

By: Representatives Read, Brown (20th),
Eubanks

To: Rules

HOUSE BILL NO. 1326
(As Passed the House)

1 AN ACT TO AMEND SECTION 3-7-1, MISSISSIPPI CODE OF 1972,
2 RELATING TO THE COMPACT FOR A BALANCED BUDGET TO REVISE THE
3 MEMBERSHIP OF DELEGATES TO THE CONVENTION TO DECIDE ISSUES ON
4 BEHALF OF THIS MEMBER STATE AND TO EXTEND THE SUNSET PROVISION OF
5 THE COMPACT; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 3-7-1, Mississippi Code of 1972, is
8 amended as follows:

9 3-7-1. The State of Mississippi enacts, adopts and agrees to
10 be bound by the following Compact:

11 **ARTICLE I**

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

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



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

25 **ARTICLE II**

26 **DEFINITIONS**

27 Section 1. "Compact" means this "Compact for a Balanced
28 Budget."

29 Section 2. "Convention" means the convention for proposing
30 amendments organized by this Compact under Article V of the
31 Constitution of the United States and, where contextually
32 appropriate to ensure the terms of this Compact are not evaded,
33 any other similar gathering or body, which might be organized as a
34 consequence of Congress receiving the application set out in this
35 Compact and claim authority to propose or effectuate any
36 amendment, alteration or revision to the Constitution of the
37 United States. This term does not encompass a convention for
38 proposing amendments under Article V of the Constitution of the
39 United States that is organized independently of this Compact
40 based on the separate and distinct application of any State.

41 Section 3. "State" means one of the several States of the
42 United States. Where contextually appropriate, the term "State"
43 shall be construed to include all of its branches, departments,



44 agencies, political subdivisions, and officers and representatives
45 acting in their official capacity.

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

51 Section 5. "Compact Notice Recipients" means the Archivist
52 of the United States, the President of the United States, the
53 President of the United States Senate, the Office of the Secretary
54 of the United States Senate, the Speaker of the United States
55 House of Representatives, the Office of the Clerk of the United
56 States House of Representatives, the chief executive officer of
57 each State, and the presiding officer(s) of each house of the
58 Legislatures of the several States.

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

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

64 "Article ___

65 Section 1. Total outlays of the government of the
66 United States shall not exceed total receipts of the government of
67 the United States at any point in time unless the excess of



68 outlays over receipts is financed exclusively by debt issued in
69 strict conformity with this article.

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

76 Section 3. From time to time, Congress may increase
77 authorized debt to an amount in excess of its initial amount set
78 by Section 2 only if it first publicly refers to the legislatures
79 of the several states an unconditional, single subject measure
80 proposing the amount of such increase, in such form as provided by
81 law, and the measure is thereafter publicly and unconditionally
82 approved by a simple majority of the legislatures of the several
83 states, in such form as provided respectively by state law;
84 provided that no inducement requiring an expenditure or tax levy
85 shall be demanded, offered or accepted as a quid pro quo for such
86 approval. If such approval is not obtained within sixty (60)
87 calendar days after referral then the measure shall be deemed
88 disapproved and the authorized debt shall thereby remain
89 unchanged.

90 Section 4. Whenever the outstanding debt exceeds
91 ninety-eight percent (98%) of the debt limit set by Section 2, the
92 President shall enforce said limit by publicly designating



93 specific expenditures for impoundment in an amount sufficient to
94 ensure outstanding debt shall not exceed the authorized debt.
95 Said impoundment shall become effective thirty (30) days
96 thereafter, unless Congress first designates an alternate
97 impoundment of the same or greater amount by concurrent
98 resolution, which shall become immediately effective. The failure
99 of the President to designate or enforce the required impoundment
100 is an impeachable misdemeanor. Any purported issuance or
101 incurrence of any debt in excess of the debt limit set by Section
102 2 is void.

103 Section 5. No bill that provides for a new or increased
104 general revenue tax shall become law unless approved by a
105 two-thirds (2/3) roll call vote of the whole number of each House
106 of Congress. However, this requirement shall not apply to any
107 bill that provides for a new end user sales tax which would
108 completely replace every existing income tax levied by the
109 government of the United States; or for the reduction or
110 elimination of an exemption, deduction, or credit allowed under an
111 existing general revenue tax.

112 Section 6. For purposes of this article, "debt" means
113 any obligation backed by the full faith and credit of the
114 government of the United States; "outstanding debt" means all debt
115 held in any account and by any entity at a given point in time;
116 "authorized debt" means the maximum total amount of debt that may
117 be lawfully issued and outstanding at any single point in time



118 under this article; "total outlays of the government of the United
119 States" means all expenditures of the government of the United
120 States from any source; "total receipts of the government of the
121 United States" means all tax receipts and other income of the
122 government of the United States, excluding proceeds from its
123 issuance or incurrence of debt or any type of liability;
124 "impoundment" means a proposal not to spend all or part of a sum
125 of money appropriated by Congress; and "general revenue tax" means
126 any income tax, sales tax, or value-added tax levied by the
127 government of the United States excluding imposts and duties.

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

131 **ARTICLE III**

132 **COMPACT MEMBERSHIP AND WITHDRAWAL**

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

136 Section 2. By becoming a Member State, each such State
137 offers, promises and agrees to perform and comply strictly in
138 accordance with the terms and conditions of this Compact, and has
139 made such offer, promise and agreement in anticipation and
140 consideration of, and in substantial reliance upon, such mutual
141 and reciprocal performance and compliance by each other current
142 and future Member State, if any. Accordingly, in addition to



143 having the force of law in each Member State upon its respective
144 effective date, this Compact and each of its Articles shall also
145 be construed as contractually binding each Member State when: (a)
146 at least one other State has likewise become a Member State by
147 enacting substantively identical legislation adopting and agreeing
148 to be bound by this Compact; and (b) notice of such State's Member
149 State status is or has been seasonably received by the Compact
150 Administrator, if any, or otherwise by the chief executive officer
151 of each other Member State.

152 Section 3. For purposes of determining Member State status
153 under this Compact, as long as all other provisions of the Compact
154 remain identical and operative on the same terms, legislation
155 enacting, adopting and agreeing to be bound by this Compact shall
156 be deemed and regarded as "substantively identical" with respect
157 to such other legislation enacted by another State
158 notwithstanding: (a) any difference in Section 2 of Article IV
159 with specific regard to the respectively enacting State's own
160 method of appointing its member to the Commission; (b) any
161 difference in Section 5 of Article IV with specific regard to the
162 respectively enacting State's own obligation to fund the
163 Commission; (c) any difference in Sections 1 and 2 of Article VI
164 with specific regard to the number and identity of each delegate
165 respectively appointed on behalf of the enacting State, provided
166 that no more than three (3) delegates may attend and participate
167 in the Convention on behalf of any State; or (d) any difference in



168 Section 7 of Article X with specific regard to the respectively
169 enacting State as to whether Section 1 of Article V of this
170 Compact shall survive termination of the Compact, and thereafter
171 become a continuing resolution of the Legislature of such State
172 applying to Congress for the calling of a convention of the states
173 under Article V of the Constitution of the United States, under
174 such terms and limitations as may be specified by such State.

175 Section 4. When fewer than three-fourths (3/4) of the States
176 are Member States, any Member State may withdraw from this Compact
177 by enacting appropriate legislation, as determined by state law,
178 and giving notice of such withdrawal to the Compact Administrator,
179 if any, or otherwise to the chief executive officer of each other
180 Member State. A withdrawal shall not affect the validity or
181 applicability of the Compact with respect to remaining Member
182 States, provided that there remain at least two (2) such States.
183 However, once at least three-fourths (3/4) of the States are
184 Member States, then no Member State may withdraw from the Compact
185 prior to its termination absent unanimous consent of all Member
186 States.

187 **ARTICLE IV**

188 **COMPACT COMMISSION AND COMPACT ADMINISTRATOR**

189 Section 1. Nature of the Compact Commission. The Compact
190 Commission (Commission) is hereby established. It has the power
191 and duty: (a) to appoint and oversee a Compact Administrator; (b)
192 to encourage States to join the Compact and Congress to call the



193 Convention in accordance with this Compact; (c) to coordinate the
194 performance of obligations under the Compact; (d) to oversee the
195 Convention's logistical operations as appropriate to ensure this
196 Compact governs its proceedings; (e) to oversee the defense and
197 enforcement of the Compact in appropriate legal venues; (f) to
198 request funds and to disburse those funds to support the
199 operations of the Commission, Compact Administrator, and
200 Convention; and (g) to cooperate with any entity that shares a
201 common interest with the Commission and engages in policy
202 research, public interest litigation or lobbying in support of the
203 purposes of the Compact. The Commission shall only have such
204 implied powers as are essential to carrying out these express
205 powers and duties. It shall take no action that contravenes or is
206 inconsistent with this Compact or any law of any State that is not
207 superseded by this Compact. It may adopt and publish
208 corresponding bylaws and policies.

209 Section 2. Commission Membership. The Commission initially
210 consists of three (3) unpaid members. Each Member State may
211 appoint one (1) member to the Commission through an appointment
212 process to be determined by their respective chief executive
213 officer until all positions on the Commission are filled.
214 Positions shall be assigned to appointees in the order in which
215 their respective appointing States became Member States. The
216 bylaws of the Commission may expand its membership to include
217 representatives of additional Member States and to allow for



218 modest salaries and reimbursement of expenses if adequate funding
219 exists.

220 Section 3. Commission Action. Each Commission member is
221 entitled to one (1) vote. The Commission shall not act unless a
222 majority of its appointed membership is present, and no action
223 shall be binding unless approved by a majority of the Commission's
224 appointed membership. The Commission shall meet at least once a
225 year, and may meet more frequently.

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

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

234 Section 6. Compact Administrator. The Compact Administrator
235 has the power and duty: (a) to timely notify the States of the
236 date, time and location of the Convention; (b) to organize and
237 direct the logistical operations of the Convention; (c) to
238 maintain an accurate list of all Member States, their appointed
239 delegates, including contact information; and (d) to formulate,
240 transmit, and maintain all official notices, records, and
241 communications relating to this Compact. The Compact
242 Administrator shall only have such implied powers as are essential



243 to carrying out these express powers and duties; and shall take no
244 action that contravenes or is inconsistent with this Compact or
245 any law of any State that is not superseded by this Compact. The
246 Compact Administrator serves at the pleasure of the Commission and
247 must keep the Commission seasonably apprised of the performance or
248 nonperformance of the terms and conditions of this Compact. Any
249 notice sent by a Member State to the Compact Administrator
250 concerning this Compact shall be adequate notice to each other
251 Member State provided that a copy of said notice is seasonably
252 delivered by the Compact Administrator to each other Member
253 State's respective chief executive officer.

254 Section 7. Notice of Key Events. Upon the occurrence of
255 each of the following described events, or otherwise as soon as
256 possible, the Compact Administrator shall immediately send the
257 following notices to all Compact Notice Recipients, together with
258 certified conforming copies of the chaptered version of this
259 Compact as maintained in the statutes of each Member State: (a)
260 whenever any State becomes a Member State, notice of that fact
261 shall be given; (b) once at least three-fourths (3/4) of the
262 States are Member States, notice of that fact shall be given
263 together with a statement declaring that the Legislatures of at
264 least two-thirds (2/3) of the several States have applied for a
265 convention for proposing amendments under Article V of the
266 Constitution of the United States, petitioning Congress to call
267 the Convention contemplated by this Compact, and further



268 requesting cooperation in organizing the same in accordance with
269 this Compact; (c) once Congress has called the Convention
270 contemplated by this Compact, and whenever the date, time and
271 location of the Convention has been determined, notice of that
272 fact shall be given together with the date, time and location of
273 the Convention and other essential logistical matters; (d) upon
274 approval of the Balanced Budget Amendment by the Convention,
275 notice of that fact shall be given together with the transmission
276 of certified copies of such approved proposed amendment and a
277 statement requesting Congress to refer the same for ratification
278 by three-fourths (3/4) of the Legislatures of the several States
279 under Article V of the Constitution of the United States (however,
280 in no event shall any proposed amendment other than the Balanced
281 Budget Amendment be transmitted); and (e) when any Article of this
282 Compact prospectively ratifying the Balanced Budget Amendment is
283 effective in any Member State, notice of the same shall be given
284 together with a statement declaring such ratification and further
285 requesting cooperation in ensuring that the official record
286 confirms and reflects the effective corresponding amendment to the
287 Constitution of the United States. However, whenever any Member
288 State enacts appropriate legislation, as determined by the laws of
289 the respective state, withdrawing from this Compact, the Compact
290 Administrator shall immediately send certified conforming copies
291 of the chaptered version of such withdrawal legislation as
292 maintained in the statutes of each such withdrawing Member State,



293 solely to each chief executive officer of each remaining Member
294 State, giving notice of such withdrawal.

295 Section 8. Cooperation. The Commission, Member States and
296 Compact Administrator shall cooperate with each other and give
297 each other mutual assistance in enforcing this Compact and shall
298 give the chief law enforcement officer of each other Member State
299 any information or documents that are reasonably necessary to
300 facilitate the enforcement of this Compact.

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

303 **ARTICLE V**

304 **RESOLUTION APPLYING FOR CONVENTION**

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

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

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

315 **ARTICLE VI**

316 **DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS**



317 Section 1. Number of Delegates. * * * This Member State
318 shall be entitled to three (3) delegates to represent its
319 sovereign interests at the Convention.

320 Section 2. Identity of Delegates. * * * The Governor,
321 Speaker of the House of Representatives, and President of the
322 Senate of this Member State, who are in office at the time of the
323 Convention, or their respective designee, as identified in a sworn
324 affidavit executed by such officer, are each appointed in an
325 individual capacity to represent this Member State at the
326 Convention as its sole and exclusive delegates. A majority vote
327 of this delegation shall serve to decide any issue at the
328 Convention on behalf of this Member State.

329 Section 3. Replacement or Recall of Delegates. A delegate
330 appointed hereunder may be replaced or recalled by the Legislature
331 of his or her respective State at any time for good cause, such as
332 criminal misconduct or the violation of this Compact. If replaced
333 or recalled, any delegate previously appointed hereunder must
334 immediately vacate the Convention and return to their respective
335 State's capitol.

336 Section 4. Oath. The power and authority of a delegate
337 under this Article may only be exercised after the Convention is
338 first called by Congress in accordance with this Compact and such
339 appointment is duly accepted by such appointee publicly taking the
340 following oath or affirmation: "I do solemnly swear (or affirm)
341 that I accept this appointment and will act strictly in accordance



342 with the terms and conditions of the Compact for a Balanced
343 Budget, the Constitution of the State I represent, and the
344 Constitution of the United States. I understand that violating
345 this oath (or affirmation) forfeits my appointment and may subject
346 me to other penalties as provided by law."

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

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

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



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

368 Section 8. Delegate Authority. The power and authority of
369 any delegate at the Convention does not include any power or
370 authority associated with any other public office held by the
371 delegate. Any person appointed to serve as a delegate shall take
372 a temporary leave of absence, or otherwise shall be deemed
373 temporarily disabled, from any other public office held by the
374 delegate while attending the Convention, and may not exercise any
375 power or authority associated with any other public office held by
376 the delegate, while attending the Convention. All actions taken
377 by any delegate in violation of this section are void ab initio.

378 Section 9. Order of Business. Before introducing, debating,
379 voting upon, rejecting or proposing for ratification any
380 constitutional amendment at the Convention, each delegate of every
381 Member State must first ensure the Convention Rules in this
382 Compact govern the Convention and their actions. Every delegate
383 and each Member State must immediately vacate the Convention and
384 notify the Compact Administrator by the most effective and
385 expeditious means if the Convention Rules in this Compact are not
386 adopted to govern the Convention and their actions.

387 Section 10. Forfeiture of Appointment. If any Member State
388 or delegate violates any provision of this Compact, then every
389 delegate of that Member State immediately forfeits his or her
390 appointment, and shall immediately cease participation at the



391 Convention, vacate the Convention, and return to his or her
392 respective State's capitol.

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

398 **ARTICLE VII**

399 **CONVENTION RULES**

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

403 Section 2. Agenda of the Convention. The agenda of the
404 Convention shall be entirely focused upon and exclusively limited
405 to introducing, debating, voting upon, and rejecting or proposing
406 for ratification the Balanced Budget Amendment under the
407 Convention Rules specified in this Article and in accordance with
408 the Compact. It shall not be in order for the Convention to
409 consider any matter that is outside the scope of this agenda.

410 Section 3. Delegate Identity and Procedure. States shall be
411 represented at the Convention through duly appointed delegates.
412 The number, identity and authority of delegates assigned to each
413 State shall be determined by this Compact in the case of Member
414 States or, in the case of States that are not Member States, by
415 their respective state laws. However, to prevent disruption of



416 proceedings, no more than three (3) delegates may attend and
417 participate in the Convention on behalf of any State. A certified
418 chaptered conforming copy of this Compact, together with
419 government-issued photographic proof of identification, shall
420 suffice as credentials for delegates of Member States. Any
421 commission for delegates of States that are not Member States
422 shall be based on their respective state laws, but it shall
423 furnish credentials that are at least as reliable as those
424 required of Member States.

425 Section 4. Voting. Each State represented at the Convention
426 shall have one (1) vote, exercised by the vote of that State's
427 delegate in the case of States represented by one delegate, or, in
428 the case of any State that is represented by more than one
429 delegate, by the majority vote of that State's respective
430 delegates.

431 Section 5. Quorum. A majority of the several States of the
432 United States, each present through its respective delegate in the
433 case of any State that is represented by one (1) delegate, or
434 through a majority of its respective delegates, in the case of any
435 State that is represented by more than one (1) delegate, shall
436 constitute a quorum for the transaction of any business on behalf
437 of the Convention.

438 Section 6. Action by the Convention. The Convention shall
439 only act as a committee of the whole, chaired by the delegate
440 representing the first State to have become a Member State, if



441 that State is represented by one (1) delegate, or otherwise by the
442 delegate chosen by the majority vote of that State's respective
443 delegates. The transaction of any business on behalf of the
444 Convention, including the designation of a Secretary, the adoption
445 of parliamentary procedures and the rejection or proposal of any
446 constitutional amendment, requires a quorum to be present and a
447 majority affirmative vote of those States constituting the quorum.

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

459 Section 8. Parliamentary Procedure. In adopting, applying
460 and formulating parliamentary procedure, the Convention shall
461 exclusively adopt, apply or appropriately adapt provisions of the
462 most recent editions of Robert's Rules of Order and the American
463 Institute of Parliamentarians Standard Code of Parliamentary
464 Procedure. In adopting, applying or adapting parliamentary
465 procedure, the Convention shall exclusively consider analogous



466 precedent arising within the jurisdiction of the United States.
467 Parliamentary procedures adopted, applied or adapted pursuant to
468 this section shall not obstruct, override or otherwise conflict
469 with this Compact.

470 Section 9. Transmittal. Upon approval of the Balanced
471 Budget Amendment by the Convention to propose for ratification,
472 the Chair of the Convention shall immediately transmit certified
473 copies of such approved proposed amendment to the Compact
474 Administrator and all Compact Notice Recipients, notifying them
475 respectively of such approval and requesting Congress to refer the
476 same for ratification by the States under Article V of the
477 Constitution of the United States. However, in no event shall any
478 proposed amendment other than the Balanced Budget Amendment be
479 transmitted as aforesaid.

480 Section 10. Transparency. Records of the Convention,
481 including the identities of all attendees and detailed minutes of
482 all proceedings, shall be kept by the Chair of the Convention or
483 Secretary designated by the Convention. All proceedings and
484 records of the Convention shall be open to the public upon request
485 subject to reasonable regulations adopted by the Convention that
486 are closely tailored to preventing disruption of proceedings under
487 this Article.

488 Section 11. Adjournment of the Convention. The Convention
489 shall permanently adjourn upon the earlier of twenty-four (24)



490 hours after commencing proceedings under this Article or the
491 completion of the business on its Agenda.

492 **ARTICLE VIII**

493 **PROHIBITION ON ULTRA VIRES CONVENTION**

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

499 Section 2. Any proposal or action of the Convention is void
500 ab initio and issued by a body that is conducting itself in an
501 unlawful and ultra vires fashion if that proposal or action: (a)
502 violates or was approved in violation of the Convention Rules or
503 the delegate instructions and limitations on delegate authority
504 specified in this Compact; (b) purports to propose or effectuate a
505 mode of ratification that is not specified in Article V of the
506 Constitution of the United States; or (c) purports to propose or
507 effectuate the formation of a new government. All Member States
508 are prohibited from advancing or assisting in the advancement of
509 any such proposal or action.

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

514 **ARTICLE IX**



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

516 Section 1. Each Member State, by and through its respective
517 Legislature, hereby adopts and ratifies the Balanced Budget
518 Amendment.

519 Section 2. This Article does not take effect until Congress
520 effectively refers the Balanced Budget Amendment to the States for
521 ratification by three-fourths (3/4) of the Legislatures of the
522 several States under Article V of the Constitution of the United
523 States.

524 **ARTICLE X**

525 **CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY**

526 Section 1. To the extent that the effectiveness of this
527 Compact or any of its Articles or provisions requires the
528 alteration of local legislative rules, drafting policies, or
529 procedure to be effective, the enactment of legislation enacting,
530 adopting and agreeing to be bound by this Compact shall be deemed
531 to waive, repeal, supersede, or otherwise amend and conform all
532 such rules, policies or procedures to allow for the effectiveness
533 of this Compact to the fullest extent permitted by the
534 constitution of any affected Member State.

535 Section 2. Date and Location of the Convention. Unless
536 otherwise specified by Congress in its call, the Convention shall
537 be held in Dallas, Texas, and commence proceedings at 9:00 a.m.
538 Central Standard Time on the sixth Wednesday after the latter of



539 the effective date of Article V of this Compact or the enactment
540 date of the Congressional resolution calling the Convention.

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

548 Section 4. The exclusive venue for all actions in any way
549 arising under this Compact shall be in the United States District
550 Court for the Northern District of Texas or the courts of the
551 State of Texas within the jurisdictional boundaries of the
552 foregoing district court. Each Member State shall submit to the
553 jurisdiction of said courts with respect to such actions.
554 However, upon written request by the chief law enforcement officer
555 of any Member State, the Commission may elect to waive this
556 provision for the purpose of ensuring an action proceeds in the
557 venue that allows for the most convenient and effective
558 enforcement or defense of this Compact. Any such waiver shall be
559 limited to the particular action to which it is applied and not
560 construed or relied upon as a general waiver of this provision.
561 The waiver decisions of the Commission under this provision shall
562 be final and binding on each Member State.



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

567 Section 6. Article VIII of this Compact is hereby deemed
568 non-severable prior to termination of the Compact. However, if
569 any other phrase, clause, sentence or provision of this Compact,
570 or the applicability of any other phrase, clause, sentence or
571 provision of this Compact to any government, agency, person or
572 circumstance, is declared in a final judgment to be contrary to
573 the Constitution of the United States, contrary to the state
574 constitution of any Member State, or is otherwise held invalid by
575 a court of competent jurisdiction, such phrase, clause, sentence
576 or provision shall be severed and held for naught, and the
577 validity of the remainder of this Compact and the applicability of
578 the remainder of this Compact to any government, agency, person or
579 circumstance shall not be affected. Furthermore, if this Compact
580 is declared in a final judgment by a court of competent
581 jurisdiction to be entirely contrary to the state constitution of
582 any Member State or otherwise entirely invalid as to any Member
583 State, such Member State shall be deemed to have withdrawn from
584 the Compact, and the Compact shall remain in full force and effect
585 as to any remaining Member State. Finally, if this Compact is
586 declared in a final judgment by a court of competent jurisdiction
587 to be wholly or substantially in violation of Article I, Section



588 10, of the Constitution of the United States, then it shall be
589 construed and enforced solely as reciprocal legislation enacted by
590 the affected Member State(s).

591 Section 7. Termination. This Compact shall terminate and be
592 held for naught when the Compact is fully performed and the
593 Constitution of the United States is amended by the Balanced
594 Budget Amendment. However, notwithstanding anything to the
595 contrary set forth in this Compact, in the event such amendment
596 does not occur * * * on or before April 12, 2031, the Compact
597 shall terminate as follows: (a) the Commission shall dissolve and
598 wind up its operations within ninety (90) days thereafter, with
599 the Compact Administrator giving notice of such dissolution and
600 the operative effect of this section to the Compact Notice
601 Recipients; and (b) upon the completed dissolution of the
602 Commission, this Compact shall be deemed terminated, repealed,
603 void ab initio, and held for naught.

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

