

HOUSE BILL NO. HB0075

Balanced Budget Compact.

Sponsored by: Representative(s) Barlow and Winters and
Senator(s) Case, Hicks and Peterson

A BILL

for

1 AN ACT relating to the administration of government;
2 adopting the Compact for a Balanced Budget as provided;
3 providing for the proposal and ratification of a Balanced
4 Budget Amendment to the Constitution of the United States
5 as specified; providing for powers, duties and procedures
6 relative to the Compact; providing definitions; and
7 providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 9-20-101 and 9-20-102 are created to
12 read:

13

14

CHAPTER 20

15

COMPACT FOR A BALANCED BUDGET

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

7

8

ARTICLE II

9

DEFINITIONS

10

11 Section 1. "Compact" means this "Compact for a Balanced
12 Budget."

13

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

1 Article V of the Constitution of the United States that is
2 organized independently of this Compact based on the
3 separate and distinct application of any State.

4

5 Section 3. "State" means one of the several States of the
6 United States. Where contextually appropriate, the term
7 "State" shall be construed to include all of its branches,
8 departments, agencies, political subdivisions, and officers
9 and representatives acting in their official capacity.

10

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

17

18 Section 5. "Compact Notice Recipients" means the Archivist
19 of the United States, the President of the United States,
20 the President of the United States Senate, the Office of
21 the Secretary of the United States Senate, the Speaker of
22 the United States House of Representatives, the Office of
23 the Clerk of the United States House of Representatives,

1 the chief executive officer of each State, and the
2 presiding officer(s) of each house of the Legislatures of
3 the several States.

4

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

9

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

11

12 "Article __

13

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

19

20 Section 2. Outstanding debt shall not exceed authorized
21 debt, which initially shall be an amount equal to 105
22 percent of the outstanding debt on the effective date of
23 this article. Authorized debt shall not be increased above

1 its aforesaid initial amount unless such increase is first
2 approved by the legislatures of the several states as
3 provided in Section 3.

4

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

20

21 Section 4. Whenever the outstanding debt exceeds 98 percent
22 of the debt limit set by Section 2, the President shall
23 enforce said limit by publicly designating specific

1 expenditures for impoundment in an amount sufficient to
2 ensure outstanding debt shall not exceed the authorized
3 debt. Said impoundment shall become effective thirty (30)
4 days thereafter, unless Congress first designates an
5 alternate impoundment of the same or greater amount by
6 concurrent resolution, which shall become immediately
7 effective. The failure of the President to designate or
8 enforce the required impoundment is an impeachable
9 misdemeanor. Any purported issuance or incurrence of any
10 debt in excess of the debt limit set by Section 2 is void.

11

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

21

22 Section 6. For purposes of this article, "debt" means any
23 obligation backed by the full faith and credit of the

1 government of the United States; "outstanding debt" means
2 all debt held in any account and by any entity at a given
3 point in time; "authorized debt" means the maximum total
4 amount of debt that may be lawfully issued and outstanding
5 at any single point in time under this article; "total
6 outlays of the government of the United States" means all
7 expenditures of the government of the United States from
8 any source; "total receipts of the government of the United
9 States" means all tax receipts and other income of the
10 government of the United States, excluding proceeds from
11 its issuance or incurrence of debt or any type of
12 liability; "impoundment" means a proposal not to spend all
13 or part of a sum of money appropriated by Congress; and
14 "general revenue tax" means any income tax, sales tax, or
15 value-added tax levied by the government of the United
16 States excluding imposts and duties.

17

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

21

22

ARTICLE III

23

COMPACT MEMBERSHIP AND WITHDRAWAL

1

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

5

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

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

1 applying to Congress for the calling of a convention of the
2 states under Article V of the Constitution of the United
3 States, under such terms and limitations as may be
4 specified by such State.

5

6 Section 4. When fewer than three-fourths of the States are
7 Member States, any Member State may withdraw from this
8 Compact by enacting appropriate legislation, as determined
9 by state law, and giving notice of such withdrawal to the
10 Compact Administrator, if any, or otherwise to the chief
11 executive officer of each other Member State. A withdrawal
12 shall not affect the validity or applicability of the
13 compact with respect to remaining Member States, provided
14 that there remain at least two such States. However, once
15 at least three-fourths of the States are Member States,
16 then no Member State may withdraw from the Compact prior to
17 its termination absent unanimous consent of all Member
18 States.

19

20

ARTICLE IV

21

COMPACT COMMISSION AND COMPACT ADMINISTRATOR

22

23 Section 1. Nature of the Compact Commission. The Compact

1 Commission ("Commission") is hereby established. It has the
2 power and duty: (a) to appoint and oversee a Compact
3 Administrator; (b) to encourage States to join the Compact
4 and Congress to call the Convention in accordance with this
5 Compact; (c) to coordinate the performance of obligations
6 under the Compact; (d) to oversee the Convention's
7 logistical operations as appropriate to ensure this Compact
8 governs its proceedings; (e) to oversee the defense and
9 enforcement of the Compact in appropriate legal venues; (f)
10 to request funds and to disburse those funds to support the
11 operations of the Commission, Compact Administrator, and
12 Convention; and (g) to cooperate with any entity that
13 shares a common interest with the Commission and engages in
14 policy research, public interest litigation or lobbying in
15 support of the purposes of the Compact. The Commission
16 shall only have such implied powers as are essential to
17 carrying out these express powers and duties. It shall take
18 no action that contravenes or is inconsistent with this
19 Compact or any law of any State that is not superseded by
20 this Compact. It may adopt and publish corresponding bylaws
21 and policies.

22

23 Section 2. Commission Membership. The Commission initially

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

11

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

18

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

23

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

5

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

1 shall be adequate notice to each other Member State
2 provided that a copy of said notice is seasonably delivered
3 by the Compact Administrator to each other Member State's
4 respective chief executive officer.

5

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

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

1 conforming copies of the chaptered version of such
2 withdrawal legislation as maintained in the statutes of
3 each such withdrawing Member State, solely to each chief
4 executive officer of each remaining Member State, giving
5 notice of such withdrawal.

6

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

14

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

17

18

ARTICLE V

19

RESOLUTION APPLYING FOR CONVENTION

20

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

1 calling of a convention for proposing amendments limited to
2 the subject matter of proposing for ratification the
3 Balanced Budget Amendment.

4

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

8

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

11

12 ARTICLE VI

13 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

14

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

19

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

1 its sole and exclusive delegate.

2

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

10

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

1

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

9

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

19

20 Section 7. Delegate Authority. No delegate of any Member
21 State may introduce, debate, vote upon, reject or propose
22 for ratification any constitutional amendment at the
23 Convention unless: (a) the Convention Rules specified in

1 this Compact govern the Convention and their actions; and
2 (b) the constitutional amendment is the Balanced Budget
3 Amendment.

4

5 Section 8. Delegate Authority. The power and authority of
6 any delegate at the Convention does not include any power
7 or authority associated with any other public office held
8 by the delegate. Any person appointed to serve as a
9 delegate shall take a temporary leave of absence, or
10 otherwise shall be deemed temporarily disabled, from any
11 other public office held by the delegate while attending
12 the Convention, and may not exercise any power or authority
13 associated with any other public office held by the
14 delegate, while attending the Convention. All actions taken
15 by any delegate in violation of this section are void ab
16 initio.

17

18 Section 9. Order of Business. Before introducing, debating,
19 voting upon, rejecting or proposing for ratification any
20 constitutional amendment at the Convention, each delegate
21 of every Member State must first ensure the Convention
22 Rules in this Compact govern the Convention and their
23 actions. Every delegate and each Member State must

1 immediately vacate the Convention and notify the Compact
2 Administrator by the most effective and expeditious means
3 if the Convention Rules in this Compact are not adopted to
4 govern the Convention and their actions.

5

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

12

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

19

20

ARTICLE VII

21

CONVENTION RULES

22

23 Section 1. Nature of the Convention. The Convention shall

1 be organized, construed and conducted as a body exclusively
2 representing and constituted by the several States.

3

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

12

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

1 as credentials for delegates of Member States. Any
2 commission for delegates of States that are not Member
3 States shall be based on their respective state laws, but
4 it shall furnish credentials that are at least as reliable
5 as those required of Member States.

6

7 Section 4. Voting. Each State represented at the Convention
8 shall have one vote, exercised by the vote of that State's
9 delegate in the case of States represented by one delegate,
10 or, in the case of any State that is represented by more
11 than one delegate, by the majority vote of that State's
12 respective delegates.

13

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

21

22 Section 6. Action by the Convention. The Convention shall
23 only act as a committee of the whole, chaired by the

1 delegate representing the first State to have become a
2 Member State, if that State is represented by one delegate,
3 or otherwise by the delegate chosen by the majority vote of
4 that State's respective delegates. The transaction of any
5 business on behalf of the Convention, including the
6 designation of a Secretary, the adoption of parliamentary
7 procedures and the rejection or proposal of any
8 constitutional amendment, requires a quorum to be present
9 and a majority affirmative vote of those States
10 constituting the quorum.

11

12 Section 7. Emergency Suspension and Relocation of the
13 Convention. In the event that the Chair of the Convention
14 declares an emergency due to disorder or an imminent threat
15 to public health and safety prior to the completion of the
16 business on the Agenda, and a majority of the States
17 present at the Convention do not object to such
18 declaration, further Convention proceedings shall be
19 temporarily suspended, and the Commission shall
20 subsequently relocate or reschedule the Convention to
21 resume proceedings in an orderly fashion in accordance with
22 the terms and conditions of this Compact with prior notice
23 given to the Compact Notice Recipients.

1

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

14

15 Section 9. Transmittal. Upon approval of the Balanced
16 Budget Amendment by the Convention to propose for
17 ratification, the Chair of the Convention shall immediately
18 transmit certified copies of such approved proposed
19 amendment to the Compact Administrator and all Compact
20 Notice Recipients, notifying them respectively of such
21 approval and requesting Congress to refer the same for
22 ratification by the States under Article V of the
23 Constitution of the United States. However, in no event

1 shall any proposed amendment other than the Balanced Budget
2 Amendment be transmitted as aforesaid.

3

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

13

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

18

19

ARTICLE VIII

20

PROHIBITION ON ULTRA VIRES CONVENTION

21

22 Section 1. Member States shall not participate in the
23 Convention unless: (a) Congress first calls the Convention

1 in accordance with this Compact; and (b) the Convention
2 Rules of this Compact are adopted by the Convention as its
3 first order of business.

4

5 Section 2. Any proposal or action of the Convention is void
6 ab initio and issued by a body that is conducting itself in
7 an unlawful and ultra vires fashion if that proposal or
8 action: (a) violates or was approved in violation of the
9 Convention Rules or the delegate instructions and
10 limitations on delegate authority specified in this
11 Compact; (b) purports to propose or effectuate a mode of
12 ratification that is not specified in Article V of the
13 Constitution of the United States; or (c) purports to
14 propose or effectuate the formation of a new government.
15 All Member States are prohibited from advancing or
16 assisting in the advancement of any such proposal or
17 action.

18

19 Section 3. Member States shall not ratify or otherwise
20 approve any proposed amendment, alteration or revision to
21 the Constitution of the United States, which originates
22 from the Convention, other than the Balanced Budget
23 Amendment.

1

2

ARTICLE IX

3

RESOLUTION PROSPECTIVELY RATIFYING THE

4

BALANCED BUDGET AMENDMENT

5

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

9

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

15

16

ARTICLE X

17

CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

18

19 Section 1. To the extent that the effectiveness of this
20 Compact or any of its Articles or provisions requires the
21 alteration of local legislative rules, drafting policies,
22 or procedure to be effective, the enactment of legislation
23 enacting, adopting and agreeing to be bound by this Compact

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

6

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

14

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

23

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

18

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

1
2 Section 6. Article VIII of this Compact is hereby deemed
3 non-severable prior to termination of the Compact. However,
4 if any other phrase, clause, sentence or provision of this
5 Compact, or the applicability of any other phrase, clause,
6 sentence or provision of this Compact to any government,
7 agency, person or circumstance, is declared in a final
8 judgment to be contrary to the Constitution of the United
9 States, contrary to the state constitution of any Member
10 State, or is otherwise held invalid by a court of competent
11 jurisdiction, such phrase, clause, sentence or provision
12 shall be severed and held for naught, and the validity of
13 the remainder of this Compact and the applicability of the
14 remainder of this Compact to any government, agency, person
15 or circumstance shall not be affected. Furthermore, if this
16 Compact is declared in a final judgment by a court of
17 competent jurisdiction to be entirely contrary to the state
18 constitution of any Member State or otherwise entirely
19 invalid as to any Member State, such Member State shall be
20 deemed to have withdrawn from the Compact, and the Compact
21 shall remain in full force and effect as to any remaining
22 Member State. Finally, if this Compact is declared in a
23 final judgment by a court of competent jurisdiction to be

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

5

6 Section 7. Termination. This Compact shall terminate and be
7 held for naught when the Compact is fully performed and the
8 Constitution of the United States is amended by the
9 Balanced Budget Amendment. However, notwithstanding
10 anything to the contrary set forth in this Compact, in the
11 event such amendment does not occur within seven (7) years
12 after the first State passes legislation enacting, adopting
13 and agreeing to be bound to this Compact, the Compact shall
14 terminate as follows: (a) the Commission shall dissolve and
15 wind up its operations within ninety (90) days thereafter,
16 with the Compact Administrator giving notice of such
17 dissolution and the operative effect of this section to the
18 Compact Notice Recipients; and (b) upon the completed
19 dissolution of the Commission, this Compact shall be deemed
20 terminated, repealed, void ab initio, and held for naught.

21

1 **Section 2.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)