

By Senator Hays

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1                                   A bill to be entitled  
2       An act relating to interstate compacts; creating s.  
3       11.95, F.S.; adopting and entering the state into an  
4       interstate Compact for a Balanced Budget; exempting  
5       the compact from the Article V Constitutional  
6       Convention Act; providing the policy, purpose, and  
7       intent of the compact; defining terms; providing for  
8       proposal by the compact's member states of an  
9       amendment to the United States Constitution requiring  
10      the Federal Government to maintain a balanced budget  
11      with certain exceptions; requiring member states to  
12      strictly comply with the terms of the compact;  
13      describing circumstances under which the compact  
14      becomes contractually binding on a member state;  
15      establishing a Compact Commission and specifying the  
16      commission's membership and duties; providing for  
17      appointment of a Compact Administrator and specifying  
18      the administrator's duties; providing for funding of  
19      the Compact Commission and Compact Administrator;  
20      providing for the member states to apply to the United  
21      States Congress for a convention under Article V of  
22      the United States Constitution to propose the balanced  
23      budget amendment; requiring cooperation among the  
24      commission, the member states, and the Compact  
25      Administrator; providing for the appointment, terms,  
26      duties, and authority of convention delegates;  
27      requiring an oath to be taken by delegates; specifying  
28      rules to govern procedures at the convention;  
29      specifying actions that are considered ultra vires;

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30 providing that the balanced budget amendment is not  
31 considered ratified until ratified by a specified  
32 number of states; providing for construction and  
33 enforcement of the compact; providing an effective  
34 date for the compact; authorizing severability of the  
35 compact under certain circumstances; providing for  
36 termination of the compact under certain conditions;  
37 providing an effective date.  
38

39 Be It Enacted by the Legislature of the State of Florida:

40  
41 Section 1. Section 11.95, Florida Statutes, is created to  
42 read:

43 11.95 Compact for a balanced budget.—Notwithstanding the  
44 Article V Constitutional Convention Act, ss. 11.93-11.9352, the  
45 State of Florida enacts, adopts, and agrees to be bound by the  
46 following compact:

47 ARTICLE I

48 DECLARATION OF POLICY, PURPOSE, AND INTENT

49 WHEREAS, every State enacting, adopting, and agreeing to be  
50 bound by this Compact intends to ensure that their respective  
51 Legislature's use of the power to originate a Balanced Budget  
52 Amendment under Article V of the Constitution of the United  
53 States will be exercised conveniently and with reasonable  
54 certainty as to the consequences thereof.

55 NOW, THEREFORE, in consideration of their expressed mutual  
56 promises and obligations, be it enacted by every State enacting,  
57 adopting, and agreeing to be bound by this Compact, and resolved  
58 by each of their respective Legislatures, as the case may be, to

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59 exercise herewith all of their respective powers as set forth  
60 herein, notwithstanding any law to the contrary.

61 ARTICLE II

62 DEFINITIONS

63 As used in this Compact, the term:

64 Section 1. "Compact" means this "Compact for a Balanced  
65 Budget."

66 Section 2. "Convention" means the convention for proposing  
67 amendments organized by this Compact under Article V of the  
68 Constitution of the United States and, where contextually  
69 appropriate to ensure the terms of this Compact are not evaded,  
70 any other similar gathering or body, which might be organized as  
71 a consequence of Congress receiving the application set out in  
72 this Compact and claim authority to propose or effectuate any  
73 amendment, alteration, or revision to the Constitution of the  
74 United States. This term does not encompass a convention for  
75 proposing amendments under Article V of the Constitution of the  
76 United States that is organized independently of this Compact  
77 based on the separate and distinct application of any State.

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

83 Section 4. "Member State" means a State that has enacted,  
84 adopted, and agreed to be bound to this Compact. For any State  
85 to qualify as a Member State with respect to any other State  
86 under this Compact, each such State must have enacted, adopted,  
87 and agreed to be bound by substantively identical compact

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88 legislation.

89 Section 5. "Compact Notice Recipients" means the Archivist  
90 of the United States, the President of the United States, the  
91 President of the United States Senate, the Office of the  
92 Secretary of the United States Senate, the Speaker of the United  
93 States House of Representatives, the Office of the Clerk of the  
94 United States House of Representatives, the chief executive  
95 officer of each State, and the presiding officer(s) of each  
96 house of the Legislatures of the several States.

97 Section 6. Notice. All notices required by this Compact  
98 shall be by United States Certified Mail, return receipt  
99 requested, or an equivalent or superior form of notice, such as  
100 personal delivery documented by evidence of actual receipt.

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

102 "ARTICLE

103 "SECTION 1. Total outlays of the government of the United  
104 States shall not exceed total receipts of the government of the  
105 United States at any point in time unless the excess of outlays  
106 over receipts is financed exclusively by debt issued in strict  
107 conformity with this article.

108 "SECTION 2. Outstanding debt shall not exceed authorized  
109 debt, which initially shall be an amount equal to 105 percent of  
110 the outstanding debt on the effective date of this article.  
111 Authorized debt shall not be increased above its aforesaid  
112 initial amount unless such increase is first approved by the  
113 legislatures of the several states as provided in Section 3.

114 "SECTION 3. From time to time, Congress may increase  
115 authorized debt to an amount in excess of its initial amount set  
116 by Section 2 only if it first publicly refers to the

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117 legislatures of the several states an unconditional, single  
118 subject measure proposing the amount of such increase, in such  
119 form as provided by law, and the measure is thereafter publicly  
120 and unconditionally approved by a simple majority of the  
121 legislatures of the several states, in such form as provided  
122 respectively by state law; provided that no inducement requiring  
123 an expenditure or tax levy shall be demanded, offered, or  
124 accepted as a quid pro quo for such approval. If such approval  
125 is not obtained within 60 calendar days after referral, then the  
126 measure shall be deemed disapproved and the authorized debt  
127 shall thereby remain unchanged.

128 "SECTION 4. Whenever the outstanding debt exceeds 98  
129 percent of the debt limit set by Section 2, the President shall  
130 enforce said limit by publicly designating specific expenditures  
131 for impoundment in an amount sufficient to ensure outstanding  
132 debt shall not exceed the authorized debt. Said impoundment  
133 shall become effective 30 days thereafter, unless Congress first  
134 designates an alternate impoundment of the same or greater  
135 amount by concurrent resolution, which shall become immediately  
136 effective. The failure of the President to designate or enforce  
137 the required impoundment is an impeachable misdemeanor. Any  
138 purported issuance or incurrence of any debt in excess of the  
139 debt limit set by Section 2 is void.

140 "SECTION 5. No bill that provides for a new or increased  
141 general revenue tax shall become law unless approved by a two-  
142 thirds roll call vote of the whole number of each House of  
143 Congress. However, this requirement shall not apply to any bill  
144 that provides for a new end user sales tax which would  
145 completely replace every existing income tax levied by the

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146 government of the United States; or for the reduction or  
147 elimination of an exemption, deduction, or credit allowed under  
148 an existing general revenue tax.

149 "SECTION 6. For purposes of this article, "debt" means any  
150 obligation backed by the full faith and credit of the government  
151 of the United States; "outstanding debt" means all debt held in  
152 any account and by any entity at a given point in time;  
153 "authorized debt" means the maximum total amount of debt that  
154 may be lawfully issued and outstanding at any single point in  
155 time under this article; "total outlays of the government of the  
156 United States" means all expenditures of the government of the  
157 United States from any source; "total receipts of the government  
158 of the United States" means all tax receipts and other income of  
159 the government of the United States, excluding proceeds from its  
160 issuance or incurrence of debt or any type of liability;  
161 "impoundment" means a proposal not to spend all or part of a sum  
162 of money appropriated by Congress; and "general revenue tax"  
163 means any income tax, sales tax, or value-added tax levied by  
164 the government of the United States excluding imposts and  
165 duties.

166 "SECTION 7. This article is immediately operative upon  
167 ratification, self-enforcing, and Congress may enact conforming  
168 legislation to facilitate enforcement."

### 169 ARTICLE III

#### 170 COMPACT MEMBERSHIP AND WITHDRAWAL

171 Section 1. This Compact governs each Member State to the  
172 fullest extent permitted by its respective constitution,  
173 superseding and repealing any conflicting or contrary law.

174 Section 2. By becoming a Member State, each such State

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175 offers, promises, and agrees to perform and comply strictly in  
176 accordance with the terms and conditions of this Compact, and  
177 has made such offer, promise, and agreement in anticipation and  
178 consideration of, and in substantial reliance upon, such mutual  
179 and reciprocal performance and compliance by each other current  
180 and future Member State, if any. Accordingly, in addition to  
181 having the force of law in each Member State upon its respective  
182 effective date, this Compact and each of its Articles shall also  
183 be construed as contractually binding each Member State when:

184 (a) At least one other State has likewise become a Member  
185 State by enacting substantively identical legislation adopting  
186 and agreeing to be bound by this Compact; and

187 (b) Notice of such State's Member State status is or has  
188 been seasonably received by the Compact Administrator, if any,  
189 or otherwise by the chief executive officer of each other Member  
190 State.

191 Section 3. For purposes of determining Member State status  
192 under this Compact, as long as all other provisions of the  
193 Compact remain identical and operative on the same terms,  
194 legislation enacting, adopting, and agreeing to be bound by this  
195 Compact shall be deemed and regarded as "substantively  
196 identical" with respect to such other legislation enacted by  
197 another State, notwithstanding:

198 (a) Any difference in Section 2 of Article IV with specific  
199 regard to the respectively enacting State's own method of  
200 appointing its member to the Commission;

201 (b) Any difference in Section 5 of Article IV with specific  
202 regard to the respectively enacting State's own obligation to  
203 fund the Commission;

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204 (c) Any difference in Sections 1 and 2 of Article VI with  
205 specific regard to the number and identity of each delegate  
206 respectively appointed on behalf of the enacting State, provided  
207 that no more than three delegates may attend and participate in  
208 the Convention on behalf of any State; or

209 (d) Any difference in Section 7 of Article X with specific  
210 regard to the respectively enacting State as to whether Section  
211 1 of Article V of this Compact shall survive termination of the  
212 Compact, and thereafter become a continuing resolution of the  
213 Legislature of such State applying to Congress for the calling  
214 of a Convention of the States under Article V of the  
215 Constitution of the United States, under such terms and  
216 limitations as may be specified by such State.

217 Section 4. When fewer than three-fourths of the States are  
218 Member States, any Member State may withdraw from this Compact  
219 by enacting appropriate legislation, as determined by state law,  
220 and giving notice of such withdrawal to the Compact  
221 Administrator, if any, or otherwise to the chief executive  
222 officer of each other Member State. A withdrawal shall not  
223 affect the validity or applicability of the Compact with respect  
224 to remaining Member States, provided that there remain at least  
225 two such States. However, once at least three-fourths of the  
226 States are Member States, then no Member State may withdraw from  
227 the Compact prior to its termination absent unanimous consent of  
228 all Member States.

#### 229 ARTICLE IV

##### 230 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

231 Section 1. Nature of the Compact Commission.—The Compact  
232 Commission ("Commission") is hereby established. It has the



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233 power and duty:

234 (a) To appoint and oversee a Compact Administrator;

235 (b) To encourage States to join the Compact and Congress to  
236 call the Convention in accordance with this Compact;

237 (c) To coordinate the performance of obligations under the  
238 Compact;

239 (d) To oversee the Convention's logistical operations as  
240 appropriate to ensure this Compact governs its proceedings;

241 (e) To oversee the defense and enforcement of the Compact  
242 in appropriate legal venues;

243 (f) To request funds and to disburse those funds to support  
244 the operations of the Commission, Compact Administrator, and  
245 Convention; and

246 (g) To cooperate with any entity that shares a common  
247 interest with the Commission and engages in policy research,  
248 public interest litigation, or lobbying in support of the  
249 purposes of the Compact.

250

251 The Commission shall only have such implied powers as are  
252 essential to carrying out these express powers and duties. It  
253 shall take no action that contravenes or is inconsistent with  
254 this Compact or any law of any State that is not superseded by  
255 this Compact. It may adopt and publish corresponding bylaws and  
256 policies.

257 Section 2. Commission Membership.—The Commission initially  
258 consists of three unpaid members. Each Member State may appoint  
259 one member to the Commission through an appointment process to  
260 be determined by its respective chief executive officer until  
261 all positions on the Commission are filled. Positions shall be

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262 assigned to appointees in the order in which their respective  
263 appointing States became Member States. The bylaws of the  
264 Commission may expand its membership to include representatives  
265 of additional Member States and to allow for modest salaries and  
266 reimbursement of expenses if adequate funding exists.

267 Section 3. Commission Action.—Each Commission member is  
268 entitled to one vote. The Commission shall not act unless a  
269 majority of its appointed membership is present, and no action  
270 shall be binding unless approved by a majority of the  
271 Commission's appointed membership. The Commission shall meet at  
272 least once a year, and may meet more frequently.

273 Section 4. First Order of Business.—The Commission shall at  
274 the earliest possible time elect from among its membership a  
275 Chair, determine a primary place of doing business, and appoint  
276 a Compact Administrator.

277 Section 5. Funding.—The Commission and the Compact  
278 Administrator's activities shall be funded exclusively by each  
279 Member State, as determined by its respective state law, or by  
280 voluntary donations.

281 Section 6. Compact Administrator.—The Compact Administrator  
282 has the power and duty:

283 (a) To timely notify the States of the date, time, and  
284 location of the Convention;

285 (b) To organize and direct the logistical operations of the  
286 Convention;

287 (c) To maintain an accurate list of all Member States and  
288 their appointed delegates, including contact information; and

289 (d) To formulate, transmit, and maintain all official  
290 notices, records, and communications relating to this Compact.

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291  
292 The Compact Administrator shall only have such implied powers as  
293 are essential to carrying out these express powers and duties  
294 and shall take no action that contravenes or is inconsistent  
295 with this Compact or any law of any State that is not superseded  
296 by this Compact. The Compact Administrator serves at the  
297 pleasure of the Commission and must keep the Commission  
298 seasonably apprised of the performance or nonperformance of the  
299 terms and conditions of this Compact. Any notice sent by a  
300 Member State to the Compact Administrator concerning this  
301 Compact shall be adequate notice to each other Member State  
302 provided that a copy of said notice is seasonably delivered by  
303 the Compact Administrator to each other Member State's  
304 respective chief executive officer.

305 Section 7. Notice of Key Events.—Upon the occurrence of  
306 each of the following described events, or otherwise as soon as  
307 possible, the Compact Administrator shall immediately send the  
308 following notices to all Compact Notice Recipients, together  
309 with certified conforming copies of the chaptered version of  
310 this Compact as maintained in the statutes of each Member State:

311 (a) Whenever any State becomes a Member State, notice of  
312 that fact shall be given;

313 (b) Once at least three-fourths of the States are Member  
314 States, notice of that fact shall be given together with a  
315 statement declaring that the Legislatures of at least two-thirds  
316 of the several States have applied for a Convention for  
317 proposing amendments under Article V of the Constitution of the  
318 United States, petitioning Congress to call the Convention  
319 contemplated by this Compact, and further requesting cooperation

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320 in organizing the same in accordance with this Compact;

321 (c) Once Congress has called the Convention contemplated by  
322 this Compact, and whenever the date, time, and location of the  
323 Convention has been determined, notice of that fact shall be  
324 given together with the date, time, and location of the  
325 Convention and other essential logistical matters;

326 (d) Upon approval of the Balanced Budget Amendment by the  
327 Convention, notice of that fact shall be given together with the  
328 transmission of certified copies of such approved proposed  
329 amendment and a statement requesting Congress to refer the same  
330 for ratification by three-fourths of the Legislatures of the  
331 several States under Article V of the Constitution of the United  
332 States; however, in no event shall any proposed amendment other  
333 than the Balanced Budget Amendment be transmitted; and

334 (e) When any Article of this Compact prospectively  
335 ratifying the Balanced Budget Amendment becomes effective in any  
336 Member State, notice of the same shall be given together with a  
337 statement declaring such ratification and further requesting  
338 cooperation in ensuring that the official record confirms and  
339 reflects the effective corresponding amendment to the  
340 Constitution of the United States.

341  
342 However, whenever any Member State enacts appropriate  
343 legislation, as determined by the laws of the respective state,  
344 withdrawing from this Compact, the Compact Administrator shall  
345 immediately send certified conforming copies of the chaptered  
346 version of such withdrawal legislation as maintained in the  
347 statutes of each such withdrawing Member State, solely to each  
348 chief executive officer of each remaining Member State, giving

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349 notice of such withdrawal.

350 Section 8. Cooperation.—The Commission, Member States, and  
351 Compact Administrator shall cooperate with each other and give  
352 each other mutual assistance in enforcing this Compact and shall  
353 give the chief law enforcement officer of each other Member  
354 State any information or documents that are reasonably necessary  
355 to facilitate the enforcement of this Compact.

356 Section 9. Effective Date of Article.—This Article does not  
357 take effect until there are at least two Member States.

#### 358 ARTICLE V

##### 359 RESOLUTION APPLYING FOR CONVENTION

360 Section 1. Be it resolved, as provided for in Article V of  
361 the Constitution of the United States, the Legislature of each  
362 Member State herewith applies to Congress for the calling of a  
363 convention for proposing amendments limited to the subject  
364 matter of proposing for ratification the Balanced Budget  
365 Amendment.

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

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

#### 371 ARTICLE VI

##### 372 DELEGATE APPOINTMENT, LIMITATIONS, AND INSTRUCTIONS

373 Section 1. Number of Delegates.—Each Member State shall be  
374 entitled to delegates as the sole and exclusive representatives  
375 at the Convention as set forth in this Article.

376 Section 2. Identity of Delegates.—The then serving  
377 President of the Senate, or his or her designee, and the then

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378 serving Speaker of the House of Representatives, or his or her  
379 designee, are appointed to represent Florida as its sole and  
380 exclusive delegates.

381 Section 3. Replacement or Recall of Delegates.—A delegate  
382 appointed hereunder may be replaced or recalled by the  
383 Legislature of his or her respective State at any time for good  
384 cause, such as criminal misconduct or the violation of this  
385 Compact. If replaced or recalled, any delegate previously  
386 appointed hereunder must immediately vacate the Convention and  
387 return to his or her respective State's capitol.

388 Section 4. Oath.—The power and authority of a delegate  
389 under this Article may only be exercised after the Convention is  
390 first called by Congress in accordance with this Compact and  
391 such appointment is duly accepted by such appointee publicly  
392 taking the following oath or affirmation: "I do solemnly swear  
393 (or affirm) that I accept this appointment and will act strictly  
394 in accordance with the terms and conditions of the Compact for a  
395 Balanced Budget, the Constitution of the State I represent, and  
396 the Constitution of the United States. I understand that  
397 violating this oath (or affirmation) forfeits my appointment and  
398 may subject me to other penalties as provided by law."

399 Section 5. Term.—The term of a delegate then serving as the  
400 President of the Senate or the Speaker of the House of  
401 Representatives, or their designees, commences upon acceptance  
402 of appointment and terminates upon the permanent adjournment of  
403 the Convention, unless shortened by recall, replacement, or  
404 forfeiture under this Article. Upon expiration of such term, any  
405 person formerly serving as a delegate must immediately withdraw  
406 from and cease participation at the Convention, if any is

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407 proceeding.

408 Section 6. Delegate Authority.—The power and authority of  
409 any delegate appointed hereunder is strictly limited:

410 (a) To introducing, debating, voting upon, proposing, and  
411 enforcing the Convention Rules specified in this Compact, as  
412 needed to ensure those rules govern the Convention; and

413 (b) To introducing, debating, voting upon, and rejecting or  
414 proposing for ratification the Balanced Budget Amendment.

415

416 All actions taken by any delegate in violation of this section  
417 are void ab initio.

418 Section 7. Delegate Authority.—No delegate of any Member  
419 State may introduce, debate, vote upon, reject, or propose for  
420 ratification any constitutional amendment at the Convention  
421 unless:

422 (a) The Convention Rules specified in this Compact govern  
423 the Convention and its actions; and

424 (b) The constitutional amendment is the Balanced Budget  
425 Amendment.

426 Section 8. Delegate Authority.—The power and authority of  
427 any delegate at the Convention does not include any power or  
428 authority associated with any other public office held by the  
429 delegate. Any person appointed to serve as a delegate shall take  
430 a temporary leave of absence, or otherwise shall be deemed  
431 temporarily disabled, from any other public office held by the  
432 delegate while attending the Convention, and may not exercise  
433 any power or authority associated with any other public office  
434 held by the delegate, while attending the Convention. All  
435 actions taken by any delegate in violation of this section are

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436 void ab initio.

437 Section 9. Order of Business.—Before introducing, debating,  
438 voting upon, rejecting, or proposing for ratification any  
439 constitutional amendment at the Convention, each delegate of  
440 every Member State must first ensure the Convention Rules in  
441 this Compact govern the Convention and its actions. Every  
442 delegate and each Member State must immediately vacate the  
443 Convention and notify the Compact Administrator by the most  
444 effective and expeditious means if the Convention Rules in this  
445 Compact are not adopted to govern the Convention and its  
446 actions.

447 Section 10. Forfeiture of Appointment.—If any Member State  
448 or delegate violates any provision of this Compact, then every  
449 delegate of that Member State immediately forfeits his or her  
450 appointment, and shall immediately cease participation at the  
451 Convention, vacate the Convention, and return to his or her  
452 respective State's capitol.

453 Section 11. Expenses.—A delegate appointed hereunder is  
454 entitled to reimbursement of reasonable expenses for attending  
455 the Convention from his or her respective Member State. No  
456 delegate may accept any other form of remuneration or  
457 compensation for service under this Compact.

458 ARTICLE VII

459 CONVENTION RULES

460 Section 1. Nature of the Convention.—The Convention shall  
461 be organized, construed, and conducted as a body exclusively  
462 representing and constituted by the several States.

463 Section 2. Agenda of the Convention.—The agenda of the  
464 Convention shall be entirely focused upon and exclusively



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465 limited to introducing, debating, voting upon, and rejecting or  
466 proposing for ratification the Balanced Budget Amendment under  
467 the Convention Rules specified in this Article and in accordance  
468 with the Compact. It shall not be in order for the Convention to  
469 consider any matter that is outside the scope of this agenda.

470 Section 3. Delegate Identity and Procedure.—States shall be  
471 represented at the Convention through duly appointed delegates.  
472 The number, identity, and authority of delegates assigned to  
473 each State shall be determined by this Compact in the case of  
474 Member States or, in the case of States that are not Member  
475 States, by their respective state laws. However, to prevent  
476 disruption of proceedings, no more than three delegates may  
477 attend and participate in the Convention on behalf of any State.  
478 A certified chaptered conforming copy of this Compact, together  
479 with government-issued photographic proof of identification,  
480 shall suffice as credentials for delegates of Member States. Any  
481 commission for delegates of States that are not Member States  
482 shall be based on its respective state laws, but it shall  
483 furnish credentials that are at least as reliable as those  
484 required of Member States.

485 Section 4. Voting.—Each State represented at the Convention  
486 shall have one vote, exercised by the vote of that State's  
487 delegate in the case of States represented by one delegate, or,  
488 in the case of any State that is represented by more than one  
489 delegate, by the majority vote of that State's respective  
490 delegates.

491 Section 5. Quorum.—A majority of the several States of the  
492 United States, each present through its respective delegate in  
493 the case of any State that is represented by one delegate, or

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494 through a majority of its respective delegates, in the case of  
495 any State that is represented by more than one delegate, shall  
496 constitute a quorum for the transaction of any business on  
497 behalf of the Convention.

498 Section 6. Action by the Convention.—The Convention shall  
499 only act as a committee of the whole, chaired by the delegate  
500 representing the first State to have become a Member State, if  
501 that State is represented by one delegate, or otherwise by the  
502 delegate chosen by the majority vote of that State's respective  
503 delegates. The transaction of any business on behalf of the  
504 Convention, including the designation of a Secretary, the  
505 adoption of parliamentary procedures, and the rejection or  
506 proposal of any constitutional amendment, requires a quorum to  
507 be present and a majority affirmative vote of those States  
508 constituting the quorum.

509 Section 7. Emergency Suspension and Relocation of the  
510 Convention.—In the event that the Chair of the Convention  
511 declares an emergency due to disorder or an imminent threat to  
512 public health and safety prior to the completion of the business  
513 on the Agenda, and a majority of the States present at the  
514 Convention do not object to such declaration, further Convention  
515 proceedings shall be temporarily suspended and the Commission  
516 shall subsequently relocate or reschedule the Convention to  
517 resume proceedings in an orderly fashion in accordance with the  
518 terms and conditions of this Compact with prior notice given to  
519 the Compact Notice Recipients.

520 Section 8. Parliamentary Procedure.—In adopting, applying,  
521 and formulating parliamentary procedure, the Convention shall  
522 exclusively adopt, apply, or appropriately adapt provisions of

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523 the most recent editions of Robert's Rules of Order and the  
524 American Institute of Parliamentarians Standard Code of  
525 Parliamentary Procedure. In adopting, applying, or adapting  
526 parliamentary procedure, the Convention shall exclusively  
527 consider analogous precedent arising within the jurisdiction of  
528 the United States. Parliamentary procedures adopted, applied, or  
529 adapted pursuant to this section shall not obstruct, override,  
530 or otherwise conflict with this Compact.

531 Section 9. Transmittal.—Upon approval of the Balanced  
532 Budget Amendment by the Convention to propose for ratification,  
533 the Chair of the Convention shall immediately transmit certified  
534 copies of such approved proposed amendment to the Compact  
535 Administrator and all Compact Notice Recipients, notifying them  
536 respectively of such approval and requesting Congress to refer  
537 the same for ratification by the States under Article V of the  
538 Constitution of the United States. However, in no event shall  
539 any proposed amendment other than the Balanced Budget Amendment  
540 be transmitted as aforesaid.

541 Section 10. Transparency.—Records of the Convention,  
542 including the identities of all attendees and detailed minutes  
543 of all proceedings, shall be kept by the Chair of the Convention  
544 or Secretary designated by the Convention. All proceedings and  
545 records of the Convention shall be open to the public upon  
546 request subject to reasonable regulations adopted by the  
547 Convention that are closely tailored to preventing disruption of  
548 proceedings under this Article.

549 Section 11. Adjournment of the Convention.—The Convention  
550 shall permanently adjourn upon the earlier of twenty-four (24)  
551 hours after commencing proceedings under this Article or the

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552 completion of the business on its Agenda.

553 ARTICLE VIII

554 PROHIBITION ON ULTRA VIRES CONVENTION

555 Section 1. Member States shall not participate in the  
556 Convention unless:

557 (a) Congress first calls the Convention in accordance with  
558 this Compact; and

559 (b) The Convention Rules of this Compact are adopted by the  
560 Convention as its first order of business.

561 Section 2. Any proposal or action of the Convention is void  
562 ab initio and issued by a body that is conducting itself in an  
563 unlawful and ultra vires fashion if that proposal or action:

564 (a) Violates or was approved in violation of the Convention  
565 Rules or the delegate instructions and limitations on delegate  
566 authority specified in this Compact;

567 (b) Purports to propose or effectuate a mode of  
568 ratification that is not specified in Article V of the  
569 Constitution of the United States; or

570 (c) Purports to propose or effectuate the formation of a  
571 new government.

572  
573 All Member States are prohibited from advancing or assisting in  
574 the advancement of any such proposal or action.

575 Section 3. Member States shall not ratify or otherwise  
576 approve any proposed amendment, alteration, or revision to the  
577 Constitution of the United States, which originates from the  
578 Convention, other than the Balanced Budget Amendment.

579 ARTICLE IX

580 RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED BUDGET AMENDMENT

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581       Section 1. Each Member State, by and through its respective  
582 Legislature, hereby adopts and ratifies the Balanced Budget  
583 Amendment.

584       Section 2. This Article does not take effect until Congress  
585 effectively refers the Balanced Budget Amendment to the States  
586 for ratification by three-fourths of the Legislatures of the  
587 several States under Article V of the Constitution of the United  
588 States.

#### 589                                   ARTICLE X

##### 590                   CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

591       Section 1. Construction of Compact.—To the extent that the  
592 effectiveness of this Compact or any of its Articles or  
593 provisions requires the alteration of local legislative rules,  
594 drafting policies, or procedures to be effective, the enactment  
595 of legislation enacting, adopting, and agreeing to be bound by  
596 this Compact shall be deemed to waive, repeal, supersede, or  
597 otherwise amend and conform all such rules, policies, or  
598 procedures to allow for the effectiveness of this Compact to the  
599 fullest extent permitted by the constitution of any affected  
600 Member State.

601       Section 2. Date and Location of the Convention.—Unless  
602 otherwise specified by Congress in its call, the Convention  
603 shall be held in Dallas, Texas, and commence proceedings at 9  
604 a.m. Central Standard Time on the sixth Wednesday after the  
605 latter of the effective date of Article V of this Compact or the  
606 enactment date of the Congressional resolution calling the  
607 Convention.

608       Section 3. Defense of the Compact.—In addition to all other  
609 powers and duties conferred by state law which are consistent

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610 with the terms and conditions of this Compact, the chief law  
611 enforcement officer of each Member State is empowered to defend  
612 the Compact from any legal challenge, as well as to seek civil  
613 mandatory and prohibitory injunctive relief to enforce this  
614 Compact, and shall take such action whenever the Compact is  
615 challenged or violated.

616 Section 4. Venue.—The exclusive venue for all actions in  
617 any way arising under this Compact shall be in the United States  
618 District Court for the Northern District of Texas or the courts  
619 of the State of Texas within the jurisdictional boundaries of  
620 the foregoing district court. Each Member State shall submit to  
621 the jurisdiction of said courts with respect to such actions.  
622 However, upon written request by the chief law enforcement  
623 officer of any Member State, the Commission may elect to waive  
624 this provision for the purpose of ensuring an action proceeds in  
625 the venue that allows for the most convenient and effective  
626 enforcement or defense of this Compact. Any such waiver shall be  
627 limited to the particular action to which it is applied and not  
628 construed or relied upon as a general waiver of this provision.  
629 The waiver decisions of the Commission under this provision  
630 shall be final and binding on each Member State.

631 Section 5. Effective Date.—The effective date of this  
632 Compact and any of its Articles is the latter of:

633 (a) The date of any event rendering the same effective  
634 according to its respective terms and conditions; or

635 (b) The earliest date otherwise permitted by law.

636 Section 6. Severability and Invalidity.—Article VIII of  
637 this Compact is hereby deemed nonseverable prior to termination  
638 of the Compact. However, if any other phrase, clause, sentence,

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639 or provision of this Compact, or the applicability of any other  
640 phrase, clause, sentence, or provision of this Compact to any  
641 government, agency, person, or circumstance, is declared in a  
642 final judgment to be contrary to the Constitution of the United  
643 States, contrary to the state constitution of any Member State,  
644 or is otherwise held invalid by a court of competent  
645 jurisdiction, such phrase, clause, sentence, or provision shall  
646 be severed and held for naught, and the validity of the  
647 remainder of this Compact and the applicability of the remainder  
648 of this Compact to any government, agency, person, or  
649 circumstance shall not be affected. Furthermore, if this Compact  
650 is declared in a final judgment by a court of competent  
651 jurisdiction to be entirely contrary to the state constitution  
652 of any Member State or otherwise entirely invalid as to any  
653 Member State, such Member State shall be deemed to have  
654 withdrawn from the Compact, and the Compact shall remain in full  
655 force and effect as to any remaining Member State. Finally, if  
656 this Compact is declared in a final judgment by a court of  
657 competent jurisdiction to be wholly or substantially in  
658 violation of Article I, Section 10, of the Constitution of the  
659 United States, then it shall be construed and enforced solely as  
660 reciprocal legislation enacted by the affected Member State(s).

661 Section 7. Termination.—This Compact shall terminate and be  
662 held for naught when the Compact is fully performed and the  
663 Constitution of the United States is amended by the Balanced  
664 Budget Amendment. However, notwithstanding anything to the  
665 contrary set forth in this Compact, in the event such amendment  
666 does not occur within 7 years after the first State passes  
667 legislation enacting, adopting, and agreeing to be bound to this

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668 Compact, the Compact shall terminate as follows:

669 (a) The Commission shall dissolve and wind up its  
670 operations within 90 days thereafter, with the Compact  
671 Administrator giving notice of such dissolution and the  
672 operative effect of this section to the Compact Notice  
673 Recipients; and

674 (b) Upon the completed dissolution of the Commission, this  
675 Compact shall be deemed terminated, repealed, void ab initio,  
676 and held for naught.

677 Section 2. This act shall take effect upon becoming a law.