

House Bill 794 (AS PASSED HOUSE AND SENATE)

By: Representatives Braddock of the 19<sup>th</sup>, Welch of the 110<sup>th</sup>, Lindsey of the 54<sup>th</sup>, Clark of the 98<sup>th</sup>, Hawkins of the 27<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,  
2 so as to adopt the Compact for a Balanced Budget and promote the proposal and ratification  
3 of a balanced budget amendment to the United States Constitution; to provide for powers,  
4 duties, and procedures relative to the Compact; to provide for related matters; to provide an  
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
9 by adding a new chapter to read as follows:

10 "CHAPTER 38

11 50-38-1.

12 The State of Georgia enacts, adopts, and agrees to be bound by the following compact:

13 'ARTICLE I

14 DECLARATION OF POLICY, PURPOSE, AND INTENT

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

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

23 ARTICLE II

24 DEFINITIONS

25 Section 1. "Compact" means this "Compact for a Balanced Budget."

26 Section 2. "Convention" means the convention for proposing amendments organized by  
27 this Compact under Article V of the Constitution of the United States and, where  
28 contextually appropriate to ensure the terms of this Compact are not evaded, any other  
29 similar gathering or body, which might be organized as a consequence of Congress  
30 receiving the application set out in this Compact and claim authority to propose or  
31 effectuate any amendment, alteration or revision to the Constitution of the United States.  
32 This term is not intended to pertain to any convention held under Article V of the  
33 Constitution of the United States which originates as a result of a separate and distinct  
34 application by any State.

35 Section 3. "State" means one of the several states of the United States. Where contextually  
36 appropriate, the term "State" shall be construed to include all of its branches, departments,  
37 agencies, political subdivisions, and officers and representatives acting in their official  
38 capacity.

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

43 Section 5. "Compact Notice Recipients" means the Archivist of the United States, the  
44 President of the United States, the President of the United States Senate, the Office of the  
45 Secretary of the United States Senate, the Speaker of the United States House of  
46 Representatives, the Office of the Clerk of the United States House of Representatives, the  
47 chief executive officer of each State, and the presiding officer(s) of each house of the  
48 Legislatures of the several States.

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

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

53 "ARTICLE

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

58 Section 2. Outstanding debt shall not exceed authorized debt, which initially shall be an  
59 amount equal to 105 percent of the outstanding debt on the effective date of this article.  
60 Authorized debt shall not be increased above its aforesaid initial amount unless such  
61 increase is first approved by the legislatures of the several states as provided in Section 3.

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

72 Section 4. Whenever the outstanding debt exceeds 98 percent of the debt limit set by  
73 Section 2, the President shall enforce said limit by publicly designating specific  
74 expenditures for impoundment in an amount sufficient to ensure outstanding debt shall  
75 not exceed the authorized debt. Said impoundment shall become effective thirty (30)  
76 days thereafter, unless Congress first designates an alternate impoundment of the same  
77 or greater amount by concurrent resolution, which shall become immediately effective.  
78 The failure of the President to designate or enforce the required impoundment is an  
79 impeachable misdemeanor. Any purported issuance or incurrence of any debt in excess  
80 of the debt limit set by Section 2 is void.

81 Section 5. No bill that provides for a new or increased general revenue tax shall become  
82 law unless approved by a two-thirds roll call vote of the whole number of each House of  
83 Congress. However, this requirement shall not apply to any bill that provides for a new

84 end user sales tax which would completely replace every existing income tax levied by  
 85 the government of the United States; or for the reduction or elimination of an exemption,  
 86 deduction, or credit allowed under an existing general revenue tax.

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

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

### 101 ARTICLE III

#### 102 COMPACT MEMBERSHIP AND WITHDRAWAL

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

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

115 Compact Administrator, if any, or otherwise by the chief executive officer of each other  
 116 Member State.

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

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

#### 142 ARTICLE IV

#### 143 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

144 Section 1. Nature of the Compact Commission. The Compact Commission  
 145 ("Commission") is hereby established. It has the power and duty: (a) to appoint and  
 146 oversee a Compact Administrator; (b) to encourage States to join the Compact and  
 147 Congress to call the Convention in accordance with this Compact; (c) to coordinate the  
 148 performance of obligations under the Compact; (d) to oversee the Convention's logistical

149 operations, as appropriate to ensure this Compact governs its proceedings; (e) to oversee  
150 the defense and enforcement of the Compact in appropriate legal venues; (f) to request  
151 funds and to disburse those funds to support the operations of the Commission, Compact  
152 Administrator, and Convention; and (g) to cooperate with any entity that shares a common  
153 interest with the Commission and engages in policy research, public interest litigation, or  
154 lobbying in support of the purposes of the Compact. The Commission shall only have such  
155 implied powers as are essential to carrying out these express powers and duties. It shall  
156 take no action that contravenes or is inconsistent with this Compact or any law of any State  
157 that is not superseded by this Compact. It may adopt and publish corresponding bylaws  
158 and policies.

159 Section 2. Commission Membership. The Commission initially consists of three unpaid  
160 members. Each Member State may appoint one member to the Commission through an  
161 appointment process to be determined by their respective chief executive officer until all  
162 positions on the Commission are filled. Positions shall be assigned to appointees in the  
163 order in which their respective appointing States became Member States. The bylaws of  
164 the Commission may expand its membership to include representatives of additional  
165 Member States and to allow for modest salaries and reimbursement of expenses if adequate  
166 funding exists.

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

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

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

178 Section 6. Compact Administrator. The Compact Administrator has the power and duty:  
179 (a) to timely notify the States of the date, time, and location of the Convention; (b) to  
180 organize and direct the logistical operations of the Convention; (c) to maintain an accurate

181 list of all Member States, their appointed delegates, including contact information; and (d)  
182 to formulate, transmit, and maintain all official notices, records, and communications  
183 relating to this Compact. The Compact Administrator shall only have such implied powers  
184 as are essential to carrying out these express powers and duties; and shall take no action  
185 that contravenes or is inconsistent with this Compact or any law of any State that is not  
186 superseded by this Compact. The Compact Administrator serves at the pleasure of the  
187 Commission and must keep the Commission seasonably apprised of the performance or  
188 nonperformance of the terms and conditions of this Compact. Any notice sent by a  
189 Member State to the Compact Administrator concerning this Compact shall be adequate  
190 notice to each other Member State provided that a copy of said notice is seasonably  
191 delivered by the Compact Administrator to each other Member State's respective chief  
192 executive officer.

193 Section 7. Notice of Key Events. Upon the occurrence of each of the following described  
194 events, or otherwise as soon as possible, the Compact Administrator shall immediately  
195 send the following notices to all Compact Notice Recipients, together with certified  
196 conforming copies of the chaptered version of this Compact as maintained in the statutes  
197 of each Member State: (a) whenever any State becomes a Member State, notice of that fact  
198 shall be given; (b) once at least three-fourths of the States are Member States, notice of that  
199 fact shall be given together with a statement declaring that the legislatures of at least  
200 two-thirds of the several states have applied for a convention for proposing amendments  
201 under Article V of the Constitution of the United States, petitioning Congress to call the  
202 Convention contemplated by this Compact, and further requesting cooperation in  
203 organizing the same in accordance with this Compact; (c) once Congress has called the  
204 Convention contemplated by this Compact, and whenever the date, time, and location of  
205 the Convention has been determined, notice of that fact shall be given together with the  
206 date, time, and location of the Convention and other essential logistical matters; (d) upon  
207 approval of the Balanced Budget Amendment by the Convention, notice of that fact shall  
208 be given together with the transmission of certified copies of such approved proposed  
209 amendment and a statement requesting Congress to refer the same for ratification by  
210 three-fourths of the legislatures of the several states under Article V of the Constitution of  
211 the United States (however, in no event shall any proposed amendment other than the  
212 Balanced Budget Amendment be transmitted); and (e) when any Article of this Compact  
213 prospectively ratifying the Balanced Budget Amendment is effective in any Member State,  
214 notice of the same shall be given together with a statement declaring such ratification and  
215 further requesting cooperation in ensuring that the official record confirms and reflects the  
216 effective corresponding amendment to the Constitution of the United States. However,

217 whenever any Member State enacts appropriate legislation, as determined by the laws of  
 218 the respective state, withdrawing from this Compact, the Compact Administrator shall  
 219 immediately send certified conforming copies of the chaptered version of such withdrawal  
 220 legislation as maintained in the statutes of each such withdrawing Member State, solely to  
 221 each chief executive officer of each remaining Member State, giving notice of such  
 222 withdrawal.

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

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

## 229 ARTICLE V

### 230 RESOLUTION APPLYING FOR CONVENTION

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

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

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

## 239 ARTICLE VI

### 240 DELEGATE APPOINTMENT, LIMITATIONS, AND INSTRUCTIONS

241 Section 1. Number of Delegates. This Member State shall be entitled to three delegates  
 242 to represent its sovereign interests at the Convention.

243 Section 2. Identity. The Governor, Speaker of the House of Representatives, and President  
 244 Pro Tempore of the Senate of this Member State, or their respective designee, as identified

245 in a sworn affidavit executed by such officer, are each appointed in an individual capacity  
246 to represent this Member State at the Convention as its sole and exclusive delegates. A  
247 majority vote of this delegation shall serve to decide any issue at the Convention on behalf  
248 of this Member State.

249 Section 3. Replacement or Recall of Delegates. A delegate appointed hereunder may be  
250 replaced or recalled by the legislature of his or her respective state at any time for good  
251 cause, such as criminal misconduct or the violation of this Compact. If replaced or  
252 recalled, any delegate previously appointed hereunder must immediately vacate the  
253 Convention and return to their respective State's capitol.

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

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

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

273 Section 7. Delegate Authority. No delegate of any Member State may introduce, debate,  
274 vote upon, reject, or propose for ratification any constitutional amendment at the  
275 Convention unless: (a) the Convention Rules specified in this Compact govern the

276 Convention and their actions; and (b) the constitutional amendment is the Balanced Budget  
 277 Amendment.

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

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

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

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

300 ARTICLE VII  
 301 CONVENTION RULES

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

304 Section 2. Agenda of the Convention. The agenda of the Convention shall be entirely  
 305 focused upon and exclusively limited to introducing, debating, voting upon, and rejecting

306 or proposing for ratification the Balanced Budget Amendment under the Convention Rules  
307 specified in this Article and in accordance with the Compact. It shall not be in order for  
308 the Convention to consider any matter that is outside the scope of this agenda.

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

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

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

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

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

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

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

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

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

370

ARTICLE VIII

371

PROHIBITION ON ULTRA VIRES CONVENTION

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

375 Section 2. Any proposal or action of the Convention is void ab initio and issued by a body  
 376 that is conducting itself in an unlawful and ultra vires fashion if that proposal or action: (a)  
 377 violates or was approved in violation of the Convention Rules or the delegate instructions  
 378 and limitations on delegate authority specified in this Compact; (b) purports to propose or  
 379 effectuate a mode of ratification that is not specified in Article V of the Constitution of the  
 380 United States; or (c) purports to propose or effectuate the formation of a new government.  
 381 All Member States are prohibited from advancing or assisting in the advancement of any  
 382 such proposal or action.

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

386

ARTICLE IX

387

RESOLUTION PROSPECTIVELY RATIFYING THE

388

BALANCED BUDGET AMENDMENT

389 Section 1. Each Member State, by and through its respective legislature, hereby adopts and  
 390 ratifies the Balanced Budget Amendment.

391 Section 2. This Article does not take effect until Congress effectively refers the Balanced  
 392 Budget Amendment to the states for ratification by three-fourths of the legislatures of the  
 393 several states under Article V of the Constitution of the United States.

394

ARTICLE X

395

CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

396 Section 1. To the extent that the effectiveness of this Compact or any of its Articles or  
 397 provisions requires the alteration of local legislative rules, drafting policies, or procedure  
 398 to be effective, the enactment of legislation enacting, adopting, and agreeing to be bound

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

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

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

412 Section 4. The exclusive venue for all actions in any way arising under this Compact shall  
413 be in the United States District Court for the Northern District of Texas or the courts of the  
414 State of Texas within the jurisdictional boundaries of the foregoing district court. Each  
415 Member State shall submit to the jurisdiction of said courts with respect to such actions.  
416 However, upon written request by the chief law enforcement officer of any Member State,  
417 the Commission may elect to waive this provision for the purpose of ensuring an action  
418 proceeds in the venue that allows for the most convenient and effective enforcement or  
419 defense of this Compact. Any such waiver shall be limited to the particular action to which  
420 it is applied and not construed or relied upon as a general waiver of this provision. The  
421 waiver decisions of the Commission under this provision shall be final and binding on each  
422 Member State.

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

426 Section 6. Article VIII of this Compact is hereby deemed non-severable prior to  
427 termination of the Compact. However, if any other phrase, clause, sentence, or provision  
428 of this Compact, or the applicability of any other phrase, clause, sentence, or provision of  
429 this Compact to any government, agency, person, or circumstance, is declared in a final  
430 judgment to be contrary to the Constitution of the United States, contrary to the state

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

443 Section 7. Termination. This Compact shall terminate and be held for naught when it is  
 444 fully performed and the Constitution of the United States is amended by the Balanced  
 445 Budget Amendment. However, notwithstanding anything to the contrary set forth in this  
 446 Compact, in the event such amendment does not occur within seven (7) years after the first  
 447 State passes legislation enacting, adopting, and agreeing to be bound to this Compact, the  
 448 Compact shall terminate as follows: (a) the Commission shall dissolve and wind up its  
 449 operations within ninety (90) days thereafter, with the Compact Administrator giving  
 450 notice of such dissolution and the operative effect of this section to the Compact Notice  
 451 Recipients; (b) upon the completed dissolution of the Commission, Articles I, II, III, IV,  
 452 VI, VII, VIII, and IX, as well as sections 2 and 3 of Article V and sections 1 through 6 of  
 453 Article X, of this Compact for this Member State shall be deemed terminated, repealed, and  
 454 held for naught; and (c) section 1 of Article V of this Compact, together with the  
 455 constructional rule of this subsection, both of which shall survive termination of the  
 456 Compact, shall thereafter become and be construed as an immediately effective  
 457 freestanding continuing resolution, passed by the Legislature of this Member State,  
 458 applying to Congress for the calling of a convention for proposing amendments under  
 459 Article V of the Constitution of the United States, limited to proposing amendments such  
 460 as a balanced budget amendment, which shall be capable of aggregation with any other  
 461 similar application."

462 **SECTION 2.**

463 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 464 without such approval.

465

**SECTION 3.**

466 All laws and parts of laws in conflict with this Act are repealed.