

By: Senator(s) Fillingane, Jackson (15th),
Clarke, Parker, Collins, Hill, Massey,
McDaniel, Smith, Sojourner, Watson

To: Rules

SENATE BILL NO. 2389
(As Passed the Senate)

1 AN ACT TO ADOPT THE COMPACT FOR A BALANCED BUDGET AND PROVIDE
2 THAT THE STATE SHALL BE BOUND BY THE COMPACT; TO PROVIDE A METHOD
3 OF WITHDRAWAL FROM THE COMPACT; TO ESTABLISH A COMPACT COMMISSION
4 AND PROVIDE FOR ITS MEMBERSHIP; TO PROVIDE FOR THE POWERS AND
5 DUTIES OF THE COMMISSION IN REGARD TO THE COMPACT; TO PROVIDE FOR
6 THE APPOINTMENT OF A COMPACT ADMINISTRATOR BY THE COMMISSION; TO
7 PROVIDE THAT THE ACTIVITIES OF THE COMPACT COMMISSION AND THE
8 COMPACT ADMINISTRATOR SHALL BE FUNDED BY MEMBER STATES OR
9 VOLUNTARY CONTRIBUTIONS; TO PROVIDE WHAT WHEN 3/4 OF THE STATES
10 HAVE JOINED TO THE COMPACT, EACH MEMBER STATE IS DEEMED TO HAVE
11 APPLIED TO CONGRESS FOR THE CALLING OF A CONVENTION FOR PROPOSING
12 AMENDMENTS LIMITED TO THE SUBJECT MATTER OF PROPOSING FOR
13 RATIFICATION THE BALANCED BUDGET AMENDMENT; TO PROVIDE FOR THE
14 APPOINTMENT OF DELEGATES TO THE CONVENTION AND THE AUTHORITY OF
15 SUCH DELEGATES; TO PROVIDE CERTAIN RULES FOR THE CONDUCT OF THE
16 CONVENTION; TO PROVIDE THAT BY BEING A MEMBER OF THE COMPACT, EACH
17 MEMBER STATE PROSPECTIVELY RATIFIES THE BALANCED BUDGET AMENDMENT
18 ADOPTED BY THE COMMISSION ONCE CONGRESS REFERS THE AMENDMENT TO
19 THE STATES FOR RATIFICATION; AND FOR RELATED PURPOSES.

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

21 **SECTION 1.** The State of Mississippi enacts, adopts and
22 agrees to be bound by the following compact:

23 **ARTICLE I**

24 **DECLARATION OF POLICY, PURPOSE AND INTENT**

25 WHEREAS, every State enacting, adopting and agreeing to be
26 bound by this Compact intends to ensure that their respective



27 Legislature's use of the power to originate a Balanced Budget
28 Amendment under Article V of the Constitution of the United States
29 will be exercised conveniently and with reasonable certainty as to
30 the consequences thereof.

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

37 **ARTICLE II**

38 **DEFINITIONS**

39 Section 1. "Compact" means this "Compact for a Balanced
40 Budget."

41 Section 2. "Convention" means the convention for proposing
42 amendments organized by this Compact under Article V of the
43 Constitution of the United States and, where contextually
44 appropriate to ensure the terms of this Compact are not evaded,
45 any other similar gathering or body, which might be organized as a
46 consequence of Congress receiving the application set out in this
47 Compact and claim authority to propose or effectuate any
48 amendment, alteration or revision to the Constitution of the
49 United States. This term does not encompass a convention for
50 proposing amendments under Article V of the Constitution of the



51 United States that is organized independently of this Compact
52 based on the separate and distinct application of any State.

53 Section 3. "State" means one of the several States of the
54 United States. Where contextually appropriate, the term "State"
55 shall be construed to include all of its branches, departments,
56 agencies, political subdivisions, and officers and representatives
57 acting in their official capacity.

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

63 Section 5. "Compact Notice Recipients" means the Archivist
64 of the United States, the President of the United States, the
65 President of the United States Senate, the Office of the Secretary
66 of the United States Senate, the Speaker of the United States
67 House of Representatives, the Office of the Clerk of the United
68 States House of Representatives, the chief executive officer of
69 each State, and the presiding officer(s) of each house of the
70 Legislatures of the several States.

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

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



76 "Article ___

77 Section 1. Total outlays of the government of the
78 United States shall not exceed total receipts of the government of
79 the United States at any point in time unless the excess of
80 outlays over receipts is financed exclusively by debt issued in
81 strict conformity with this article.

82 Section 2. Outstanding debt shall not exceed authorized
83 debt, which initially shall be an amount equal to one hundred five
84 percent (105%) of the outstanding debt on the effective date of
85 this article. Authorized debt shall not be increased above its
86 aforesaid initial amount unless such increase is first approved by
87 the legislatures of the several states as provided in Section 3.

88 Section 3. From time to time, Congress may increase
89 authorized debt to an amount in excess of its initial amount set
90 by Section 2 only if it first publicly refers to the legislatures
91 of the several states an unconditional, single subject measure
92 proposing the amount of such increase, in such form as provided by
93 law, and the measure is thereafter publicly and unconditionally
94 approved by a simple majority of the legislatures of the several
95 states, in such form as provided respectively by state law;
96 provided that no inducement requiring an expenditure or tax levy
97 shall be demanded, offered or accepted as a quid pro quo for such
98 approval. If such approval is not obtained within sixty (60)
99 calendar days after referral then the measure shall be deemed



100 disapproved and the authorized debt shall thereby remain
101 unchanged.

102 Section 4. Whenever the outstanding debt exceeds
103 ninety-eight percent (98%) of the debt limit set by Section 2, the
104 President shall enforce said limit by publicly designating
105 specific expenditures for impoundment in an amount sufficient to
106 ensure outstanding debt shall not exceed the authorized debt.
107 Said impoundment shall become effective thirty (30) days
108 thereafter, unless Congress first designates an alternate
109 impoundment of the same or greater amount by concurrent
110 resolution, which shall become immediately effective. The failure
111 of the President to designate or enforce the required impoundment
112 is an impeachable misdemeanor. Any purported issuance or
113 incurrence of any debt in excess of the debt limit set by Section
114 2 is void.

115 Section 5. No bill that provides for a new or increased
116 general revenue tax shall become law unless approved by a
117 two-thirds (2/3) roll call vote of the whole number of each House
118 of Congress. However, this requirement shall not apply to any
119 bill that provides for a new end user sales tax which would
120 completely replace every existing income tax levied by the
121 government of the United States; or for the reduction or
122 elimination of an exemption, deduction, or credit allowed under an
123 existing general revenue tax.



124 Section 6. For purposes of this article, "debt" means
125 any obligation backed by the full faith and credit of the
126 government of the United States; "outstanding debt" means all debt
127 held in any account and by any entity at a given point in time;
128 "authorized debt" means the maximum total amount of debt that may
129 be lawfully issued and outstanding at any single point in time
130 under this article; "total outlays of the government of the United
131 States" means all expenditures of the government of the United
132 States from any source; "total receipts of the government of the
133 United States" means all tax receipts and other income of the
134 government of the United States, excluding proceeds from its
135 issuance or incurrence of debt or any type of liability;
136 "impoundment" means a proposal not to spend all or part of a sum
137 of money appropriated by Congress; and "general revenue tax" means
138 any income tax, sales tax, or value-added tax levied by the
139 government of the United States excluding imposts and duties.

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

143 **ARTICLE III**

144 **COMPACT MEMBERSHIP AND WITHDRAWAL**

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



148 Section 2. By becoming a Member State, each such State
149 offers, promises and agrees to perform and comply strictly in
150 accordance with the terms and conditions of this Compact, and has
151 made such offer, promise and agreement in anticipation and
152 consideration of, and in substantial reliance upon, such mutual
153 and reciprocal performance and compliance by each other current
154 and future Member State, if any. Accordingly, in addition to
155 having the force of law in each Member State upon its respective
156 effective date, this Compact and each of its Articles shall also
157 be construed as contractually binding each Member State when: (a)
158 at least one other State has likewise become a Member State by
159 enacting substantively identical legislation adopting and agreeing
160 to be bound by this Compact; and (b) notice of such State's Member
161 State status is or has been seasonably received by the Compact
162 Administrator, if any, or otherwise by the chief executive officer
163 of each other Member State.

164 Section 3. For purposes of determining Member State status
165 under this Compact, as long as all other provisions of the Compact
166 remain identical and operative on the same terms, legislation
167 enacting, adopting and agreeing to be bound by this Compact shall
168 be deemed and regarded as "substantively identical" with respect
169 to such other legislation enacted by another State
170 notwithstanding: (a) any difference in Section 2 of Article IV
171 with specific regard to the respectively enacting State's own
172 method of appointing its member to the Commission; (b) any



173 difference in Section 5 of Article IV with specific regard to the
174 respectively enacting State's own obligation to fund the
175 Commission; (c) any difference in Sections 1 and 2 of Article VI
176 with specific regard to the number and identity of each delegate
177 respectively appointed on behalf of the enacting State, provided
178 that no more than three (3) delegates may attend and participate
179 in the Convention on behalf of any State; or (d) any difference in
180 Section 7 of Article X with specific regard to the respectively
181 enacting State as to whether Section 1 of Article V of this
182 Compact shall survive termination of the Compact, and thereafter
183 become a continuing resolution of the Legislature of such State
184 applying to Congress for the calling of a convention of the states
185 under Article V of the Constitution of the United States, under
186 such terms and limitations as may be specified by such State.

187 Section 4. When fewer than three-fourths (3/4) of the States
188 are Member States, any Member State may withdraw from this Compact
189 by enacting appropriate legislation, as determined by state law,
190 and giving notice of such withdrawal to the Compact Administrator,
191 if any, or otherwise to the chief executive officer of each other
192 Member State. A withdrawal shall not affect the validity or
193 applicability of the compact with respect to remaining Member
194 States, provided that there remain at least two (2) such States.
195 However, once at least three-fourths (3/4) of the States are
196 Member States, then no Member State may withdraw from the Compact



197 prior to its termination absent unanimous consent of all Member
198 States.

199 **ARTICLE IV**

200 **COMPACT COMMISSION AND COMPACT ADMINISTRATOR**

201 Section 1. Nature of the Compact Commission. The Compact
202 Commission (Commission) is hereby established. It has the power
203 and duty: (a) to appoint and oversee a Compact Administrator; (b)
204 to encourage States to join the Compact and Congress to call the
205 Convention in accordance with this Compact; (c) to coordinate the
206 performance of obligations under the Compact; (d) to oversee the
207 Convention's logistical operations as appropriate to ensure this
208 Compact governs its proceedings; (e) to oversee the defense and
209 enforcement of the Compact in appropriate legal venues; (f) to
210 request funds and to disburse those funds to support the
211 operations of the Commission, Compact Administrator, and
212 Convention; and (g) to cooperate with any entity that shares a
213 common interest with the Commission and engages in policy
214 research, public interest litigation or lobbying in support of the
215 purposes of the Compact. The Commission shall only have such
216 implied powers as are essential to carrying out these express
217 powers and duties. It shall take no action that contravenes or is
218 inconsistent with this Compact or any law of any State that is not
219 superseded by this Compact. It may adopt and publish
220 corresponding bylaws and policies.



221 Section 2. Commission Membership. The Commission initially
222 consists of three (3) unpaid members. Each Member State may
223 appoint one (1) member to the Commission through an appointment
224 process to be determined by their respective chief executive
225 officer until all positions on the Commission are filled.
226 Positions shall be assigned to appointees in the order in which
227 their respective appointing States became Member States. The
228 bylaws of the Commission may expand its membership to include
229 representatives of additional Member States and to allow for
230 modest salaries and reimbursement of expenses if adequate funding
231 exists.

232 Section 3. Commission Action. Each Commission member is
233 entitled to one (1) vote. The Commission shall not act unless a
234 majority of its appointed membership is present, and no action
235 shall be binding unless approved by a majority of the Commission's
236 appointed membership. The Commission shall meet at least once a
237 year, and may meet more frequently.

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

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



246 Section 6. Compact Administrator. The Compact Administrator
247 has the power and duty: (a) to timely notify the States of the
248 date, time and location of the Convention; (b) to organize and
249 direct the logistical operations of the Convention; (c) to
250 maintain an accurate list of all Member States, their appointed
251 delegates, including contact information; and (d) to formulate,
252 transmit, and maintain all official notices, records, and
253 communications relating to this Compact. The Compact
254 Administrator shall only have such implied powers as are essential
255 to carrying out these express powers and duties; and shall take no
256 action that contravenes or is inconsistent with this Compact or
257 any law of any State that is not superseded by this Compact. The
258 Compact Administrator serves at the pleasure of the Commission and
259 must keep the Commission seasonably apprised of the performance or
260 nonperformance of the terms and conditions of this Compact. Any
261 notice sent by a Member State to the Compact Administrator
262 concerning this Compact shall be adequate notice to each other
263 Member State provided that a copy of said notice is seasonably
264 delivered by the Compact Administrator to each other Member
265 State's respective chief executive officer.

266 Section 7. Notice of Key Events. Upon the occurrence of
267 each of the following described events, or otherwise as soon as
268 possible, the Compact Administrator shall immediately send the
269 following notices to all Compact Notice Recipients, together with
270 certified conforming copies of the chaptered version of this



271 Compact as maintained in the statutes of each Member State: (a)
272 whenever any State becomes a Member State, notice of that fact
273 shall be given; (b) once at least three-fourths (3/4) of the
274 States are Member States, notice of that fact shall be given
275 together with a statement declaring that the Legislatures of at
276 least two-thirds (2/3) of the several States have applied for a
277 convention for proposing amendments under Article V of the
278 Constitution of the United States, petitioning Congress to call
279 the Convention contemplated by this Compact, and further
280 requesting cooperation in organizing the same in accordance with
281 this Compact; (c) once Congress has called the Convention
282 contemplated by this Compact, and whenever the date, time and
283 location of the Convention has been determined, notice of that
284 fact shall be given together with the date, time and location of
285 the Convention and other essential logistical matters; (d) upon
286 approval of the Balanced Budget Amendment by the Convention,
287 notice of that fact shall be given together with the transmission
288 of certified copies of such approved proposed amendment and a
289 statement requesting Congress to refer the same for ratification
290 by three-fourths (3/4) of the Legislatures of the several States
291 under Article V of the Constitution of the United States (however,
292 in no event shall any proposed amendment other than the Balanced
293 Budget Amendment be transmitted); and (e) when any Article of this
294 Compact prospectively ratifying the Balanced Budget Amendment is
295 effective in any Member State, notice of the same shall be given



296 together with a statement declaring such ratification and further
297 requesting cooperation in ensuring that the official record
298 confirms and reflects the effective corresponding amendment to the
299 Constitution of the United States. However, whenever any Member
300 State enacts appropriate legislation, as determined by the laws of
301 the respective state, withdrawing from this Compact, the Compact
302 Administrator shall immediately send certified conforming copies
303 of the chaptered version of such withdrawal legislation as
304 maintained in the statutes of each such withdrawing Member State,
305 solely to each chief executive officer of each remaining Member
306 State, giving notice of such withdrawal.

307 Section 8. Cooperation. The Commission, Member States and
308 Compact Administrator shall cooperate with each other and give
309 each other mutual assistance in enforcing this Compact and shall
310 give the chief law enforcement officer of each other Member State
311 any information or documents that are reasonably necessary to
312 facilitate the enforcement of this Compact.

313 Section 9. This Article does not take effect until there are
314 at least two (2) Member States.

315 **ARTICLE V**

316 **RESOLUTION APPLYING FOR CONVENTION**

317 Section 1. Be it resolved, as provided for in Article V of
318 the Constitution of the United States, the Legislature of each
319 Member State herewith applies to Congress for the calling of a



320 convention for proposing amendments limited to the subject matter
321 of proposing for ratification the Balanced Budget Amendment.

322 Section 2. Congress is further petitioned to refer the
323 Balanced Budget Amendment to the States for ratification by
324 three-fourths (3/4) of their respective Legislatures.

325 Section 3. This Article does not take effect until at least
326 three-fourths (3/4) of the several States are Member States.

327 **ARTICLE VI**

328 **DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS**

329 Section 1. Number of Delegates. Each Member State shall be
330 entitled to one (1) delegate as its sole and exclusive
331 representative at the Convention as set forth in this Article.

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

337 Section 3. Replacement or Recall of Delegates. A delegate
338 appointed hereunder may be replaced or recalled by the Legislature
339 of his or her respective State at any time for good cause, such as
340 criminal misconduct or the violation of this Compact. If replaced
341 or recalled, any delegate previously appointed hereunder must
342 immediately vacate the Convention and return to their respective
343 State's capitol.



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

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

362 Section 6. Delegate Authority. The power and authority of
363 any delegate appointed hereunder is strictly limited: (a) to
364 introducing, debating, voting upon, proposing and enforcing the
365 Convention Rules specified in this Compact, as needed to ensure
366 those rules govern the Convention; and (b) to introducing,
367 debating, voting upon, and rejecting or proposing for ratification



368 the Balanced Budget Amendment. All actions taken by any delegate
369 in violation of this section are void ab initio.

370 Section 7. Delegate Authority. No delegate of any Member
371 State may introduce, debate, vote upon, reject or propose for
372 ratification any constitutional amendment at the Convention
373 unless: (a) the Convention Rules specified in this Compact govern
374 the Convention and their actions; and (b) the constitutional
375 amendment is the Balanced Budget Amendment.

376 Section 8. Delegate Authority. The power and authority of
377 any delegate at the Convention does not include any power or
378 authority associated with any other public office held by the
379 delegate. Any person appointed to serve as a delegate shall take
380 a temporary leave of absence, or otherwise shall be deemed
381 temporarily disabled, from any other public office held by the
382 delegate while attending the Convention, and may not exercise any
383 power or authority associated with any other public office held by
384 the delegate, while attending the Convention. All actions taken
385 by any delegate in violation of this section are void ab initio.

386 Section 9. Order of Business. Before introducing, debating,
387 voting upon, rejecting or proposing for ratification any
388 constitutional amendment at the Convention, each delegate of every
389 Member State must first ensure the Convention Rules in this
390 Compact govern the Convention and their actions. Every delegate
391 and each Member State must immediately vacate the Convention and
392 notify the Compact Administrator by the most effective and



393 expeditious means if the Convention Rules in this Compact are not
394 adopted to govern the Convention and their actions.

395 Section 10. Forfeiture of Appointment. If any Member State
396 or delegate violates any provision of this Compact, then every
397 delegate of that Member State immediately forfeits his or her
398 appointment, and shall immediately cease participation at the
399 Convention, vacate the Convention, and return to his or her
400 respective State's capitol.

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

406 ARTICLE VII

407 CONVENTION RULES

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

411 Section 2. Agenda of the Convention. The agenda of the
412 Convention shall be entirely focused upon and exclusively limited
413 to introducing, debating, voting upon, and rejecting or proposing
414 for ratification the Balanced Budget Amendment under the
415 Convention Rules specified in this Article and in accordance with
416 the Compact. It shall not be in order for the Convention to
417 consider any matter that is outside the scope of this agenda.



418 Section 3. Delegate Identity and Procedure. States shall be
419 represented at the Convention through duly appointed delegates.
420 The number, identity and authority of delegates assigned to each
421 State shall be determined by this Compact in the case of Member
422 States or, in the case of States that are not Member States, by
423 their respective state laws. However, to prevent disruption of
424 proceedings, no more than three (3) delegates may attend and
425 participate in the Convention on behalf of any State. A certified
426 chaptered conforming copy of this Compact, together with
427 government-issued photographic proof of identification, shall
428 suffice as credentials for delegates of Member States. Any
429 commission for delegates of States that are not Member States
430 shall be based on their respective state laws, but it shall
431 furnish credentials that are at least as reliable as those
432 required of Member States.

433 Section 4. Voting. Each State represented at the Convention
434 shall have one (1) vote, exercised by the vote of that State's
435 delegate in the case of States represented by one delegate, or, in
436 the case of any State that is represented by more than one
437 delegate, by the majority vote of that State's respective
438 delegates.

439 Section 5. Quorum. A majority of the several States of the
440 United States, each present through its respective delegate in the
441 case of any State that is represented by one (1) delegate, or
442 through a majority of its respective delegates, in the case of any



443 State that is represented by more than one (1) delegate, shall
444 constitute a quorum for the transaction of any business on behalf
445 of the Convention.

446 Section 6. Action by the Convention. The Convention shall
447 only act as a committee of the whole, chaired by the delegate
448 representing the first State to have become a Member State, if
449 that State is represented by one (1) delegate, or otherwise by the
450 delegate chosen by the majority vote of that State's respective
451 delegates. The transaction of any business on behalf of the
452 Convention, including the designation of a Secretary, the adoption
453 of parliamentary procedures and the rejection or proposal of any
454 constitutional amendment, requires a quorum to be present and a
455 majority affirmative vote of those States constituting the quorum.

456 Section 7. Emergency Suspension and Relocation of the
457 Convention. In the event that the Chair of the Convention
458 declares an emergency due to disorder or an imminent threat to
459 public health and safety prior to the completion of the business
460 on the Agenda, and a majority of the States present at the
461 Convention do not object to such declaration, further Convention
462 proceedings shall be temporarily suspended, and the Commission
463 shall subsequently relocate or reschedule the Convention to resume
464 proceedings in an orderly fashion in accordance with the terms and
465 conditions of this Compact with prior notice given to the Compact
466 Notice Recipients.



467 Section 8. Parliamentary Procedure. In adopting, applying
468 and formulating parliamentary procedure, the Convention shall
469 exclusively adopt, apply or appropriately adapt provisions of the
470 most recent editions of Robert's Rules of Order and the American
471 Institute of Parliamentarians Standard Code of Parliamentary
472 Procedure. In adopting, applying or adapting parliamentary
473 procedure, the Convention shall exclusively consider analogous
474 precedent arising within the jurisdiction of the United States.
475 Parliamentary procedures adopted, applied or adapted pursuant to
476 this section shall not obstruct, override or otherwise conflict
477 with this Compact.

478 Section 9. Transmittal. Upon approval of the Balanced
479 Budget Amendment by the Convention to propose for ratification,
480 the Chair of the Convention shall immediately transmit certified
481 copies of such approved proposed amendment to the Compact
482 Administrator and all Compact Notice Recipients, notifying them
483 respectively of such approval and requesting Congress to refer the
484 same for ratification by the States under Article V of the
485 Constitution of the United States. However, in no event shall any
486 proposed amendment other than the Balanced Budget Amendment be
487 transmitted as aforesaid.

488 Section 10. Transparency. Records of the Convention,
489 including the identities of all attendees and detailed minutes of
490 all proceedings, shall be kept by the Chair of the Convention or
491 Secretary designated by the Convention. All proceedings and



492 records of the Convention shall be open to the public upon request
493 subject to reasonable regulations adopted by the Convention that
494 are closely tailored to preventing disruption of proceedings under
495 this Article.

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

500 **ARTICLE VIII**

501 **PROHIBITION ON ULTRA VIRES CONVENTION**

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

507 Section 2. Any proposal or action of the Convention is void
508 ab initio and issued by a body that is conducting itself in an
509 unlawful and ultra vires fashion if that proposal or action: (a)
510 violates or was approved in violation of the Convention Rules or
511 the delegate instructions and limitations on delegate authority
512 specified in this Compact; (b) purports to propose or effectuate a
513 mode of ratification that is not specified in Article V of the
514 Constitution of the United States; or (c) purports to propose or
515 effectuate the formation of a new government. All Member States



516 are prohibited from advancing or assisting in the advancement of
517 any such proposal or action.

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

522 **ARTICLE IX**

523 **RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED BUDGET AMENDMENT**

524 Section 1. Each Member State, by and through its respective
525 Legislature, hereby adopts and ratifies the Balanced Budget
526 Amendment.

527 Section 2. This Article does not take effect until Congress
528 effectively refers the Balanced Budget Amendment to the States for
529 ratification by three-fourths (3/4) of the Legislatures of the
530 several States under Article V of the Constitution of the United
531 States.

532 **ARTICLE X**

533 **CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY**

534 Section 1. To the extent that the effectiveness of this
535 Compact or any of its Articles or provisions requires the
536 alteration of local legislative rules, drafting policies, or
537 procedure to be effective, the enactment of legislation enacting,
538 adopting and agreeing to be bound by this Compact shall be deemed
539 to waive, repeal, supersede, or otherwise amend and conform all
540 such rules, policies or procedures to allow for the effectiveness



541 of this Compact to the fullest extent permitted by the
542 constitution of any affected Member State.

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

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

556 Section 4. The exclusive venue for all actions in any way
557 arising under this Compact shall be in the United States District
558 Court for the Northern District of Texas or the courts of the
559 State of Texas within the jurisdictional boundaries of the
560 foregoing district court. Each Member State shall submit to the
561 jurisdiction of said courts with respect to such actions.
562 However, upon written request by the chief law enforcement officer
563 of any Member State, the Commission may elect to waive this
564 provision for the purpose of ensuring an action proceeds in the
565 venue that allows for the most convenient and effective



566 enforcement or defense of this Compact. Any such waiver shall be
567 limited to the particular action to which it is applied and not
568 construed or relied upon as a general waiver of this provision.
569 The waiver decisions of the Commission under this provision shall
570 be final and binding on each Member State.

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

575 Section 6. Article VIII of this Compact is hereby deemed
576 non-severable prior to termination of the Compact. However, if
577 any other phrase, clause, sentence or provision of this Compact,
578 or the applicability of any other phrase, clause, sentence or
579 provision of this Compact to any government, agency, person or
580 circumstance, is declared in a final judgment to be contrary to
581 the Constitution of the United States, contrary to the state
582 constitution of any Member State, or is otherwise held invalid by
583 a court of competent jurisdiction, such phrase, clause, sentence
584 or provision shall be severed and held for naught, and the
585 validity of the remainder of this Compact and the applicability of
586 the remainder of this Compact to any government, agency, person or
587 circumstance shall not be affected. Furthermore, if this Compact
588 is declared in a final judgment by a court of competent
589 jurisdiction to be entirely contrary to the state constitution of
590 any Member State or otherwise entirely invalid as to any Member



591 State, such Member State shall be deemed to have withdrawn from
592 the Compact, and the Compact shall remain in full force and effect
593 as to any remaining Member State. Finally, if this Compact is
594 declared in a final judgment by a court of competent jurisdiction
595 to be wholly or substantially in violation of Article I, Section
596 10, of the Constitution of the United States, then it shall be
597 construed and enforced solely as reciprocal legislation enacted by
598 the affected Member State(s).

599 Section 7. Termination. This Compact shall terminate and be
600 held for naught when the Compact is fully performed and the
601 Constitution of the United States is amended by the Balanced
602 Budget Amendment. However, notwithstanding anything to the
603 contrary set forth in this Compact, in the event such amendment
604 does not occur within seven (7) years after the first State passes
605 legislation enacting, adopting and agreeing to be bound to this
606 Compact, the Compact shall terminate as follows: (a) the
607 Commission shall dissolve and wind up its operations within ninety
608 (90) days thereafter, with the Compact Administrator giving notice
609 of such dissolution and the operative effect of this section to
610 the Compact Notice Recipients; and (b) upon the completed
611 dissolution of the Commission, this Compact shall be deemed
612 terminated, repealed, void ab initio, and held for naught.

613 **SECTION 2.** This act shall take effect and be in force from
614 and after its passage.

