

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE JOINT
4 RESOLUTION 1090

By: Roberts (Sean)

5
6 AS INTRODUCED

7
8 A Joint Resolution ratifying the Compact for America;
9 stating declaration of policy purpose and intent;
10 defining terms; providing for Compact membership and
11 withdrawal; establishing a Compact Commission;
12 stating duties and authority; providing for
13 appointment of a Compact Administrator; providing for
14 composition of the Commission; providing for funding;
15 providing powers and duties of the Compact
16 Administrator; requiring certain notice; providing
17 for enforcement of Compact; providing for dissolution
18 of the Commission and discharge of the Compact
19 Administrator and members; providing effective date
20 of Article IV of Compact; providing resolution
21 applying for a Convention for proposing amendments to
22 the United States Constitution; providing for
23 delegate appointment, limitations and instructions;
24 providing for recall; providing an oath; providing
term of delegates; providing delegate authority;
providing that violation of Compact requires delegate
to forfeit appointment; providing for payment of
delegate expenses; providing Convention rules;
providing date and location of Convention; providing
agenda for the Convention; providing procedure for
delegate recognition; providing procedure for voting;
designating a quorum; providing procedure for actions
by the Convention; providing for transmittal of
approved Balanced Budget Amendment; requiring open
records and proceedings; providing for adjournment;
providing prohibitions; providing ratification
process; providing for construction, enforcement,
venue, and severability; and providing effective date
of Compact.

1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
2 2ND SESSION OF THE 54TH OKLAHOMA LEGISLATURE:

3 THE STATE OF OKLAHOMA ENACTS, ADOPTS AND
4 AGREES TO BE BOUND BY THE FOLLOWING COMPACT:

5 ARTICLE I

6 DECLARATION OF POLICY, PURPOSE AND INTENT

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

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

19 ARTICLE II

20 DEFINITIONS

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

22 Section 2. "Convention" means the Convention for proposing
23 amendments organized by this Compact under Article V of the United
24 States Constitution and, where contextually appropriate to ensure

1 the terms of this Compact are not evaded, any other similar
2 gathering or body, which might be organized as a consequence of
3 Congress receiving the application set out in this Compact and claim
4 authority to propose or effectuate any amendment, alteration or
5 revision to the United States Constitution.

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

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

16 Section 5. "Compact Notice Recipients" means the Archivist of
17 the United States, the President of the United States, the President
18 of the United States Senate, the Office of the Secretary of the
19 United States Senate, the Speaker of the United States House of
20 Representatives, the Office of the Clerk of the United States House
21 of Representatives, the chief executive officer of each State, and
22 the presiding officer(s) of each house of the Legislatures of the
23 several States.

24

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

5 Section 7. "Balanced Budget Amendment" means the following
6 model legislation:

7 THE BALANCED BUDGET AMENDMENT

8 Section 1. Balanced Budget Requirement. Total outlays of the
9 government of the United States shall not exceed total receipts of
10 the government of the United States at any point in time unless the
11 excess of outlays over receipts is financed exclusively by debt
12 issued in strict conformity with this Article.

13 Section 2. Debt Limit. Outstanding debt shall not exceed
14 authorized debt, which initially shall be an amount equal to one
15 hundred five percent (105%) of the outstanding debt on the effective
16 date of this Article. Authorized debt shall not be increased above
17 its aforesaid initial amount unless such increase is first approved
18 by the Legislatures of the several states as provided in Section 3.

19 Section 3. State Approval Requirement. From time to time,
20 Congress may increase authorized debt to an amount in excess of its
21 initial amount set by Section 2 only if it first publicly refers to
22 the Legislatures of the several states an unconditional, single-
23 subject measure proposing the amount of such increase, in such form
24 as provided by law, and the measure is thereafter publicly and

1 unconditionally approved by a simple majority of the Legislatures of
2 the several states, in such form as provided respectively by state
3 law; provided, that no inducement requiring an expenditure or tax
4 levy shall be demanded, offered or accepted as a quid pro quo for
5 such approval. If such approval is not obtained within sixty (60)
6 calendar days after referral then the measure shall be deemed
7 disapproved and the authorized debt shall thereby remain unchanged.

8 Section 4. Required Impoundment. Whenever the outstanding debt
9 exceeds ninety-eight percent (98%) of the debt limit set by Section
10 2, the President shall enforce said limit by publicly designating
11 specific expenditures for impoundment in an amount sufficient to
12 ensure outstanding debt shall not exceed the authorized debt. Said
13 impoundment shall become effective thirty (30) days thereafter,
14 unless Congress first designates an alternate impoundment of the
15 same or greater amount by concurrent resolution, which shall become
16 immediately effective. The failure of the President to designate or
17 enforce the required impoundment is an impeachable misdemeanor. Any
18 purported issuance or incurrence of any debt in excess of the debt
19 limit set by Section 2 is void.

20 Section 5. Flat and Fair Taxation. No bill that provides for a
21 new or increased general revenue tax shall become law unless
22 approved by a two-thirds roll call vote of the whole number of each
23 House of Congress. However, this requirement shall not apply to any
24 bill that provides for a new end-user sales tax which would

1 completely replace every existing income tax levied by the
2 government of the United States; or for the reduction or elimination
3 of an exemption, deduction, or credit allowed under an existing
4 general revenue tax.

5 Section 6. Definitions. For purposes of this article, "debt"
6 means any obligation backed by the full faith and credit of the
7 government of the United States; "outstanding debt" means all debt
8 held in any account and by any entity at a given point in time;
9 "authorized debt" means the maximum total amount of debt that may be
10 lawfully issued and outstanding at any single point in time under
11 this article; "total outlays of the government of the United States"
12 means all expenditures of the government of the United States from
13 any source; "total receipts of the government of the United States"
14 means all tax receipts and other income of the government of the
15 United States, excluding proceeds from its issuance or incurrence of
16 debt or any type of liability; and "general revenue tax" means any
17 income tax, sales tax, or value-added tax levied by the government
18 of the United States excluding imposts and duties.

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

22 ARTICLE III

23 COMPACT MEMBERSHIP AND WITHDRAWAL

24

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

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

20 Section 3. When fewer than three-fourths of the States are
21 Member States, any Member State may withdraw from this Compact by
22 enacting appropriate legislation, as determined by state law, and
23 giving notice of such withdrawal to the Compact Administrator, if
24 any, or otherwise to the chief executive officer of each other

1 Member State. A withdrawal shall not affect the validity or
2 applicability of the Compact with respect to remaining Member
3 States, provided that there remain at least two such States.
4 However, once at least three-fourths of the States are Member
5 States, then no Member State may withdraw from the Compact absent
6 unanimous consent of all Member States.

7 ARTICLE IV

8 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

9 Section 1. Nature of the Compact Commission. The Compact
10 Commission ("Commission") is hereby established. It has the power
11 and duty: (a) to appoint and oversee a Compact Administrator; (b) to
12 encourage States to join the Compact and Congress to consent to the
13 Compact through educational efforts; (c) to coordinate the
14 performance of obligations under the Compact; (d) to determine the
15 date, time and location of the Convention and oversee its logistical
16 operations, as appropriate to ensure this Compact governs its
17 proceedings; (e) to oversee the defense and enforcement of the
18 Compact in appropriate legal venues; (f) to request funds and to
19 disburse those funds to support the operations of the Commission,
20 Compact Administrator, and Convention; and (g) to cooperate with any
21 entity that shares a common interest with the Commission and engages
22 in policy research, public interest litigation or lobbying in
23 support of the purposes of the Compact. The Commission shall only
24 have such implied powers as are essential to carrying out these

1 express powers and duties. It shall take no action that contravenes
2 or is inconsistent with this Compact or any law of any State that is
3 not superseded by this Compact. It may adopt and publish
4 corresponding bylaws and policies.

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

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

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

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

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

24

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

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

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

22 Section 9. Dissolution. The Commission shall be deemed
23 dissolved, all of its members and the Compact Administrator shall be
24 discharged, and all rights and obligations of Member States under

1 this Article shall be deemed null and void, when the United States
2 Constitution is amended by the Balanced Budget Amendment.

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

5 ARTICLE V

6 RESOLUTION APPLYING FOR CONVENTION

7 Section 1. Be it resolved, as provided for in Article V of the
8 Constitution of the United States, the Legislature of each Member
9 State herewith applies to Congress for a Convention for proposing
10 amendments.

11 Section 2. To the furthest extent permitted by law, the
12 Convention shall be entirely focused upon and exclusively limited to
13 the subject matter of introducing, debating, voting upon, and
14 rejecting or proposing for ratification the Balanced Budget
15 Amendment.

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

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

21 ARTICLE VI

22 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

23

24

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

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

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

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

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

8 Section 6. Delegate Authority. The power and authority of any
9 delegate appointed hereunder is strictly limited: (a) to
10 introducing, debating, voting upon, proposing and enforcing the
11 Convention Rules specified in this Compact, as needed to ensure
12 those rules govern the Convention; and (b) to introducing, debating,
13 voting upon, and rejecting or proposing for ratification the
14 Balanced Budget Amendment. No delegate of any Member State may
15 introduce, debate, vote upon, reject or propose for ratification any
16 constitutional amendment at the Convention unless: (a) the
17 Convention Rules specified in this Compact govern the Convention and
18 their actions; and (b) the constitutional amendment is the Balanced
19 Budget Amendment. Furthermore, the power and authority of any
20 delegate at the Convention does not include any power or authority
21 associated with any other public office held by the delegate. Any
22 person appointed to serve as a delegate shall take a temporary leave
23 of absence from any other public office held by the delegate while
24 attending the Convention, and may not exercise any power or

1 authority associated with any other public office held by the
2 delegate while attending the Convention. All actions taken by any
3 delegate in violation of this section are void ab initio.

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

13 Section 8. Forfeiture of Appointment. If any Member State or
14 delegate violates any provision of this Compact, then every delegate
15 of that Member State immediately forfeits his or her appointment,
16 and shall immediately cease participation at the Convention, vacate
17 the Convention, and return to his or her respective State's capitol.

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

23 ARTICLE VII
24 CONVENTION RULES

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

4 Section 2. Date and Location of the Convention. The Convention
5 shall be held in Dallas, Texas and commence proceedings within sixty
6 (60) days of the effective date of the Congressional resolution
7 calling the Convention, on a specific date and a time to be
8 determined by the Commission. With prior notice given to all
9 Compact Notice Recipients, the Commission may subsequently relocate
10 and reschedule the Convention to ensure it proceeds in an orderly
11 manner in accordance with the terms and conditions of this Compact.

12 Section 3. Agenda of the Convention. The agenda of the
13 Convention shall be entirely focused upon and exclusively limited to
14 introducing, debating, voting upon, and rejecting or proposing for
15 ratification the Balanced Budget Amendment under the Convention
16 Rules specified in this Article and in accordance with the Compact.
17 It shall not be in order for the Convention to consider any matter
18 that is outside the scope of this agenda.

19 Section 4. Delegate Identity and Procedure. States shall be
20 represented at the Convention through duly appointed delegates. The
21 number, identity and authority of delegates assigned to each State
22 shall be determined by this Compact in the case of Member States or,
23 in the case of States that are not Member States, by their
24 respective state laws. However, to prevent disruption of

1 proceedings, no more than three delegates may attend and participate
2 in the Convention on behalf of any State that is not a Member State.
3 A certified chaptered conforming copy of this Compact, together with
4 government-issued photographic proof of identification, shall
5 suffice as credentials for delegates of Member States. Any
6 commission for delegates of States that are not Member States shall
7 be based on their respective state laws, but it shall furnish
8 credentials that are at least as reliable as those required of
9 Member States.

10 Section 5. Voting. Each State represented at the Convention
11 shall have one vote, exercised by the vote of that State's delegate
12 in the case of States represented by one delegate; or, in the case
13 of any State that is not a Member State and that is represented by
14 more than one delegate, by the majority vote of that State's
15 respective delegates.

16 Section 6. Quorum. A majority of the several States of the
17 United States, each present through their respective delegate in the
18 case of States represented by one delegate, or through a majority of
19 their respective delegates, in the case of any State that is not a
20 Member State and that is represented by more than one delegate,
21 shall constitute a quorum for the transaction of any business on
22 behalf of the Convention.

23 Section 7. Action by the Convention. The Convention shall only
24 act as a committee of the whole chaired by the delegate representing

1 the first State to have become a Member State. The transaction of
2 any business on behalf of the Convention, including the designation
3 of a Secretary, the adoption of parliamentary procedures and the
4 rejection or proposal of constitutional amendments, requires a
5 quorum to be present and a majority affirmative vote of those States
6 constituting the quorum.

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

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

1 However, in no event shall any proposed amendment other than the
2 Balanced Budget Amendment be transmitted as aforesaid.

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

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

14 ARTICLE VIII

15 PROHIBITION ON ULTRA VIRES CONVENTION

16 Section 1. Any proposal or action of any Convention is void ab
17 initio and issued by a body that is conducting itself in an unlawful
18 and ultra vires fashion if that proposal or action: (a) violates or
19 was approved in violation of the Convention Rules or the limitations
20 on delegate authority specified in this Compact; (b) purports to
21 propose or effectuate a mode of ratification that is not specified
22 in Article V of the United States Constitution; or (c) purports to
23 propose or effectuate the formation of a new government. All Member
24 States and their residents are prohibited from advancing or

1 materially assisting in the advancement of any such proposal or
2 action.

3 Section 2. Member States shall not attend or participate in any
4 Convention unless: (a) its agenda is governed by the Convention
5 Rules of this Compact; and (b) Congress first calls the Convention
6 in accordance with this Compact and prospectively designates the
7 method of ratification for the Balanced Budget Amendment as being by
8 three-fourths of the Legislatures of the several States.

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

13 ARTICLE IX

14 RESOLUTION PROSPECTIVELY RATIFYING THE
15 BALANCED BUDGET AMENDMENT

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

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

23 ARTICLE X

24 CONSTRUCTION, ENFORCEMENT, VENUE AND SEVERABILITY

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

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

17 Section 3. The exclusive venue for all actions in any way
18 arising under this Compact shall be in the United States District
19 Court for the Northern District of Texas or the courts of the State
20 of Texas within the jurisdictional boundaries of the foregoing
21 district court. Each Member State shall submit to the jurisdiction
22 of said courts with respect to such actions. However, upon written
23 request by the chief law enforcement officer of any Member State,
24 the Compact Commission may elect to waive this provision for the

1 purpose of ensuring an action proceeds in the venue that allows for
2 the most convenient and effective enforcement or defense of this
3 Compact. Any such waiver shall be limited to the particular action
4 to which it is applied and not construed or relied upon as a general
5 waiver of this provision. The waiver decisions of the Compact
6 Commission under this provision shall be final and binding on each
7 Member State.

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

12 Section 5. If any phrase, clause, sentence or provision of this
13 Compact, or the applicability of any phrase, clause, sentence or
14 provision of this Compact to any government, agency, person or
15 circumstance, is declared in a final judgment by a court of
16 competent jurisdiction to be contrary to the United States
17 Constitution or is otherwise held invalid, such phrase, clause,
18 sentence or provision shall be severed and held for naught, and the
19 validity of the remainder of this Compact and the applicability of
20 the remainder of this Compact to any government, agency, person or
21 circumstance shall not be affected. Furthermore, if this Compact is
22 declared in a final judgment by a court of competent jurisdiction to
23 be entirely contrary to the state constitution of any Member State
24 or otherwise entirely invalid as to any Member State, such Member

1 State shall be deemed to have withdrawn from the Compact, and the
2 Compact shall remain in full force and effect as to any remaining
3 Member State. Finally, if this Compact is declared in a final
4 judgment by a court of competent jurisdiction to be wholly or
5 substantially in violation of Article I, Section 10, of the United
6 States Constitution, then it shall be construed and enforced solely
7 as reciprocal legislation enacted by the affected Member State(s).

8

9 54-2-9338 SD 01/08/14

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24