



1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 26.43 of Title 75, unless there  
3 is created a duplication in numbering, reads as follows:

4 The State of Oklahoma enacts, adopts and agrees to be bound by  
5 the following compact:

6 ARTICLE I

7 DECLARATION OF POLICY, PURPOSE AND INTENT

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

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

20 ARTICLE II

21 DEFINITIONS

22 Section 1. "Compact" means this "Compact for a Balanced  
23 Budget".  
24

1       Section 2. "Convention" means the convention for proposing  
2 amendments organized by this Compact under Article V of the  
3 Constitution of the United States and, where contextually  
4 appropriate to ensure the terms of this Compact are not evaded, any  
5 other similar gathering or body which might be organized as a  
6 consequence of Congress receiving the application set out in this  
7 Compact and claiming authority to propose or effectuate any  
8 amendment, alteration or revision to the Constitution of the United  
9 States. This term does not encompass a convention for proposing  
10 amendments under Article V of the Constitution of the United States  
11 that is organized independently of this Compact based on the  
12 separate and distinct application of any State.

13       Section 3. "State" means one of the several States of the  
14 United States. Where contextually appropriate, the term "State"  
15 shall be construed to include all of its branches, departments,  
16 agencies, political subdivisions, and officers and representatives  
17 acting in their official capacity.

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

23       Section 5. "Compact Notice Recipients" means the Archivist of  
24 the United States, the President of the United States, the President

1 of the United States Senate, the Office of the Secretary of the  
2 United States Senate, the Speaker of the United States House of  
3 Representatives, the Office of the Clerk of the United States House  
4 of Representatives, the chief executive officer of each State, and  
5 the presiding officer(s) of each house of the Legislatures of the  
6 several States.

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

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

12 "Amendment \_\_

13 Section 1. Total outlays of the government of the United States  
14 shall not exceed total receipts of the government of the United  
15 States at any point in time unless the excess of outlays over  
16 receipts is financed exclusively by debt issued in strict conformity  
17 with this amendment.

18 Section 2. Outstanding debt shall not exceed authorized debt,  
19 which initially shall be an amount equal to 105% of the outstanding  
20 debt on the effective date of this amendment. Authorized debt shall  
21 not be increased above its aforesaid initial amount unless such  
22 increase is first approved by the Legislatures of the several States  
23 as provided in Section 3.

24

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

14 Section 4. Whenever the outstanding debt exceeds 98% of the  
15 debt limit set by Section 2, the President shall enforce said limit  
16 by publicly designating specific expenditures for impoundment in an  
17 amount sufficient to ensure outstanding debt shall not exceed the  
18 authorized debt. Said impoundment shall become effective thirty  
19 (30) days thereafter, unless Congress first designates an alternate  
20 impoundment of the same or greater amount by concurrent resolution,  
21 which shall become immediately effective. The failure of the  
22 President to designate or enforce the required impoundment is an  
23 impeachable misdemeanor. Any purported issuance or incurrence of  
24 any debt in excess of the debt limit set by Section 2 is void.

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

9 Section 6. For purposes of this amendment, "debt" means any  
10 obligation backed by the full faith and credit of the government of  
11 the United States; "outstanding debt" means all debt held in any  
12 account and by any entity at a given point in time; "authorized  
13 debt" means the maximum total amount of debt that may be lawfully  
14 issued and outstanding at any single point in time under this  
15 amendment; "total outlays of the government of the United States"  
16 means all expenditures of the government of the United States from  
17 any source; "total receipts of the government of the United States"  
18 means all tax receipts and other income of the government of the  
19 United States, excluding proceeds from its issuance or incurrence of  
20 debt or any type of liability; "impoundment" means a proposal not to  
21 spend all or part of a sum of money appropriated by Congress; and  
22 "general revenue tax" means any income tax, sales tax, or value-  
23 added tax levied by the government of the United States excluding  
24 imposts and duties.

1 Section 7. This amendment is immediately operative upon  
2 ratification, self-enforcing, and Congress may enact conforming  
3 legislation to facilitate enforcement."

#### 4 ARTICLE III

#### 5 COMPACT MEMBERSHIP AND WITHDRAWAL

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

9 Section 2. By becoming a Member State, each such State offers,  
10 promises and agrees to perform and comply strictly in accordance  
11 with the terms and conditions of this Compact and has made such  
12 offer, promise and agreement in anticipation and consideration of,  
13 and in substantial reliance upon, such mutual and reciprocal  
14 performance and compliance by each other current and future Member  
15 State, if any. Accordingly, in addition to having the force of law  
16 in each Member State upon its respective effective date, this  
17 Compact and each of its Articles shall also be construed as  
18 contractually binding each Member State when: (a) at least one other  
19 State has likewise become a Member State by enacting substantively  
20 identical legislation adopting and agreeing to be bound by this  
21 Compact; and (b) notice of such State's Member-State status is or  
22 has been seasonably received by the Compact Administrator, if any,  
23 or otherwise by the chief executive officer of each other Member  
24 State.

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

23 Section 4. When fewer than three-fourths of the States are  
24 Member States, any Member State may withdraw from this Compact by



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

#### 10 ARTICLE IV

##### 11 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

12 Section 1. Nature of the Compact Commission. The Compact  
13 Commission (Commission) is hereby established. It has the power and  
14 duty: (a) to appoint and oversee a Compact Administrator; (b) to  
15 encourage States to join the Compact and Congress to call the  
16 Convention in accordance with this Compact; (c) to coordinate the  
17 performance of obligations under the Compact; (d) to oversee the  
18 Convention's logistical operations as appropriate to ensure this  
19 Compact governs its proceedings; (e) to oversee the defense and  
20 enforcement of the Compact in appropriate legal venues; (f) to  
21 request funds and to disburse those funds to support the operations  
22 of the Commission, Compact Administrator, and Convention; and (g) to  
23 cooperate with any entity that shares a common interest with the  
24 Commission and engages in policy research, public interest

1 litigation or lobbying in support of the purposes of the Compact.  
2 The Commission shall only have such implied powers as are essential  
3 to carrying out these express powers and duties. It shall take no  
4 action that contravenes or is inconsistent with this Compact or any  
5 law of any State that is not superseded by this Compact. It may  
6 adopt and publish corresponding bylaws and policies.

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

17 Section 3. Commission Action. Each Commission member is  
18 entitled to one vote. The Commission shall not act unless a  
19 majority of its appointed membership is present, and no action shall  
20 be binding unless approved by a majority of the Commission's  
21 appointed membership. The Commission shall meet at least once a  
22 year, and may meet more frequently.

23 Section 4. First Order of Business. The Commission shall at  
24 the earliest possible time elect from among its membership a

1 Chairperson, determine a primary place of doing business, and  
2 appoint a Compact Administrator.

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

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

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1 seasonably delivered by the Compact Administrator to each other  
2 Member State's respective chief executive officer.

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

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

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

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

3 ARTICLE V

4 RESOLUTION APPLYING FOR CONVENTION

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

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

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

15 ARTICLE VI

16 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

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

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

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

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

19       Section 5. Term. The term of a delegate hereunder commences  
20 upon acceptance of appointment and terminates upon the permanent  
21 adjournment of the Convention, unless shortened by recall,  
22 replacement or forfeiture under this Article. Upon expiration of  
23 such term, any person formerly serving as a delegate must  
24

1 immediately withdraw from and cease participation at the Convention,  
2 if any is proceeding.

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

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

17 Section 8. Delegate Authority. The power and authority of any  
18 delegate at the Convention does not include any power or authority  
19 associated with any other public office held by the delegate. Any  
20 person appointed to serve as a delegate shall take a temporary leave  
21 of absence, or otherwise shall be deemed temporarily disabled, from  
22 any other public office held by the delegate while attending the  
23 Convention, and may not exercise any power or authority associated  
24 with any other public office held by the delegate, while attending



1 the Convention. All actions taken by any delegate in violation of  
2 this section are void ab initio.

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

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

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

22 ARTICLE VII  
23 CONVENTION RULES

24

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

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

11 Section 3. Delegate Identity and Procedure. States shall be  
12 represented at the Convention through duly appointed delegates. The  
13 number, identity and authority of delegates assigned to each State  
14 shall be determined by this Compact in the case of Member States or,  
15 in the case of States that are not Member States, by their  
16 respective state laws. However, to prevent disruption of  
17 proceedings, no more than three delegates may attend and participate  
18 in the Convention on behalf of any State. A certified chaptered  
19 conforming copy of this Compact, together with government-issued  
20 photographic proof of identification, shall suffice as credentials  
21 for delegates of Member States. Any commission for delegates of  
22 States that are not Member States shall be based on their respective  
23 state laws, but it shall furnish credentials that are at least as  
24 reliable as those required of Member States.

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

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

12 Section 6. Action by the Convention. The Convention shall only  
13 act as a committee of the whole, chaired by the delegate  
14 representing the first State to have become a Member State, if that  
15 State is represented by one delegate, or otherwise by the delegate  
16 chosen by the majority vote of that State's respective delegates.  
17 The transaction of any business on behalf of the Convention,  
18 including the designation of a Secretary, the adoption of  
19 parliamentary procedures and the rejection or proposal of any  
20 constitutional amendment, requires a quorum to be present and a  
21 majority affirmative vote of those States constituting the quorum.

22 Section 7. Emergency Suspension and Relocation of the  
23 Convention. In the event that the Chair of the Convention declares  
24 an emergency due to disorder or an imminent threat to public health

1 and safety prior to the completion of the business on the Agenda,  
2 and a majority of the States present at the Convention do not object  
3 to such declaration, further Convention proceedings shall be  
4 temporarily suspended, and the Commission shall subsequently  
5 relocate or reschedule the Convention to resume proceedings in an  
6 orderly fashion in accordance with the terms and conditions of this  
7 Compact with prior notice given to the Compact Notice Recipients.

8 Section 8. Parliamentary Procedure. In adopting, applying and  
9 formulating parliamentary procedure, the Convention shall  
10 exclusively adopt, apply or appropriately adapt provisions of the  
11 most recent editions of Robert's Rules of Order and the American  
12 Institute of Parliamentarians Standard Code of Parliamentary  
13 Procedure. In adopting, applying or adapting parliamentary  
14 procedure, the Convention shall exclusively consider analogous  
15 precedent arising within the jurisdiction of the United States.  
16 Parliamentary procedures adopted, applied or adapted pursuant to  
17 this section shall not obstruct, override or otherwise conflict with  
18 this Compact.

19 Section 9. Transmittal. Upon approval of the Balanced Budget  
20 Amendment by the Convention to propose for ratification, the Chair  
21 of the Convention shall immediately transmit certified copies of  
22 such approved proposed amendment to the Compact Administrator and  
23 all Compact Notice Recipients, notifying them respectively of such  
24 approval and requesting Congress to refer the same for ratification

1 by the States under Article V of the Constitution of the United  
2 States. However, in no event shall any proposed amendment other  
3 than the Balanced Budget Amendment be transmitted as aforesaid.

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

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

#### 15 ARTICLE VIII

#### 16 PROHIBITION ON ULTRA VIRES CONVENTION

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

22 Section 2. Any proposal or action of the Convention is void ab  
23 initio and issued by a body that is conducting itself in an unlawful  
24 and ultra vires fashion if that proposal or action: (a) violates or

1 was approved in violation of the Convention Rules or the delegate  
2 instructions and limitations on delegate authority specified in this  
3 Compact; (b) purports to propose or effectuate a mode of  
4 ratification that is not specified in Article V of the Constitution  
5 of the United States; or (c) purports to propose or effectuate the  
6 formation of a new government. All Member States are prohibited  
7 from advancing or assisting in the advancement of any such proposal  
8 or action.

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

#### 13 ARTICLE IX

#### 14 RESOLUTION PROSPECTIVELY RATIFYING THE 15 BALANCED BUDGET AMENDMENT

16 Section 1. Each Member State, by and through its respective  
17 Legislature, hereby adopts and ratifies the Balanced Budget  
18 Amendment.

19 Section 2. This Article does not take effect until Congress  
20 effectively refers the Balanced Budget Amendment to the States for  
21 ratification by three-fourths of the Legislatures of the several  
22 States under Article V of the Constitution of the United States.

#### 23 ARTICLE X

#### 24 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

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

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

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

23 Section 4. The exclusive venue for all actions in any way  
24 arising under this Compact shall be in the United States District

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

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

17 Section 6. Article VIII of this Compact is hereby deemed  
18 nonseverable prior to termination of the Compact. However, if any  
19 other phrase, clause, sentence or provision of this Compact, or the  
20 applicability of any other phrase, clause, sentence or provision of  
21 this Compact to any government, agency, person or circumstance, is  
22 declared in a final judgment to be contrary to the Constitution of  
23 the United States, contrary to the state constitution of any Member  
24 State, or is otherwise held invalid by a court of competent



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

16 Section 7. Termination. This Compact shall terminate and be  
17 held for naught when the Compact is fully performed and the  
18 Constitution of the United States is amended by the Balanced Budget  
19 Amendment. However, notwithstanding anything to the contrary set  
20 forth in this Compact, in the event such amendment does not occur  
21 within seven (7) years after the first State passes legislation  
22 enacting, adopting and agreeing to be bound by this Compact, the  
23 Compact shall terminate as follows: (a) the Commission shall  
24 dissolve and wind up its operations within ninety (90) days

1 thereafter, with the Compact Administrator giving notice of such  
2 dissolution and the operative effect of this section to the Compact  
3 Notice Recipients; and (b) upon the completed dissolution of the  
4 Commission, this Compact shall be deemed terminated, repealed, void  
5 ab initio, and held for naught.

6 SECTION 2. It being immediately necessary for the preservation  
7 of the public peace, health and safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

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11 COMMITTEE REPORT BY: COMMITTEE ON STATE AND FEDERAL RELATIONS, dated  
12 02/25/2016 - DO PASS, As Coauthored.

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