

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1975

5 By: Representative Dotson  
6 By: Senator Hester  
7

## For An Act To Be Entitled

9 AN ACT TO ADOPT THE COMPACT FOR A BALANCED BUDGET; TO  
10 ADOPT A PROPOSED AMENDMENT TO THE COMPACT FOR A  
11 BALANCED BUDGET; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 TO ADOPT THE COMPACT FOR A BALANCED  
16 BUDGET; AND TO ADOPT A PROPOSED AMENDMENT  
17 TO THE COMPACT FOR A BALANCED BUDGET.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. DO NOT CODIFY. The Compact for a Balanced Budget is  
23 enacted into law and entered into with all other jurisdictions legally  
24 joining in this compact in the form substantially as follows:  
25

26 "COMPACT FOR A BALANCED BUDGET

27  
28 THE STATE OF ARKANSAS ENACTS, ADOPTS AND AGREES  
29 TO BE BOUND BY THE FOLLOWING COMPACT:  
30

### ARTICLE I

31 DECLARATION OF POLICY, PURPOSE AND INTENT  
32  
33

34 Whereas, every State enacting, adopting and agreeing to be bound by  
35 this Compact intends to ensure that their respective Legislature's use of the  
36 power to originate a Balanced Budget Amendment under Article V of the



1 Constitution of the United States will be exercised conveniently and with  
 2 reasonable certainty as to the consequences thereof.

3  
 4 Now, therefore, in consideration of their expressed mutual promises and  
 5 obligations, be it enacted by every State enacting, adopting and agreeing to  
 6 be bound by this Compact, and resolved by each of their respective  
 7 Legislatures, as the case may be, to exercise herewith all of their  
 8 respective powers as set forth herein notwithstanding any law to the  
 9 contrary.

10  
 11 ARTICLE II  
 12 DEFINITIONS

13  
 14 Section 1. "Compact" means this "Compact for a Balanced Budget."

15  
 16 Section 2. "Convention" means the convention for proposing amendments  
 17 organized by this Compact under Article V of the Constitution of the United  
 18 States and, where contextually appropriate to ensure the terms of this  
 19 Compact are not evaded, any other similar gathering or body, which might be  
 20 organized as a consequence of Congress receiving the application set out in  
 21 this Compact and claim authority to propose or effectuate any amendment,  
 22 alteration or revision to the Constitution of the United States. This term  
 23 does not encompass a convention for proposing amendments under Article V of  
 24 the Constitution of the United States that is organized independently of this  
 25 Compact based on the separate and distinct application of any State.

26  
 27 Section 3. "State" means one of the several States of the United  
 28 States. Where contextually appropriate, the term "State" shall be construed  
 29 to include all of its branches, departments, agencies, political  
 30 subdivisions, and officers and representatives acting in their official  
 31 capacity.

32  
 33 Section 4. "Member State" means a State that has enacted, adopted and  
 34 agreed to be bound to this Compact. For any State to qualify as a Member  
 35 State with respect to any other State under this Compact, each such State  
 36 must have enacted, adopted and agreed to be bound by substantively identical

1 compact legislation.

2  
 3 Section 5. "Compact Notice Recipients" means the Archivist of the  
 4 United States, the President of the United States, the President of the  
 5 United States Senate, the Office of the Secretary of the United States  
 6 Senate, the Speaker of the United States House of Representatives, the Office  
 7 of the Clerk of the United States House of Representatives, the chief  
 8 executive officer of each State, and the presiding officer(s) of each house  
 9 of the Legislatures of the several States.

10  
 11 Section 6. Notice. All notices required by this Compact shall be by  
 12 U.S. Certified Mail, return receipt requested, or an equivalent or superior  
 13 form of notice, such as personal delivery documented by evidence of actual  
 14 receipt.

15  
 16 Section 7. "Balanced Budget Amendment" means the following:

17 "Article \_\_

18  
 19 Section 1. Total outlays of the government of the United States  
 20 shall not exceed total receipts of the government of the United States at any  
 21 point in time unless the excess of outlays over receipts is financed  
 22 exclusively by debt issued in strict conformity with this article.

23  
 24 Section 2. Outstanding debt shall not exceed authorized debt,  
 25 which initially shall be an amount equal to 105 percent of the outstanding  
 26 debt on the effective date of this article. Authorized debt shall not be  
 27 increased above its aforesaid initial amount unless such increase is first  
 28 approved by the legislatures of the several states as provided in Section 3.

29  
 30 Section 3. From time to time, Congress may increase authorized  
 31 debt to an amount in excess of its initial amount set by Section 2 only if it  
 32 first publicly refers to the legislatures of the several states an  
 33 unconditional, single subject measure proposing the amount of such increase,  
 34 in such form as provided by law, and the measure is thereafter publicly and  
 35 unconditionally approved by a simple majority of the legislatures of the  
 36 several states, in such form as provided respectively by state law; provided

1 that no inducement requiring an expenditure or tax levy shall be demanded,  
2 offered or accepted as a quid pro quo for such approval. If such approval is  
3 not obtained within sixty (60) calendar days after referral then the measure  
4 shall be deemed disapproved and the authorized debt shall thereby remain  
5 unchanged.

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

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

25  
26 Section 6. For purposes of this article, "debt" means any  
27 obligation backed by the full faith and credit of the government of the  
28 United States; "outstanding debt" means all debt held in any account and by  
29 any entity at a given point in time; "authorized debt" means the maximum  
30 total amount of debt that may be lawfully issued and outstanding at any  
31 single point in time under this article; "total outlays of the government of  
32 the United States" means all expenditures of the government of the United  
33 States from any source; "total receipts of the government of the United  
34 States" means all tax receipts and other income of the government of the  
35 United States, excluding proceeds from its issuance or incurrence of debt or  
36 any type of liability; "impoundment" means a proposal not to spend all or

1 part of a sum of money appropriated by Congress; and “general revenue tax”  
2 means any income tax, sales tax, or value-added tax levied by the government  
3 of the United States excluding imposts and duties.

4  
5 Section 7. This article is immediately operative upon  
6 ratification, self-enforcing, and Congress may enact conforming legislation  
7 to facilitate enforcement.”

### 8 9 ARTICLE III

#### 10 COMPACT MEMBERSHIP AND WITHDRAWAL

11  
12 Section 1. This Compact governs each Member State to the fullest extent  
13 permitted by their respective constitutions, superseding and repealing any  
14 conflicting or contrary law.

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

29  
30 Section 3. For purposes of determining Member State status under this  
31 Compact, as long as all other provisions of the Compact remain identical and  
32 operative on the same terms, legislation enacting, adopting and agreeing to  
33 be bound by this Compact shall be deemed and regarded as “substantively  
34 identical” with respect to such other legislation enacted by another State  
35 notwithstanding: (a) any difference in section 2 of Article IV with specific  
36 regard to the respectively enacting State’s own method of appointing its

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

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

#### 25 26 ARTICLE IV

#### 27 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

28  
29 Section 1. Nature of the Compact Commission. The Compact Commission  
30 ("Commission") is hereby established. It has the power and duty: (a) to  
31 appoint and oversee a Compact Administrator; (b) to encourage States to join  
32 the Compact and Congress to call the Convention in accordance with this  
33 Compact; (c) to coordinate the performance of obligations under the Compact;  
34 (d) to oversee the Convention's logistical operations as appropriate to  
35 ensure this Compact governs its proceedings; (e) to oversee the defense and  
36 enforcement of the Compact in appropriate legal venues; (f) to request funds

1 and to disburse those funds to support the operations of the Commission,  
2 Compact Administrator, and Convention; and (g) to cooperate with any entity  
3 that shares a common interest with the Commission and engages in policy  
4 research, public interest litigation or lobbying in support of the purposes  
5 of the Compact. The Commission shall only have such implied powers as are  
6 essential to carrying out these express powers and duties. It shall take no  
7 action that contravenes or is inconsistent with this Compact or any law of  
8 any State that is not superseded by this Compact. It may adopt and publish  
9 corresponding bylaws and policies.

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

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

26  
27 Section 4. First Order of Business. The Commission shall at the  
28 earliest possible time elect from among its membership a Chairperson,  
29 determine a primary place of doing business, and appoint a Compact  
30 Administrator.

31  
32 Section 5. Funding. The Commission and the Compact Administrator's  
33 activities shall be funded exclusively by each Member State, as determined by  
34 their respective state law, or by voluntary donations.

35  
36 Section 6. Compact Administrator. The Compact Administrator has the

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

18  
19 Section 7. Notice of Key Events. Upon the occurrence of each of the  
20 following described events, or otherwise as soon as possible, the Compact  
21 Administrator shall immediately send the following notices to all Compact  
22 Notice Recipients, together with certified conforming copies of the chaptered  
23 version of this Compact as maintained in the statutes of each Member State:  
24 (a) whenever any State becomes a Member State, notice of that fact shall be  
25 given; (b) once at least three-fourths of the States are Member States,  
26 notice of that fact shall be given together with a statement declaring that  
27 the Legislatures of at least two-thirds of the several States have applied  
28 for a convention for proposing amendments under Article V of the Constitution  
29 of the United States, petitioning Congress to call the Convention  
30 contemplated by this Compact, and further requesting cooperation in  
31 organizing the same in accordance with this Compact; (c) once Congress has  
32 called the Convention contemplated by this Compact, and whenever the date,  
33 time and location of the Convention has been determined, notice of that fact  
34 shall be given together with the date, time and location of the Convention  
35 and other essential logistical matters; (d) upon approval of the Balanced  
36 Budget Amendment by the Convention, notice of that fact shall be given



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

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

24  
25 Section 9. This Article does not take effect until there are at least  
26 two Member States.

## 27 28 ARTICLE V

### 29 RESOLUTION APPLYING FOR CONVENTION

30  
31 Section 1. Be it resolved, as provided for in Article V of the  
32 Constitution of the United States, the Legislature of each Member State  
33 herewith applies to Congress for the calling of a convention for proposing  
34 amendments limited to the subject matter of proposing for ratification the  
35 Balanced Budget Amendment.

36

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

4  
5       Section 3. This Article does not take effect until at least three-  
6 fourths of the several States are Member States.

7  
8                                   ARTICLE VI

9                   DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

10  
11       Section 1. Number of Delegates. Each Member State shall be entitled to  
12 one delegate as its sole and exclusive representative at the Convention as  
13 set forth in this Article.

14  
15       Section 2. Identity of Delegates. Each Member State's chief executive  
16 officer, who is serving on the enactment date of this Compact, is appointed  
17 in an individual capacity to represent his or her respective State at the  
18 Convention as its sole and exclusive delegate.

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

26  
27       Section 4. Oath. The power and authority of a delegate under this  
28 Article may only be exercised after the Convention is first called by  
29 Congress in accordance with this Compact and such appointment is duly  
30 accepted by such appointee publicly taking the following oath or affirmation:  
31 "I do solemnly swear (or affirm) that I accept this appointment and will act  
32 strictly in accordance with the terms and conditions of the Compact for a  
33 Balanced Budget, the Constitution of the State I represent, and the  
34 Constitution of the United States. I understand that violating this oath (or  
35 affirmation) forfeits my appointment and may subject me to other penalties as  
36 provided by law."

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

8  
9       Section 6. Delegate Authority. The power and authority of any delegate  
10 appointed hereunder is strictly limited: (a) to introducing, debating, voting  
11 upon, proposing and enforcing the Convention Rules specified in this Compact,  
12 as needed to ensure those rules govern the Convention; and (b) to  
13 introducing, debating, voting upon, and rejecting or proposing for  
14 ratification the Balanced Budget Amendment. All actions taken by any  
15 delegate in violation of this section are void ab initio.

16  
17       Section 7. Delegate Authority. No delegate of any Member State may  
18 introduce, debate, vote upon, reject or propose for ratification any  
19 constitutional amendment at the Convention unless: (a) the Convention Rules  
20 specified in this Compact govern the Convention and their actions; and (b)  
21 the constitutional amendment is the Balanced Budget Amendment.

22  
23       Section 8. Delegate Authority. The power and authority of any delegate  
24 at the Convention does not include any power or authority associated with any  
25 other public office held by the delegate. Any person appointed to serve as a  
26 delegate shall take a temporary leave of absence, or otherwise shall be  
27 deemed temporarily disabled, from any other public office held by the  
28 delegate while attending the Convention, and may not exercise any power or  
29 authority associated with any other public office held by the delegate, while  
30 attending the Convention. All actions taken by any delegate in violation of  
31 this section are void ab initio.

32  
33       Section 9. Order of Business. Before introducing, debating, voting  
34 upon, rejecting or proposing for ratification any constitutional amendment at  
35 the Convention, each delegate of every Member State must first ensure the  
36 Convention Rules in this Compact govern the Convention and their actions.

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

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

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

16  
17 ARTICLE VII  
18 CONVENTION RULES

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

23  
24 Section 2. Agenda of the Convention. The agenda of the Convention shall  
25 be entirely focused upon and exclusively limited to introducing, debating,  
26 voting upon, and rejecting or proposing for ratification the Balanced Budget  
27 Amendment under the Convention Rules specified in this Article and in  
28 accordance with the Compact. It shall not be in order for the Convention to  
29 consider any matter that is outside the scope of this agenda.

30  
31 Section 3. Delegate Identity and Procedure. States shall be represented  
32 at the Convention through duly appointed delegates. The number, identity and  
33 authority of delegates assigned to each State shall be determined by this  
34 Compact in the case of Member States or, in the case of States that are not  
35 Member States, by their respective state laws. However, to prevent disruption  
36 of proceedings, no more than three delegates may attend and participate in

1 the Convention on behalf of any State. A certified chaptered conforming copy  
2 of this Compact, together with government-issued photographic proof of  
3 identification, shall suffice as credentials for delegates of Member States.  
4 Any commission for delegates of States that are not Member States shall be  
5 based on their respective state laws, but it shall furnish credentials that  
6 are at least as reliable as those required of Member States.

7  
8 Section 4. Voting. Each State represented at the Convention shall have  
9 one vote, exercised by the vote of that State's delegate in the case of  
10 States represented by one delegate, or, in the case of any State that is  
11 represented by more than one delegate, by the majority vote of that State's  
12 respective delegates.

13  
14 Section 5. Quorum. A majority of the several States of the United  
15 States, each present through its respective delegate in the case of any State  
16 that is represented by one delegate, or through a majority of its respective  
17 delegates, in the case of any State that is represented by more than one  
18 delegate, shall constitute a quorum for the transaction of any business on  
19 behalf of the Convention.

20  
21 Section 6. Action by the Convention. The Convention shall only act as a  
22 committee of the whole, chaired by the delegate representing the first State  
23 to have become a Member State, if that State is represented by one delegate,  
24 or otherwise by the delegate chosen by the majority vote of that State's  
25 respective delegates. The transaction of any business on behalf of the  
26 Convention, including the designation of a Secretary, the adoption of  
27 parliamentary procedures and the rejection or proposal of any constitutional  
28 amendment, requires a quorum to be present and a majority affirmative vote of  
29 those States constituting the quorum.

30  
31 Section 7. Emergency Suspension and Relocation of the Convention. In  
32 the event that the Chair of the Convention declares an emergency due to  
33 disorder or an imminent threat to public health and safety prior to the  
34 completion of the business on the Agenda, and a majority of the States  
35 present at the Convention do not object to such declaration, further  
36 Convention proceedings shall be temporarily suspended, and the Commission

1 shall subsequently relocate or reschedule the Convention to resume  
2 proceedings in an orderly fashion in accordance with the terms and conditions  
3 of this Compact with prior notice given to the Compact Notice Recipients.  
4

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

15 Section 9. Transmittal. Upon approval of the Balanced Budget Amendment  
16 by the Convention to propose for ratification, the Chair of the Convention  
17 shall immediately transmit certified copies of such approved proposed  
18 amendment to the Compact Administrator and all Compact Notice Recipients,  
19 notifying them respectively of such approval and requesting Congress to refer  
20 the same for ratification by the States under Article V of the Constitution  
21 of the United States. However, in no event shall any proposed amendment other  
22 than the Balanced Budget Amendment be transmitted as aforesaid.  
23

24 Section 10. Transparency. Records of the Convention, including the  
25 identities of all attendees and detailed minutes of all proceedings, shall be  
26 kept by the Chair of the Convention or Secretary designated by the  
27 Convention. All proceedings and records of the Convention shall be open to  
28 the public upon request subject to reasonable regulations adopted by the  
29 Convention that are closely tailored to preventing disruption of proceedings  
30 under this Article.  
31

32 Section 11. Adjournment of the Convention. The Convention shall  
33 permanently adjourn upon the earlier of twenty-four (24) hours after  
34 commencing proceedings under this Article or the completion of the business  
35 on its Agenda.  
36

1 ARTICLE VIII

2 PROHIBITION ON ULTRA VIRES CONVENTION

3  
 4 Section 1. Member States shall not participate in the Convention  
 5 unless: (a) Congress first calls the Convention in accordance with this  
 6 Compact; and (b) the Convention Rules of this Compact are adopted by the  
 7 Convention as its first order of business.

8  
 9 Section 2. Any proposal or action of the Convention is void ab initio  
 10 and issued by a body that is conducting itself in an unlawful and ultra vires  
 11 fashion if that proposal or action: (a) violates or was approved in violation  
 12 of the Convention Rules or the delegate instructions and limitations on  
 13 delegate authority specified in this Compact; (b) purports to propose or  
 14 effectuate a mode of ratification that is not specified in Article V of the  
 15 Constitution of the United States; or (c) purports to propose or effectuate  
 16 the formation of a new government. All Member States are prohibited from  
 17 advancing or assisting in the advancement of any such proposal or action.

18  
 19 Section 3. Member States shall not ratify or otherwise approve any  
 20 proposed amendment, alteration or revision to the Constitution of the United  
 21 States, which originates from the Convention, other than the Balanced Budget  
 22 Amendment.

23  
 24 ARTICLE IX

25 RESOLUTION PROSPECTIVELY RATIFYING THE

26 BALANCED BUDGET AMENDMENT

27  
 28 Section 1. Each Member State, by and through its respective  
 29 Legislature, hereby adopts and ratifies the Balanced Budget Amendment.

30  
 31 Section 2. This Article does not take effect until Congress effectively  
 32 refers the Balanced Budget Amendment to the States for ratification by three-  
 33 fourths of the Legislatures of the several States under Article V of the  
 34 Constitution of the United States.

35  
 36 ARTICLE X

1                   CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

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

11  
12           Section 2. Date and Location of the Convention. Unless otherwise  
13 specified by Congress in its call, the Convention shall be held in Dallas,  
14 Texas and commence proceedings at 9:00 a.m. Central Standard Time on the  
15 sixth Wednesday after the latter of the effective date of Article V of this  
16 Compact or the enactment date of the Congressional resolution calling the  
17 Convention.

18  
19           Section 3. In addition to all other powers and duties conferred by  
20 state law which are consistent with the terms and conditions of this Compact,  
21 the chief law enforcement officer of each Member State is empowered to defend  
22 the Compact from any legal challenge, as well as to seek civil mandatory and  
23 prohibitory injunctive relief to enforce this Compact; and shall take such  
24 action whenever the Compact is challenged or violated.

25  
26           Section 4. The exclusive venue for all actions in any way arising under  
27 this Compact shall be in the United States District Court for the Northern  
28 District of Texas or the courts of the State of Texas within the  
29 jurisdictional boundaries of the foregoing district court. Each Member State  
30 shall submit to the jurisdiction of said courts with respect to such actions.  
31 However, upon written request by the chief law enforcement officer of any  
32 Member State, the Commission may elect to waive this provision for the  
33 purpose of ensuring an action proceeds in the venue that allows for the most  
34 convenient and effective enforcement or defense of this Compact. Any such  
35 waiver shall be limited to the particular action to which it is applied and  
36 not construed or relied upon as a general waiver of this provision. The



1 waiver decisions of the Commission under this provision shall be final and  
2 binding on each Member State.

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

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

30  
31 Section 7. Termination. This Compact shall terminate and be held for  
32 naught when the Compact is fully performed and the Constitution of the United  
33 States is amended by the Balanced Budget Amendment. However, notwithstanding  
34 anything to the contrary set forth in this Compact, in the event such  
35 amendment does not occur within seven (7) years after the first State passes  
36 legislation enacting, adopting and agreeing to be bound to this Compact, the

1 Compact shall terminate as follows: (a) the Commission shall dissolve and  
2 wind up its operations within ninety (90) days thereafter, with the Compact  
3 Administrator giving notice of such dissolution and the operative effect of  
4 this section to the Compact Notice Recipients; and (b) upon the completed  
5 dissolution of the Commission, this Compact shall be deemed terminated,  
6 repealed, void ab initio, and held for naught."

7  
8 SECTION 2. DO NOT CODIFY. Proposed termination date amendment.

9 Independently from Section 1 of this act, this state conditionally  
10 enacts, proposes, offers, promises, and agrees to perform and comply strictly  
11 with the following amendment to § 7 of Article X of the Compact for a  
12 Balanced Budget and otherwise reaffirms its commitment to all other  
13 provisions of the Compact for a Balanced Budget, if and when every member  
14 state has passed legislation either manifesting consent to the following  
15 amendment or otherwise adopting the Compact for a Balanced Budget as amended  
16 and has given written notice of the passage of such legislation, including a  
17 certified copy of such legislation, through an authorized official to the  
18 Compact Administrator of the Compact for a Balanced Budget, if any, or  
19 otherwise to the Governor or, if none, the chief executive officer of each  
20 other member state:

21 "Section 7. Termination. This Compact shall terminate and be held for  
22 naught when the Compact is fully performed and the Constitution of the United  
23 States is amended by the Balanced Budget Amendment. However, notwithstanding  
24 anything to the contrary set forth in this Compact, in the event such  
25 amendment does not occur on or before April 12, 2031, the Compact shall  
26 terminate as follows: (a) the Commission shall dissolve and wind up its  
27 operations within ninety (90) days thereafter, with the Compact Administrator  
28 giving notice of such dissolution and the operative effect of this section to  
29 the Compact notice recipients; and (b) upon the completed dissolution of the  
30 Commission, this Compact shall be deemed terminated, repealed, void ab  
31 initio, and held for naught except that the obligation to comply with Article  
32 VIII of this Compact shall survive such termination."