Articles or provisions requires the
20 alteration of local legislative rules, drafting policies, or
21 procedure to be effective, the enactment of legislation
22 enacting, adopting and agreeing to be bound by this Compact
23 shall be deemed to waive, repeal, supersede, or otherwise amend
24 and conform all such rules, policies or procedures to allow for
25 the effectiveness of this Compact to the fullest extent

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1 permitted by the constitution of any affected Member State.

2 Section 2. In addition to all other powers and duties
3 conferred by state law which are consistent with the terms and
4 conditions of this Compact, the chief law enforcement officer
5 of each Member State is empowered to defend the Compact from
6 any legal challenge, as well as to seek civil mandatory and
7 prohibitory injunctive relief to enforce this Compact; and
8 shall take such action whenever the Compact is challenged or
9 violated.

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

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1 Section 4. The effective date of this Compact and any of
2 its Articles is the latter of: (a) the date of any event
3 rendering the same effective according to its respective terms
4 and conditions; or (b) the earliest date otherwise permitted by
5 law.

6 Section 5. Article VIII of this Compact is hereby deemed
7 non-severable. However, if any other phrase, clause, sentence
8 or provision of this Compact, or the applicability of any other
9 phrase, clause, sentence or provision of this Compact to any
10 government, agency, person or circumstance, is declared in a
11 final judgment to be contrary to the United States
12 Constitution, contrary to the state constitution of any Member
13 State, or is otherwise held invalid by a court of competent
14 jurisdiction, such phrase, clause, sentence or provision shall
15 be severed and held for naught, and the validity of the
16 remainder of this Compact and the applicability of the
17 remainder of this Compact to any government, agency, person or
18 circumstance shall not be affected. Furthermore, if this
19 Compact is declared in a final judgment by a court of competent
20 jurisdiction to be entirely contrary to the state constitution
21 of any Member State or otherwise entirely invalid as to any
22 Member State, such Member State shall be deemed to have
23 withdrawn from the Compact, and the Compact shall remain in
24 full force and effect as to any remaining Member State.
25 Finally, if this Compact is declared in a final judgment by a

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underscored material = new
~~[bracketed material]~~ = delete

1 court of competent jurisdiction to be wholly or substantially
2 in violation of Article I, Section 10, of the United States
3 Constitution, then it shall be construed and enforced solely as
4 reciprocal legislation enacted by the affected Member State(s).

5 SECTION 2. EMERGENCY.--It is necessary for the public
6 peace, health and safety that this act take effect immediately.

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