

1 SB414
2 167919-3
3 By Senators Allen, Waggoner, Orr, Shelnutt, Reed, Pittman,
4 Sanford, Whatley, Livingston, Scofield, Stutts, Melson and
5 Albritton
6 RFD: Constitution, Ethics and Elections
7 First Read: 23-APR-15

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3
4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To adopt the Compact for a Balanced Budget; to
12 facilitate the calling of an Article V constitutional
13 convention with the intent of amending the United States
14 Constitution to include a balanced budget requirement for
15 Congress; to provide for membership and withdrawal of compact
16 members; to establish a Compact Commission; to provide
17 procedures for applying for an Article V constitutional
18 convention; to specify qualifications and duties of convention
19 delegates; to establish rules for the convention; and to
20 provide for the venue of the convention.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. The State of Alabama enacts, adopts, and
23 agrees to be bound by the following compact:

24 ARTICLE I.

25 DECLARATION OF POLICY, PURPOSE, AND INTENT

26 Whereas, every State enacting, adopting, and
27 agreeing to be bound by this compact intends to ensure that

1 their respective legislatures use of the power to originate a
2 Balanced Budget Amendment under Article V of the Constitution
3 of the United States will be exercised conveniently and with
4 reasonable certainty as to the consequences thereof.

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

12 ARTICLE II

13 DEFINITIONS

14 Section 1. "Compact" means this "Compact for a
15 Balanced Budget."

16 Section 2. "Convention" means the convention for
17 proposing amendments organized by this Compact under Article V
18 of the Constitution of the United States and, where
19 contextually appropriate to ensure the terms of this Compact
20 are not evaded, any other similar gathering or body, which
21 might be organized as a consequence of Congress receiving the
22 application set out in this Compact and claim authority to
23 propose or effectuate any amendment, alteration, or revision
24 to the Constitution of the United States. This term does not
25 encompass a convention for proposing amendments under Article
26 V of the Constitution of the United States that is organized

1 independently of the Compact based on the separate and
2 distinct application of any State.

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

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

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

22 Section 6. Notice. All notices required by this
23 compact shall be by U.S. Certified Mail, return receipt
24 requested, or an equivalent or superior form of notice, such
25 as personal delivery documented by evidence of actual receipt.

26 Section 7. "Balanced Budget Amendment" means the
27 following:

1 ARTICLE ___

2 Section 1. Total outlays of the government of the
3 United States shall not exceed total receipts of the
4 government of the United States at any point in time unless
5 the excess of outlays over receipts is financed exclusively by
6 debt issued in strict conformity with this article.

7 Section 2. Outstanding debt shall not exceed
8 authorized debt, which initially shall be an amount equal to
9 105 percent of the outstanding debt on the effective date of
10 this article. Authorized debt shall not be increased above the
11 initial amount unless the increase is first approved by the
12 legislatures of the several states as provided in Section 3.

13 Section 3. From time to time, Congress may increase
14 authorized debt to an amount in excess of its initial amount
15 set by Section 2 only if it first publicly refers to the
16 legislatures of the several states an unconditional, single
17 subject measure proposing the amount of such increase, in such
18 form as provided by law, and the measure is thereafter
19 publicly and unconditionally approved by a simple majority of
20 the legislatures of the several states, in such form as
21 provided respectively by state law; provided that no
22 inducement requiring an expenditure or tax levy shall be
23 demanded, offered, or accepted as a quid pro quo for the
24 approval. If such approval is not obtained within sixty (60)
25 calendar days after referral, the measure shall be deemed
26 disapproved and the authorized debt shall thereby remain
27 unchanged.

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

14 Section 5. No bill that provides for a new or
15 increased general revenue tax shall become law unless approved
16 by a two-thirds roll call vote of the whole number of each
17 House of Congress. However, this requirement shall not apply
18 to any bill that provides for a new end user sales tax that
19 would completely replace every existing income tax levied by
20 the government of the United States; or for the reduction or
21 elimination of an exemption, deduction, or credit allowed
22 under an existing general revenue tax.

23 Section 6. For purposes of this article, "debt"
24 means any obligation backed by the full faith and credit of
25 the government of the United States; "outstanding debt" means
26 all debt held in any account and by any entity at a given
27 point in time; "authorized debt" means the maximum total

1 amount of debt that may be lawfully issued and outstanding at
2 any single point in time under this article; "total outlays of
3 the government of the United States" means all expenditures of
4 the government of the United States from any source; "total
5 receipts of the government of the United States" means all tax
6 receipts and other income of the government of the United
7 States, excluding proceeds from its issuance or incurrence of
8 debt or any type of liability; "impoundment" means a proposal
9 not to spend all or part of a sum of money appropriated by
10 Congress; and "general revenue tax" means any income tax,
11 sales tax, or value-added tax levied by the government of the
12 United States excluding imports and duties.

13 Section 7. This article is immediately operative
14 upon ratification, self-enforcing, and Congress may enact
15 conforming legislation to facilitate enforcement.

16 ARTICLE III

17 COMPACT MEMBERSHIP AND WITHDRAWAL

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

22 Section 2. By becoming a Member State, each such
23 State offers, promises, and agrees to perform and comply
24 strictly in accordance with the terms and conditions of this
25 Compact, and has made such offer, promise, and agreement in
26 anticipation and consideration of, and in substantial reliance
27 upon, such mutual and reciprocal performance and compliance by

1 each other current and future Member State, if any.
2 Accordingly, in addition to having the force of law in each
3 Member State upon its respective effective date, this Compact
4 and each of its Articles shall also be construed as
5 contractually binding each Member State when: (a) at least one
6 other State has likewise become a Member State by enacting
7 substantively identical legislation adopting and agreeing to
8 be bound by this Compact; and (b) notice of the State's Member
9 State status is or has been seasonably received by the Compact
10 Administrator, if any, or otherwise by the chief executive
11 officer of each other Member State.

12 Section 3. For purposes of determining Member State
13 status under this Compact, as long as all other provisions of
14 the Compact remain identical and operative on the same terms,
15 legislation enacting, adopting, and agreeing to be bound by
16 this Compact shall be deemed and regarded as "substantively
17 identical" with respect to such other legislation enacted by
18 another State notwithstanding: (a) any difference in Section 2
19 of Article IV with specific regard to the respectively
20 enacting State's own method of appointing its member to the
21 Commission; (b) any difference in Section 5 of Article IV with
22 specific regard to the respectively enacting State's own
23 obligation to fund the Commission; (c) any difference in
24 Sections 1 and 2 of Article VI with specific regard to the
25 number and identity of each delegate respectively appointed on
26 behalf of the enacting State, provided that no more than three
27 delegates may attend and participate in the Convention on

1 behalf of any State; or (d) any difference in Section 7 of
2 Article X with specific regard to the respectively enacting
3 State as to whether Section 1 of Article V of this Compact
4 shall survive termination of the Compact, and thereafter
5 become a continuing resolution of the Legislature of such
6 State applying to Congress for the calling of a convention of
7 the states under Article V of the Constitution of the United
8 States, under such terms and limitations as may be specified
9 by such State.

10 Section 4. When fewer than three-fourths of the
11 States are Member States, any member state may withdraw from
12 this Compact by enacting appropriate legislation, as
13 determined by state law, and giving notice of such withdrawal
14 to the Compact Administrator, if any, or otherwise to the
15 chief executive officer of each other Member State. A
16 withdrawal shall not affect the validity or applicability of
17 the Compact with respect to remaining Member States, provided
18 that there remain at least two such States. However, once at
19 least three-fourths of the States are Member States, no member
20 state may withdraw from the Compact prior to its termination
21 absent unanimous consent of all Member States.

22 ARTICLE IV

23 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

24 Section 1. Nature of the Compact Commission. The
25 Compact Commission ("Commission") is hereby established. It
26 has the power and duty: (a) to appoint and oversee a Compact
27 Administrator; (b) to encourage States to join the compact and

1 Congress to call the Convention in accordance with this
2 Compact; (c) to coordinate the performance of obligations
3 under the Compact; (d) to oversee the Convention's logistical
4 operations, as appropriate to ensure this Compact governs its
5 proceedings; (e) to oversee the defense and enforcement of the
6 Compact in appropriate legal venues; (f) to request funds and
7 to disburse those funds to support the operations of the
8 Commission, Compact Administrator, and Convention; and (g) to
9 cooperate with any entity that shares a common interest with
10 the Commission and engages in policy research, public interest
11 litigation, or lobbying in support of the purposes of the
12 Compact. The Commission shall have only such implied powers as
13 are essential to carrying out these express powers and duties.
14 It shall take no action that contravenes or is inconsistent
15 with this Compact or any law of any state that is not
16 superseded by this Compact. It may adopt and publish
17 corresponding bylaws and policies.

18 Section 2. Commission Membership. The Commission
19 initially consists of three unpaid members. Each Member State
20 may appoint one member to the Commission through an
21 appointment process to be determined by their respective chief
22 executive officer until all positions on the Commission are
23 filled. Positions shall be assigned to appointees in the order
24 in which their respective appointing States became Member
25 States. The bylaws of the commission may expand its membership
26 to include representatives of additional Member States and to

1 allow for modest salaries and reimbursement of expenses if
2 adequate funding exists.

3 Section 3. Commission Action. Each Commission member
4 is entitled to one vote. The Commission may not act unless a
5 majority of its appointed membership is present, and no action
6 is binding unless approved by a majority of the Commission's
7 appointed membership. The Commission shall meet at least once
8 a year, and may meet more frequently.

9 Section 4. First Order of Business. The Commission,
10 at the earliest possible time, shall elect from among its
11 membership a chairperson, determine a primary place of doing
12 business, and appoint a Compact Administrator.

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

17 Section 6. Compact Administrator. The Compact
18 Administrator has the power and duty: (a) to timely notify the
19 States of the date, time, and location of the Convention; (b)
20 to organize and direct the logistical operations of the
21 Convention; (c) to maintain an accurate list of all Member
22 States, their appointed delegates, including contact
23 information; and (d) to formulate, transmit, and maintain all
24 official notices, records, and communications relating to this
25 Compact. The Compact Administrator shall have only such
26 implied powers as are essential to carrying out these express
27 powers and duties; and shall take no action that contravenes

1 or is inconsistent with this compact or any law of any State
2 that is not superseded by this Compact. The Compact
3 Administrator serves at the pleasure of the Commission and
4 must keep the Commission seasonably apprised of the
5 performance or nonperformance of the terms and conditions of
6 this Compact. Any notice sent by a Member State to the Compact
7 Administrator concerning this Compact shall be adequate notice
8 to each other Member State provided that a copy of said notice
9 is seasonably delivered by the Compact Administrator to each
10 other Member State's respective chief executive officer.

11 Section 7. Notice of Key Events. Upon the occurrence
12 of each of the following described events, or otherwise as
13 soon as possible, the Compact Administrator shall send
14 immediately the following notices to all Compact Notice
15 Recipients, together with certified conforming copies of the
16 chaptered version of this Compact as maintained in the
17 statutes of each Member State: (a) whenever any State becomes
18 a Member State, notice of that fact shall be given; (b) once
19 at least three-fourths of the States are Member States, notice
20 of that fact shall be given together with a statement
21 declaring that the legislatures of at least two-thirds of the
22 several States have applied for a convention for proposing
23 amendments under Article V of the Constitution of the United
24 States, petitioning Congress to call the Convention
25 contemplated by this Compact, and further requesting
26 cooperation in organizing the same in accordance with this
27 Compact; (c) once Congress has called the Convention

1 contemplated by this Compact, and whenever the date, time, and
2 location of the Convention has been determined, notice of that
3 fact shall be given together with the date, time, and location
4 of the Convention and other essential logistical matters; (d)
5 upon approval of the Balanced Budget Amendment by the
6 Convention, notice of that fact shall be given together with
7 the transmission of certified copies of the approved proposed
8 amendment and a statement requesting Congress to refer the
9 same for ratification by three-fourths of the legislatures of
10 the several States under Article V of the Constitution of the
11 United States (however, in no event shall any proposed
12 amendment other than the Balanced Budget Amendment be
13 transmitted); and (e) when any Article of this Compact
14 prospectively ratifying the Balanced Budget Amendment is
15 effective in any Member State, notice of the same shall be
16 given together with a statement declaring such ratification
17 and further requesting cooperation in ensuring that the
18 official record confirms and reflects the effective
19 corresponding amendment to the Constitution of the United
20 States. However, whenever any Member State enacts appropriate
21 legislation, as determined by the laws of the respective
22 State, withdrawing from this Compact, the Compact
23 Administrator shall immediately send certified conforming
24 copies of the chaptered version of the withdrawal legislation
25 as maintained in the statutes of each withdrawing Member
26 State, solely to each chief executive officer of each
27 remaining Member State, giving notice of the withdrawal.

1 Section 8. Cooperation. The Commission, Member
2 States, and Compact Administrator shall cooperate with each
3 other and give each other mutual assistance in enforcing this
4 Compact and shall give the chief law enforcement officer of
5 each other Member State any information or documents that are
6 reasonably necessary to facilitate the enforcement of this
7 Compact.

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

10 ARTICLE V

11 RESOLUTION APPLYING FOR CONVENTION

12 Section 1. Be it resolved, as provided for in
13 Article V of the Constitution of the United States, the
14 legislature of each Member State herewith applies to Congress
15 for the calling of a convention for proposing amendments
16 limited to the subject matter of proposing for ratification
17 the Balanced Budget Amendment.

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

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

24 ARTICLE VI

25 DELEGATE APPOINTMENT, LIMITATIONS, AND INSTRUCTIONS

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

4 Section 2. Identity of Delegates. This Member State
5 shall be represented at the Convention by the following
6 delegates: (1) the Speaker of this State's House of
7 Representatives who is serving on the date this State adopts
8 this Compact; (2) the Governor of this State on the date this
9 State adopts this Compact; and (3) one delegate jointly
10 appointed by the Minority Leaders of this State's House of
11 Representatives and of the Senate who are serving on the date
12 this state adopts this Compact. The three delegates shall
13 represent this Member State at the Convention as its sole and
14 exclusive delegates. A majority vote of this delegation shall
15 serve to decide any issue at the Convention on behalf of this
16 Member State. Each delegate may appoint a substitute designee
17 subject to recall or replacement by the Legislature of this
18 State.

19 Section 3. Replacement or Recall of Delegates. A
20 delegate appointed hereunder may be replaced or recalled by
21 the legislature of his or her respective State at any time for
22 good cause, such as criminal misconduct or the violation of
23 this Compact. If replaced or recalled, any delegate previously
24 appointed hereunder must immediately vacate the Convention and
25 return to their respective State's capitol.

26 Section 4. Oath. The power and authority of a
27 delegate under this Article may only be exercised after the

1 Convention is first called by Congress in accordance with this
2 Compact and such appointment is duly accepted by such
3 appointee publicly taking the following oath or affirmation:
4 "I do solemnly swear (or affirm) that I accept this
5 appointment and will act strictly in accordance with the terms
6 and conditions of the Compact for a Balanced Budget, the
7 Constitution of the State I represent, and the Constitution of
8 the United States. I understand that violating this oath (or
9 affirmation) forfeits my appointment and may subject me to
10 other penalties as provided by law."

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

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

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

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

18 Section 9. Order of Business. Before introducing,
19 debating, voting upon, rejecting, or proposing for
20 ratification any constitutional amendment at the Convention,
21 each delegate of every Member State must first ensure the
22 Convention Rules in this Compact govern the Convention and
23 their actions. Every delegate and each Member State must
24 immediately vacate the convention and notify the Compact
25 Administrator by the most effective and expeditious means if
26 the Convention Rules in this Compact are not adopted to govern
27 the Convention and their actions.

1 Section 10. Forfeiture of Appointment. If any Member
2 State or delegate violates any provision of this Compact, then
3 every delegate of that Member State immediately forfeits his
4 or her appointment, and shall immediately cease participation
5 at the Convention, vacate the Convention, and return to his or
6 her respective State's capitol.

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

12 ARTICLE VII

13 CONVENTION RULES

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

18 Section 2. Agenda of the Convention. The agenda of
19 the Convention shall be entirely focused upon and exclusively
20 limited to introducing, debating, voting upon, and rejecting
21 or proposing for ratification the Balanced Budget Amendment
22 under the Convention Rules specified in this article and in
23 accordance with the compact. It shall not be in order for the
24 convention to consider any matter that is outside the scope of
25 this agenda.

26 Section 3. Delegate Identity and Procedure. States
27 shall be represented at the Convention through duly appointed

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

14 Section 4. Voting. Each State represented at the
15 Convention shall have one vote, exercised by the vote of that
16 State's delegate in the case of States represented by one
17 delegate or, in the case of any State that is represented by
18 more than one delegate, by the majority vote of that State's
19 respective delegates.

20 Section 5. Quorum. A majority of the several States
21 of the United States, each present through its respective
22 delegate in the case of any State that is represented by one
23 delegate, or through a majority of its respective delegates,
24 in the case of any State that is represented by more than one
25 delegate, shall constitute a quorum for the transaction of any
26 business on behalf of the Convention.

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

12 Section 7. Emergency Suspension and Relocation of
13 the Convention. In the event that the Chair of the Convention
14 declares an emergency due to disorder or an imminent threat to
15 public health and safety prior to the completion of the
16 business on the agenda, and a majority of the States present
17 at the Convention do not object to such declaration, further
18 Convention proceedings shall be temporarily suspended, and the
19 Commission shall subsequently relocate or reschedule the
20 Convention to resume proceedings in an orderly fashion in
21 accordance with the terms and conditions of this Compact with
22 prior notice given to the Compact Notice Recipients.

23 Section 8. Parliamentary Procedures. In adopting,
24 applying, and formulating parliamentary procedures, the
25 convention shall exclusively adopt, apply, or appropriately
26 adapt provisions of the most recent editions of Robert's Rules
27 of Order and the American Institute of Parliamentarians

1 Standard Code of Parliamentary Procedure. In adopting,
2 applying, or adapting parliamentary procedures, the convention
3 shall exclusively consider analogous precedent arising within
4 the jurisdiction of the United States. Parliamentary
5 procedures adopted, applied, or adapted pursuant to this
6 section shall not obstruct, override, or otherwise conflict
7 with this compact.

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

18 Section 10. Transparency. Records of the Convention,
19 including the identities of all attendees and detailed minutes
20 of all proceedings, shall be kept by the Chair of the
21 Convention or Secretary designated by the Convention. All
22 proceedings and records of the Convention shall be open to the
23 public upon request subject to reasonable regulations adopted
24 by the Convention that are closely tailored to preventing
25 disruption of proceedings under this Article.

26 Section 11. Adjournment of the Convention. The
27 Convention shall permanently adjourn upon the earlier of

1 twenty-four (24) hours after commencing proceedings under this
2 Article or the completion of the business on its Agenda.

3 ARTICLE VIII

4 PROHIBITION ON ULTRA VIRES CONVENTION

5 Section 1. Member States may not participate in the
6 Convention unless: (a) Congress first calls the Convention in
7 accordance with this Compact; and (b) the Convention Rules of
8 this Compact are adopted by the Convention as its first order
9 of business.

10 Section 2. Any proposal or action of the Convention
11 is void ab initio and issued by a body that is conducting
12 itself in an unlawful and ultra vires fashion if that proposal
13 or action: (a) violates or was approved in violation of the
14 Convention Rules or the delegate instructions and limitations
15 on delegate authority specified in this Compact; (b) purports
16 to propose or effectuate a mode of ratification that is not
17 specified in Article V of the Constitution of the United
18 States; or (c) purports to propose or effectuate the formation
19 of a new government. All Member States are prohibited from
20 advancing or assisting in the advancement of any such proposal
21 or action.

22 Section 3. Member States shall not ratify or
23 otherwise approve any proposed amendment, alteration, or
24 revision to the Constitution of the United States, which
25 originates from the Convention, other than the Balanced Budget
26 Amendment.

27 ARTICLE IX

1 RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED
2 BUDGET AMENDMENT

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

6 Section 2. This Article does not take effect until
7 Congress effectively refers the Balanced Budget Amendment to
8 the States for ratification by three-fourths of the
9 Legislatures of the several States under Article V of the
10 Constitution of the United States.

11 ARTICLE X

12 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

13 Section 1. To the extent that the effectiveness of
14 this Compact or any of its Articles or provisions requires the
15 alteration of local legislative rules, drafting policies, or
16 procedure to be effective, the enactment of legislation
17 enacting, adopting, and agreeing to be bound by this Compact
18 shall be deemed to waive, repeal, supersede, or otherwise
19 amend and conform all such rules, policies, or procedures to
20 allow for the effectiveness of this Compact to the fullest
21 extent permitted by the constitution of any affected Member
22 State.

23 Section 2. Date and Location of the Convention.
24 Unless otherwise specified by Congress in its call, the
25 Convention shall be held in Dallas, Texas and commence
26 proceedings at 9:00 a.m. Central Standard Time on the sixth
27 Wednesday after the latter of the effective date of Article V

1 of this Compact or the enactment date of the congressional
2 resolution calling the Convention.

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

11 Section 4. The exclusive venue for all actions in
12 any way arising under this Compact shall be in the United
13 States District Court for the Northern District of Texas or
14 the courts of the State of Texas within the jurisdictional
15 boundaries of the district court. Each Member State shall
16 submit to the jurisdiction of the courts with respect to the
17 action. However, upon written request by the chief law
18 enforcement officer of any Member State, the Commission may
19 elect to waive this provision for the purpose of ensuring an
20 action proceeds in the venue that allows for the most
21 convenient and effective enforcement or defense of this
22 Compact. Any such waiver shall be limited to the particular
23 action to which it is applied and not construed or relied upon
24 as a general waiver of this provision. The waiver decisions of
25 the Commission under this provision shall be final and binding
26 on each Member State.

1 Section 5. The effective date of this Compact and
2 any of its articles is the latter of: (a) the date of any
3 event rendering the same effective according to its respective
4 terms and conditions; or (b) the earliest date otherwise
5 permitted by law.

6 Section 6. Article VIII of this Compact is hereby
7 deemed non-severable prior to termination of the Compact.
8 However, if any other phrase, clause, sentence, or provision
9 of this Compact, or the applicability of any other phrase,
10 clause, sentence, or provision of this Compact to any
11 government, agency, person, or circumstance, is declared in a
12 final judgment to be contrary to the Constitution of the
13 United States, contrary to the state constitution of any
14 Member State, or is otherwise held invalid by a court of
15 competent jurisdiction, the phrase, clause, sentence, or
16 provision shall be severed, and the validity of the remainder
17 of this Compact and the applicability of the remainder of this
18 Compact to any government, agency, person, or circumstance
19 shall not be affected. Furthermore, if this Compact is
20 declared in a final judgment by a court of competent
21 jurisdiction to be entirely contrary to the state constitution
22 of any Member State or otherwise entirely invalid as to any
23 Member State, such Member State shall be deemed to have
24 withdrawn from the Compact, and the Compact shall remain in
25 full force and effect as to any remaining Member State.
26 Finally, if this Compact is declared in a final judgment by a
27 court of competent jurisdiction to be wholly or substantially

1 in violation of Article I, Section 10, of the Constitution of
2 the United States, then it shall be construed and enforced
3 solely as reciprocal legislation enacted by the affected
4 Member State.

5 Section 7. Termination. This Compact shall terminate
6 when it is fully performed and the Constitution of the United
7 States is amended by the Balanced Budget Amendment. However,
8 notwithstanding anything to the contrary set forth in this
9 Compact, in the event such amendment does not occur within
10 seven (7) years after the first State passes legislation
11 enacting, adopting, and agreeing to be bound to this Compact,
12 the Compact shall terminate as follows: (a) the Commission
13 shall dissolve and wind up its operations within ninety (90)
14 days thereafter, with the Compact Administrator giving notice
15 of the dissolution and the operative effect of this section to
16 the Compact Notice Recipients; (b) upon the completed
17 dissolution of the Commission, Articles I, II, III, IV, VI,
18 VII, VIII, and IX, as well as Sections 2 and 3 of Article V
19 and Sections 1 through 6 of Article X, of this Compact for
20 this Member State shall be deemed terminated and repealed; and
21 (c) Section 1 of Article V of this Compact, together with the
22 constructional rule of this subsection, both of which shall
23 survive termination of the Compact, shall thereafter become
24 and be construed as an immediately effective freestanding
25 continuing resolution, passed by the legislature of this
26 State, applying to Congress for the calling of a Convention
27 for proposing amendments under Article V of the Constitution

1 of the United States, limited to proposing amendments such as
2 a balanced budget amendment, which shall be capable of
3 aggregation with any other similar application.

4 Section 2. This act shall become effective following
5 its passage and approval by the Governor, or its otherwise
6 becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Constitution, Ethics and Elections .. 23-APR-15

Read for the second time and placed on the calen-
dar..... 21-MAY-15

Read for the third time and passed as amended 28-MAY-15

Yeas 22
Nays 8

Patrick Harris
Secretary