

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1434

By: McEachin

AS INTRODUCED

An Act relating to a compact for a balanced budget; providing for state participation in the compact; providing declaration of policy; defining terms; providing for compact membership and withdrawal; establishing the Compact Commission; providing duties and powers of the Commission; providing for Commission membership; providing for funding; providing for a Compact Administrator; providing powers and duties of the Administrator; requiring certain notification; providing for mutual cooperation; providing when certain article of the compact takes effect; providing resolution for applying for an Article V convention for amending the Constitution of the United States; providing for delegate appointment, limitations and instructions; providing convention rules; providing prohibition on ultra vires convention; providing for ratification of certain amendment; providing for construction, enforcement and venue for compact; providing for severability; providing for termination of the compact; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

3 ARTICLE I

4 DECLARATION OF POLICY, PURPOSE AND INTENT

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

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

17 ARTICLE II

18 DEFINITIONS

19 Section 1. "Compact" means this "Compact for a Balanced
20 Budget".

21 Section 2. "Convention" means the convention for proposing
22 amendments organized by this Compact under Article V of the
23 Constitution of the United States and, where contextually
24 appropriate to ensure the terms of this Compact are not evaded, any

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

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

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

19 Section 5. "Compact Notice Recipients" means the Archivist of
20 the United States, the President of the United States, the President
21 of the United States Senate, the Office of the Secretary of the
22 United States Senate, the Speaker of the United States House of
23 Representatives, the Office of the Clerk of the United States House
24 of Representatives, the chief executive officer of each State, and

1 the presiding officer(s) of each house of the Legislatures of the
2 several States.

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

7 Section 7. "Balanced Budget Amendment" means the following:
8 "Amendment ____

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

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

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

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

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

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

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

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

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

23 ARTICLE III

24 COMPACT MEMBERSHIP AND WITHDRAWAL

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. For purposes of determining Member-State status
21 under this Compact, as long as all other provisions of the Compact
22 remain identical and operative on the same terms, legislation
23 enacting, adopting and agreeing to be bound by this Compact shall be
24 deemed and regarded as "substantively identical" with respect to

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

18 Section 4. When fewer than three-fourths of the States are
19 Member States, any Member State may withdraw from this Compact by
20 enacting appropriate legislation, as determined by state law, and
21 giving notice of such withdrawal to the Compact Administrator, if
22 any, or otherwise to the chief executive officer of each other
23 Member State. A withdrawal shall not affect the validity or
24 applicability of the Compact with respect to remaining Member

1 States, provided that there remain at least two such States.
2 However, once at least three-fourths of the States are Member
3 States, then no Member State may withdraw from the Compact prior to
4 its termination absent unanimous consent of all Member States.

5 ARTICLE IV

6 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

7 Section 1. Nature of the Compact Commission. The Compact
8 Commission (Commission) is hereby established. It has the power and
9 duty: (a) to appoint and oversee a Compact Administrator; (b) to
10 encourage States to join the Compact and Congress to call the
11 Convention in accordance with this Compact; (c) to coordinate the
12 performance of obligations under the Compact; (d) to oversee the
13 Convention's logistical operations as appropriate to ensure this
14 Compact governs its proceedings; (e) to oversee the defense and
15 enforcement of the Compact in appropriate legal venues; (f) to
16 request funds and to disburse those funds to support the operations
17 of the Commission, Compact Administrator, and Convention; and (g) to
18 cooperate with any entity that shares a common interest with the
19 Commission and engages in policy research, public interest
20 litigation or lobbying in support of the purposes of the Compact.
21 The Commission shall only have such implied powers as are essential
22 to carrying out these express powers and duties. It shall take no
23 action that contravenes or is inconsistent with this Compact or any

1 law of any State that is not superseded by this Compact. It may
2 adopt and publish corresponding bylaws and policies.

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

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

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

23 Section 5. Funding. The Commission and the Compact
24 Administrator's activities shall be funded exclusively by each

1 Member State, as determined by their respective state law, or by
2 voluntary donations.

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

22 Section 7. Notice of Key Events. Upon the occurrence of each
23 of the following described events, or otherwise as soon as possible,
24 the Compact Administrator shall immediately send the following

1 notices to all Compact Notice Recipients, together with certified
2 conforming copies of the chaptered version of this Compact as
3 maintained in the statutes of each Member State: (a) whenever any
4 State becomes a Member State, notice of that fact shall be given;
5 (b) once at least three-fourths of the States are Member States,
6 notice of that fact shall be given together with a statement
7 declaring that the Legislatures of at least two-thirds of the
8 several States have applied for a convention for proposing
9 amendments under Article V of the Constitution of the United States,
10 petitioning Congress to call the Convention contemplated by this
11 Compact, and further requesting cooperation in organizing the same
12 in accordance with this Compact; (c) once Congress has called the
13 Convention contemplated by this Compact, and whenever the date, time
14 and location of the Convention have been determined, notice of that
15 fact shall be given together with the date, time and location of the
16 Convention and other essential logistical matters; (d) upon approval
17 of the Balanced Budget Amendment by the Convention, notice of that
18 fact shall be given together with the transmission of certified
19 copies of such approved proposed amendment and a statement
20 requesting Congress to refer the same for ratification by three-
21 fourths of the Legislatures of the several States under Article V of
22 the Constitution of the United States; however, in no event shall
23 any proposed amendment other than the Balanced Budget Amendment be
24 transmitted; and (e) when any Article of this Compact prospectively

1 ratifying the Balanced Budget Amendment is effective in any Member
2 State, notice of the same shall be given together with a statement
3 declaring such ratification and further requesting cooperation in
4 ensuring that the official record confirms and reflects the
5 effective corresponding amendment to the Constitution of the United
6 States. However, whenever any Member State enacts appropriate
7 legislation, as determined by the laws of the respective State,
8 withdrawing from this Compact, the Compact Administrator shall
9 immediately send certified conforming copies of the chaptered
10 version of such withdrawal legislation as maintained in the statutes
11 of each such withdrawing Member State, solely to each chief
12 executive officer of each remaining Member State, giving notice of
13 such withdrawal.

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

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

22 ARTICLE V

23 RESOLUTION APPLYING FOR CONVENTION

24

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

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

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

11 ARTICLE VI

12 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

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

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

21 Section 3. Replacement or Recall of Delegates. A delegate
22 appointed hereunder may be replaced or recalled by the Legislature
23 of his or her respective State at any time for good cause, such as
24 criminal misconduct or the violation of this Compact. If replaced

1 or recalled, any delegate previously appointed hereunder must
2 immediately vacate the Convention and return to their respective
3 State's capitol.

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

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

22 Section 6. Delegate Authority. The power and authority of any
23 delegate appointed hereunder is strictly limited: (a) to
24 introducing, debating, voting upon, proposing and enforcing the

1 Convention Rules specified in this Compact, as needed to ensure
2 those rules govern the Convention; and (b) to introducing, debating,
3 voting upon, and rejecting or proposing for ratification the
4 Balanced Budget Amendment. All actions taken by any delegate in
5 violation of this section are void ab initio.

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

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

22 Section 9. Order of Business. Before introducing, debating,
23 voting upon, rejecting or proposing for ratification any
24 constitutional amendment at the Convention, each delegate of every

1 Member State must first ensure the Convention Rules in this Compact
2 govern the Convention and their actions. Every delegate and each
3 Member State must immediately vacate the Convention and notify the
4 Compact Administrator by the most effective and expeditious means if
5 the Convention Rules in this Compact are not adopted to govern the
6 Convention and their actions.

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

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

17 ARTICLE VII

18 CONVENTION RULES

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

22 Section 2. Agenda of the Convention. The agenda of the
23 Convention shall be entirely focused upon and exclusively limited to
24 introducing, debating, voting upon, and rejecting or proposing for

1 ratification the Balanced Budget Amendment under the Convention
2 Rules specified in this Article and in accordance with the Compact.
3 It shall not be in order for the Convention to consider any matter
4 that is outside the scope of this agenda.

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

19 Section 4. Voting. Each State represented at the Convention
20 shall have one vote, exercised by the vote of that State's delegate
21 in the case of States represented by one delegate, or, in the case
22 of any State that is represented by more than one delegate, by the
23 majority vote of that State's respective delegates.

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

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

17 Section 7. Emergency Suspension and Relocation of the
18 Convention. In the event that the Chair of the Convention declares
19 an emergency due to disorder or an imminent threat to public health
20 and safety prior to the completion of the business on the Agenda,
21 and a majority of the States present at the Convention do not object
22 to such declaration, further Convention proceedings shall be
23 temporarily suspended, and the Commission shall subsequently
24 relocate or reschedule the Convention to resume proceedings in an

1 orderly fashion in accordance with the terms and conditions of this
2 Compact with prior notice given to the Compact Notice Recipients.

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

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

23 Section 10. Transparency. Records of the Convention, including
24 the identities of all attendees and detailed minutes of all

1 proceedings, shall be kept by the Chair of the Convention or
2 Secretary designated by the Convention. All proceedings and records
3 of the Convention shall be open to the public upon request subject
4 to reasonable regulations adopted by the Convention that are closely
5 tailored to preventing disruption of proceedings under this Article.

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

10 ARTICLE VIII

11 PROHIBITION ON ULTRA VIRES CONVENTION

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

17 Section 2. Any proposal or action of the Convention is void ab
18 initio and issued by a body that is conducting itself in an unlawful
19 and ultra vires fashion if that proposal or action: (a) violates or
20 was approved in violation of the Convention Rules or the delegate
21 instructions and limitations on delegate authority specified in this
22 Compact; (b) purports to propose or effectuate a mode of
23 ratification that is not specified in Article V of the Constitution
24 of the United States; or (c) purports to propose or effectuate the

1 formation of a new government. All Member States are prohibited
2 from advancing or assisting in the advancement of any such proposal
3 or action.

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

8 ARTICLE IX

9 RESOLUTION PROSPECTIVELY RATIFYING THE

10 BALANCED BUDGET AMENDMENT

11 Section 1. Each Member State, by and through its respective
12 Legislature, hereby adopts and ratifies the Balanced Budget
13 Amendment.

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

18 ARTICLE X

19 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

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

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

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

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

18 Section 4. The exclusive venue for all actions in any way
19 arising under this Compact shall be in the United States District
20 Court for the Northern District of Texas or the courts of the State
21 of Texas within the jurisdictional boundaries of the foregoing
22 district court. Each Member State shall submit to the jurisdiction
23 of said courts with respect to such actions. However, upon written
24 request by the chief law enforcement officer of any Member State,

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

8 Section 5. 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 6. Article VIII of this Compact is hereby deemed
13 nonseverable prior to termination of the Compact. However, if any
14 other phrase, clause, sentence or provision of this Compact, or the
15 applicability of any other phrase, clause, sentence or provision of
16 this Compact to any government, agency, person or circumstance, is
17 declared in a final judgment to be contrary to the Constitution of
18 the United States, contrary to the state constitution of any Member
19 State, or is otherwise held invalid by a court of competent
20 jurisdiction, such phrase, clause, sentence or provision shall be
21 severed and held for naught, and the validity of the remainder of
22 this Compact and the applicability of the remainder of this Compact
23 to any government, agency, person or circumstance shall not be
24 affected. Furthermore, if this Compact is declared in a final

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

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

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

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