

1 A bill to be entitled

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

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27 convention delegates; requiring an oath to be taken by
 28 delegates; specifying rules to govern procedures at
 29 the convention; specifying actions that are considered
 30 ultra vires; providing that the balanced budget
 31 amendment is not considered ratified until ratified by
 32 a specified number of states; providing for
 33 construction and enforcement of the compact; providing
 34 an effective date for the compact; authorizing
 35 severability of the compact under certain
 36 circumstances; providing for termination of the
 37 compact under certain conditions; providing an
 38 effective date.

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

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

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

48 ARTICLE I

49 DECLARATION OF POLICY, PURPOSE, AND INTENT

50 WHEREAS, every State enacting, adopting, and agreeing to be
 51 bound by this Compact intends to ensure that their respective
 52 Legislature's use of the power to originate a Balanced Budget

53 Amendment under Article V of the Constitution of the United
54 States will be exercised conveniently and with reasonable
55 certainty as to the consequences thereof.

56 NOW, THEREFORE, in consideration of their expressed mutual
57 promises and obligations, be it enacted by every State enacting,
58 adopting, and agreeing to be bound by this Compact, and resolved
59 by each of their respective Legislatures, as the case may be, to
60 exercise herewith all of their respective powers as set forth
61 herein, notwithstanding any law to the contrary.

62 ARTICLE II

63 DEFINITIONS

64 As used in this Compact, the term:

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

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

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

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

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

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

102 Section 7. "Balanced Budget Amendment" means the
 103 following:

104 "ARTICLE

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

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

116 "SECTION 3. From time to time, Congress may increase
117 authorized debt to an amount in excess of its initial amount set
118 by Section 2 only if it first publicly refers to the
119 legislatures of the several states an unconditional, single
120 subject measure proposing the amount of such increase, in such
121 form as provided by law, and the measure is thereafter publicly
122 and unconditionally approved by a simple majority of the
123 legislatures of the several states, in such form as provided
124 respectively by state law; provided that no inducement requiring
125 an expenditure or tax levy shall be demanded, offered, or
126 accepted as a quid pro quo for such approval. If such approval
127 is not obtained within 60 calendar days after referral, then the
128 measure shall be deemed disapproved and the authorized debt
129 shall thereby remain unchanged.

130 "SECTION 4. Whenever the outstanding debt exceeds 98

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

142 "SECTION 5. No bill that provides for a new or increased
143 general revenue tax shall become law unless approved by a two-
144 thirds roll call vote of the whole number of each House of
145 Congress. However, this requirement shall not apply to any bill
146 that provides for a new end user sales tax which would
147 completely replace every existing income tax levied by the
148 government of the United States; or for the reduction or
149 elimination of an exemption, deduction, or credit allowed under
150 an existing general revenue tax.

151 "SECTION 6. For purposes of this article, "debt" means any
152 obligation backed by the full faith and credit of the government
153 of the United States; "outstanding debt" means all debt held in
154 any account and by any entity at a given point in time;
155 "authorized debt" means the maximum total amount of debt that
156 may be lawfully issued and outstanding at any single point in

157 time under this article; "total outlays of the government of the
 158 United States" means all expenditures of the government of the
 159 United States from any source; "total receipts of the government
 160 of the United States" means all tax receipts and other income of
 161 the government of the United States, excluding proceeds from its
 162 issuance or incurrence of debt or any type of liability;
 163 "impoundment" means a proposal not to spend all or part of a sum
 164 of money appropriated by Congress; and "general revenue tax"
 165 means any income tax, sales tax, or value-added tax levied by
 166 the government of the United States excluding imposts and
 167 duties.

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

171 ARTICLE III

172 COMPACT MEMBERSHIP AND WITHDRAWAL

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

176 Section 2. By becoming a Member State, each such State
 177 offers, promises, and agrees to perform and comply strictly in
 178 accordance with the terms and conditions of this Compact, and
 179 has made such offer, promise, and agreement in anticipation and
 180 consideration of, and in substantial reliance upon, such mutual
 181 and reciprocal performance and compliance by each other current
 182 and future Member State, if any. Accordingly, in addition to

183 having the force of law in each Member State upon its respective
184 effective date, this Compact and each of its Articles shall also
185 be construed as contractually binding each Member State when:

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

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

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

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

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

206 (c) Any difference in Sections 1 and 2 of Article VI with
207 specific regard to the number and identity of each delegate
208 respectively appointed on behalf of the enacting State, provided

209 that no more than three delegates may attend and participate in
 210 the Convention on behalf of any State; or

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

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

231 ARTICLE IV

232 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

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

235 power and duty:

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

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

239 (c) To coordinate the performance of obligations under the
240 Compact;

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

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

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

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

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

259 Section 2. Commission Membership.—The Commission initially
260 consists of three unpaid members. Each Member State may appoint

261 one member to the Commission through an appointment process to
262 be determined by its respective chief executive officer until
263 all positions on the Commission are filled. Positions shall be
264 assigned to appointees in the order in which their respective
265 appointing States became Member States. The bylaws of the
266 Commission may expand its membership to include representatives
267 of additional Member States and to allow for modest salaries and
268 reimbursement of expenses if adequate funding exists.

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

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

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

283 Section 6. Compact Administrator.—The Compact
284 Administrator has the power and duty:

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

287 (b) To organize and direct the logistical operations of
288 the Convention;

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

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

293

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

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

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

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

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

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

336 (e) When any Article of this Compact prospectively
337 ratifying the Balanced Budget Amendment becomes effective in any
338 Member State, notice of the same shall be given together with a

339 statement declaring such ratification and further requesting
 340 cooperation in ensuring that the official record confirms and
 341 reflects the effective corresponding amendment to the
 342 Constitution of the United States.

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

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

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

360 ARTICLE V

361 RESOLUTION APPLYING FOR CONVENTION

362 Section 1. Be it resolved, as provided for in Article V of
 363 the Constitution of the United States, the Legislature of each
 364 Member State herewith applies to Congress for the calling of a

365 convention for proposing amendments limited to the subject
366 matter of proposing for ratification the Balanced Budget
367 Amendment.

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

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

373 ARTICLE VI

374 DELEGATE APPOINTMENT, LIMITATIONS, AND INSTRUCTIONS

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

378 Section 2. Identity of Delegates.—The then serving
379 President of the Senate, or his or her designee, and the then
380 serving Speaker of the House of Representatives, or his or her
381 designee, are appointed to represent Florida as its sole and
382 exclusive delegates.

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

390 Section 4. Oath.—The power and authority of a delegate

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

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

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

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

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

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

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

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

426 (b) The constitutional amendment is the Balanced Budget
427 Amendment.

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

439 Section 9. Order of Business.—Before introducing,
440 debating, voting upon, rejecting, or proposing for ratification
441 any constitutional amendment at the Convention, each delegate of
442 every Member State must first ensure the Convention Rules in

443 this Compact govern the Convention and its actions. Every
 444 delegate and each Member State must immediately vacate the
 445 Convention and notify the Compact Administrator by the most
 446 effective and expeditious means if the Convention Rules in this
 447 Compact are not adopted to govern the Convention and its
 448 actions.

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

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

460 ARTICLE VII

461 CONVENTION RULES

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

465 Section 2. Agenda of the Convention.—The agenda of the
 466 Convention shall be entirely focused upon and exclusively
 467 limited to introducing, debating, voting upon, and rejecting or
 468 proposing for ratification the Balanced Budget Amendment under

469 the Convention Rules specified in this Article and in accordance
470 with the Compact. It shall not be in order for the Convention to
471 consider any matter that is outside the scope of this agenda.

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

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

493 Section 5. Quorum.—A majority of the several States of the
494 United States, each present through its respective delegate in

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

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

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

521 the Compact Notice Recipients.

522 Section 8. Parliamentary Procedure.—In adopting, applying,
523 and formulating parliamentary procedure, the Convention shall
524 exclusively adopt, apply, or appropriately adapt provisions of
525 the most recent editions of Robert's Rules of Order and the
526 American Institute of Parliamentarians Standard Code of
527 Parliamentary Procedure. In adopting, applying, or adapting
528 parliamentary procedure, the Convention shall exclusively
529 consider analogous precedent arising within the jurisdiction of
530 the United States. Parliamentary procedures adopted, applied, or
531 adapted pursuant to this section shall not obstruct, override,
532 or otherwise conflict with this Compact.

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

543 Section 10. Transparency.—Records of the Convention,
544 including the identities of all attendees and detailed minutes
545 of all proceedings, shall be kept by the Chair of the Convention
546 or Secretary designated by the Convention. All proceedings and

547 records of the Convention shall be open to the public upon
 548 request subject to reasonable regulations adopted by the
 549 Convention that are closely tailored to preventing disruption of
 550 proceedings under this Article.

551 Section 11. Adjournment of the Convention.—The Convention
 552 shall permanently adjourn upon the earlier of twenty-four (24)
 553 hours after commencing proceedings under this Article or the
 554 completion of the business on its Agenda.

555 ARTICLE VIII

556 PROHIBITION ON ULTRA VIRES CONVENTION

557 Section 1. Member States shall not participate in the
 558 Convention unless:

559 (a) Congress first calls the Convention in accordance with
 560 this Compact; and

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

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

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

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

572 (c) Purports to propose or effectuate the formation of a

573 new government.

574

575 All Member States are prohibited from advancing or assisting in
 576 the advancement of any such proposal or action.

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

581 ARTICLE IX

582 RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED BUDGET AMENDMENT

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

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

591 ARTICLE X

592 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

593 Section 1. Construction of Compact.—To the extent that the
 594 effectiveness of this Compact or any of its Articles or
 595 provisions requires the alteration of local legislative rules,
 596 drafting policies, or procedures to be effective, the enactment
 597 of legislation enacting, adopting, and agreeing to be bound by
 598 this Compact shall be deemed to waive, repeal, supersede, or

599 otherwise amend and conform all such rules, policies, or
600 procedures to allow for the effectiveness of this Compact to the
601 fullest extent permitted by the constitution of any affected
602 Member State.

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

610 Section 3. Defense of the Compact.—In addition to all
611 other powers and duties conferred by state law which are
612 consistent with the terms and conditions of this Compact, the
613 chief law enforcement officer of each Member State is empowered
614 to defend the Compact from any legal challenge, as well as to
615 seek civil mandatory and prohibitory injunctive relief to
616 enforce this Compact, and shall take such action whenever the
617 Compact is challenged or violated.

618 Section 4 Venue.—The exclusive venue for all actions in
619 any way arising under this Compact shall be in the United States
620 District Court for the Northern District of Texas or the courts
621 of the State of Texas within the jurisdictional boundaries of
622 the foregoing district court. Each Member State shall submit to
623 the jurisdiction of said courts with respect to such actions.
624 However, upon written request by the chief law enforcement

625 officer of any Member State, the Commission may elect to waive
626 this provision for the purpose of ensuring an action proceeds in
627 the venue that allows for the most convenient and effective
628 enforcement or defense of this Compact. Any such waiver shall be
629 limited to the particular action to which it is applied and not
630 construed or relied upon as a general waiver of this provision.
631 The waiver decisions of the Commission under this provision
632 shall be final and binding on each Member State.

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

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

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

638 Section 6. Severability and Invalidity.—Article VIII of
639 this Compact is hereby deemed nonseverable prior to termination
640 of the Compact. However, if any other phrase, clause, sentence,
641 or provision of this Compact, or the applicability of any other
642 phrase, clause, sentence, or provision of this Compact to any
643 government, agency, person, or circumstance, is declared in a
644 final judgment to be contrary to the Constitution of the United
645 States, contrary to the state constitution of any Member State,
646 or is otherwise held invalid by a court of competent
647 jurisdiction, such phrase, clause, sentence, or provision shall
648 be severed and held for naught, and the validity of the
649 remainder of this Compact and the applicability of the remainder
650 of this Compact to any government, agency, person, or

651 circumstance shall not be affected. Furthermore, if this Compact
652 is declared in a final judgment by a court of competent
653 jurisdiction to be entirely contrary to the state constitution
654 of any Member State or otherwise entirely invalid as to any
655 Member State, such Member State shall be deemed to have
656 withdrawn from the Compact, and the Compact shall remain in full
657 force and effect as to any remaining Member State. Finally, if
658 this Compact is declared in a final judgment by a court of
659 competent jurisdiction to be wholly or substantially in
660 violation of Article I, Section 10, of the Constitution of the
661 United States, then it shall be construed and enforced solely as
662 reciprocal legislation enacted by the affected Member State(s).

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

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

676 (b) Upon the completed dissolution of the Commission, this

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677 | Compact shall be deemed terminated, repealed, void ab initio,
678 | and held for naught.

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