

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 547

By: Griffin

4  
5 AS INTRODUCED

6 An Act relating to a balanced budget amendment to the  
7 United States Constitution; providing for enactment,  
8 adoption and agreement to be bound by Compact for a  
9 Balanced Budget Amendment; providing for exercise of  
10 certain powers; defining terms; setting forth text of  
11 amendment; providing for compact membership and  
12 withdrawal; establishing Compact Commission;  
13 providing for membership and Administrator; providing  
14 for procedures and funding; requiring certain  
15 notices; providing for cooperation among member  
16 states; providing for taking effect of provisions;  
17 making application to Congress for calling of  
18 convention; setting forth procedures, term and  
19 authority relating to convention delegates; requiring  
20 oath; providing for convention rules and procedures;  
21 setting forth conditions under which member states  
22 may participate in convention; providing that  
23 proposal or action of convention void under certain  
24 circumstances; prohibiting ratification or approval  
of amendment other than balanced budget amendment;  
providing for prospective ratification of amendment;  
providing for construction, enforcement and venue;  
providing effective date; providing for severability  
and nonseverability; providing for termination; and  
providing codification.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 26.43 of Title 75, unless there  
24 is created a duplication in numbering, reads as follows:

1 A. The State of Oklahoma hereby enacts, adopts and agrees to be  
2 bound by the Compact for a Balanced Budget set forth in Section 2 of  
3 this act and resolves to exercise its powers as set forth in the  
4 Compact for a Balanced Budget notwithstanding any law to the  
5 contrary.

6 B. The provisions of Sections 26.41 and 26.42 of Title 75 of  
7 the Oklahoma Statutes shall not be applicable to the Compact for a  
8 Balanced Budget.

9 SECTION 2. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 26.44 of Title 75, unless there  
11 is created a duplication in numbering, reads as follows:

12 ARTICLE I

13 DECLARATION OF POLICY, PURPOSE AND INTENT

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

20 Now, therefore, in consideration of their expressed mutual  
21 promises and obligations, be it enacted by every State enacting,  
22 adopting and agreeing to be bound by this Compact, and resolved by  
23 each of their respective Legislatures, as the case may be, to  
24

1 exercise herewith all of their respective powers as set forth herein  
2 notwithstanding any law to the contrary.

3 ARTICLE II

4 DEFINITIONS

5 Section 1. "Compact" means this "Compact for a Balanced  
6 Budget."

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

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

24

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

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

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

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

19 "Article \_\_

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

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

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

20       Section 4. Whenever the outstanding debt exceeds 98 percent of  
21 the debt limit set by Section 2, the President shall enforce said  
22 limit by publicly designating specific expenditures for impoundment  
23 in an amount sufficient to ensure outstanding debt shall not exceed  
24 the authorized debt. Said impoundment shall become effective thirty

1 (30) days thereafter, unless Congress first designates an alternate  
2 impoundment of the same or greater amount by concurrent resolution,  
3 which shall become immediately effective. The failure of the  
4 President to designate or enforce the required impoundment is an  
5 impeachable misdemeanor. Any purported issuance or incurrence of  
6 any debt in excess of the debt limit set by Section 2 is void.

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

15 Section 6. For purposes of this article, "debt" means any  
16 obligation backed by the full faith and credit of the government of  
17 the United States; "outstanding debt" means all debt held in any  
18 account and by any entity at a given point in time; "authorized  
19 debt" means the maximum total amount of debt that may be lawfully  
20 issued and outstanding at any single point in time under this  
21 article; "total outlays of the government of the United States"  
22 means all expenditures of the government of the United States from  
23 any source; "total receipts of the government of the United States"  
24 means all tax receipts and other income of the government of the

1 United States, excluding proceeds from its issuance or incurrence of  
2 debt or any type of liability; "impoundment" means a proposal not to  
3 spend all or part of a sum of money appropriated by Congress; and  
4 "general revenue tax" means any income tax, sales tax, or value-  
5 added tax levied by the government of the United States excluding  
6 imposts and duties.

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

### 10 ARTICLE III

#### 11 COMPACT MEMBERSHIP AND WITHDRAWAL

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

15 Section 2. By becoming a Member State, each such State offers,  
16 promises and agrees to perform and comply strictly in accordance  
17 with the terms and conditions of this Compact, and has made such  
18 offer, promise and agreement in anticipation and consideration of,  
19 and in substantial reliance upon, such mutual and reciprocal  
20 performance and compliance by each other current and future Member  
21 State, if any. Accordingly, in addition to having the force of law  
22 in each Member State upon its respective effective date, this  
23 Compact and each of its Articles shall also be construed as  
24 contractually binding each Member State when: (a) at least one

1 other State has likewise become a Member State by enacting  
2 substantively identical legislation adopting and agreeing to be  
3 bound by this Compact; and (b) notice of such State's Member State  
4 status is or has been seasonably received by the Compact  
5 Administrator, if any, or otherwise by the chief executive officer  
6 of each other Member State.

7 Section 3. For purposes of determining Member State status  
8 under this Compact, as long as all other provisions of the Compact  
9 remain identical and operative on the same terms, legislation  
10 enacting, adopting and agreeing to be bound by this Compact shall be  
11 deemed and regarded as "substantively identical" with respect to  
12 such other legislation enacted by another State notwithstanding:  
13 (a) any difference in section 2 of Article IV with specific regard  
14 to the respectively enacting State's own method of appointing its  
15 member to the Commission; (b) any difference in section 5 of Article  
16 IV with specific regard to the respectively enacting State's own  
17 obligation to fund the Commission; (c) any difference in sections 1  
18 and 2 of Article VI with specific regard to the number and identity  
19 of each delegate respectively appointed on behalf of the enacting  
20 State, provided that no more than three delegates may attend and  
21 participate in the Convention on behalf of any State; or (d) any  
22 difference in section 7 of Article X with specific regard to the  
23 respectively enacting State as to whether section 1 of Article V of  
24 this Compact shall survive termination of the Compact, and



1 thereafter become a continuing resolution of the Legislature of such  
2 State applying to Congress for the calling of a convention of the  
3 states under Article V of the Constitution of the United States,  
4 under such terms and limitations as may be specified by such State.

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

#### 16 ARTICLE IV

##### 17 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

18 Section 1. Nature of the Compact Commission. The Compact  
19 Commission ("Commission") is hereby established. It has the power  
20 and duty: (a) to appoint and oversee a Compact Administrator; (b)  
21 to encourage States to join the Compact and Congress to call the  
22 Convention in accordance with this Compact; (c) to coordinate the  
23 performance of obligations under the Compact; (d) to oversee the  
24 Convention's logistical operations as appropriate to ensure this

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

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

23 Section 3. Commission Action. Each Commission member is  
24 entitled to one vote. The Commission shall not act unless a

1 majority of its appointed membership is present, and no action shall  
2 be binding unless approved by a majority of the Commission's  
3 appointed membership. The Commission shall meet at least once a  
4 year, and may meet more frequently.

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

9 Section 5. Funding. The Commission and the Compact  
10 Administrator's activities shall be funded exclusively by each  
11 Member State, as determined by their respective state law, or by  
12 voluntary donations.

13 Section 6. Compact Administrator. The Compact Administrator  
14 has the power and duty: (a) to timely notify the States of the  
15 date, time and location of the Convention; (b) to organize and  
16 direct the logistical operations of the Convention; (c) to maintain  
17 an accurate list of all Member States, their appointed delegates,  
18 including contact information; and (d) to formulate, transmit, and  
19 maintain all official notices, records, and communications relating  
20 to this Compact. The Compact Administrator shall only have such  
21 implied powers as are essential to carrying out these express powers  
22 and duties; and shall take no action that contravenes or is  
23 inconsistent with this Compact or any law of any State that is not  
24 superseded by this Compact. The Compact Administrator serves at the

1 pleasure of the Commission and must keep the Commission seasonably  
2 apprised of the performance or nonperformance of the terms and  
3 conditions of this Compact. Any notice sent by a Member State to  
4 the Compact Administrator concerning this Compact shall be adequate  
5 notice to each other Member State provided that a copy of said  
6 notice is seasonably delivered by the Compact Administrator to each  
7 other Member State's respective chief executive officer.

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

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

24

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

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

9 ARTICLE V

10 RESOLUTION APPLYING FOR CONVENTION

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

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

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

21 ARTICLE VI

22 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS  
23  
24

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

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

9 Section 3. Replacement or Recall of Delegates. A delegate  
10 appointed hereunder may be replaced or recalled by the Legislature  
11 of his or her respective State at any time for good cause, such as  
12 criminal misconduct or the violation of this Compact. If replaced  
13 or recalled, any delegate previously appointed hereunder must  
14 immediately vacate the Convention and return to their respective  
15 State's capitol.

16 Section 4. Oath. The power and authority of a delegate under this  
17 Article may only be exercised after the Convention is first called  
18 by Congress in accordance with this Compact and such appointment is  
19 duly accepted by such appointee publicly taking the following oath  
20 or affirmation: "I do solemnly swear (or affirm) that I accept this  
21 appointment and will act strictly in accordance with the terms and  
22 conditions of the Compact for a Balanced Budget, the Constitution of  
23 the State I represent, and the Constitution of the United States. I  
24 understand that violating this oath (or affirmation) forfeits my

1 appointment and may subject me to other penalties as provided by  
2 law."

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

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

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

24



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

11       Section 9. Order of Business. Before introducing, debating,  
12 voting upon, rejecting or proposing for ratification any  
13 constitutional amendment at the Convention, each delegate of every  
14 Member State must first ensure the Convention Rules in this Compact  
15 govern the Convention and their actions. Every delegate and each  
16 Member State must immediately vacate the Convention and notify the  
17 Compact Administrator by the most effective and expeditious means if  
18 the Convention Rules in this Compact are not adopted to govern the  
19 Convention and their actions.

20       Section 10. Forfeiture of Appointment. If any Member State or  
21 delegate violates any provision of this Compact, then every delegate  
22 of that Member State immediately forfeits his or her appointment,  
23 and shall immediately cease participation at the Convention, vacate  
24 the Convention, and return to his or her respective State's capitol.

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

6 ARTICLE VII

7 CONVENTION RULES

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

11 Section 2. Agenda of the Convention. The agenda of the  
12 Convention shall be entirely focused upon and exclusively limited to  
13 introducing, debating, voting upon, and rejecting or proposing for  
14 ratification the Balanced Budget Amendment under the Convention  
15 Rules specified in this Article and in accordance with the Compact.  
16 It shall not be in order for the Convention to consider any matter  
17 that is outside the scope of this agenda.

18 Section 3. Delegate Identity and Procedure. States shall be  
19 represented at the Convention through duly appointed delegates. The  
20 number, identity and authority of delegates assigned to each State  
21 shall be determined by this Compact in the case of Member States or,  
22 in the case of States that are not Member States, by their  
23 respective state laws. However, to prevent disruption of  
24 proceedings, no more than three delegates may attend and participate

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

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

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

19 Section 6. Action by the Convention. The Convention shall only  
20 act as a committee of the whole, chaired by the delegate  
21 representing the first State to have become a Member State, if that  
22 State is represented by one delegate, or otherwise by the delegate  
23 chosen by the majority vote of that State's respective delegates.  
24 The transaction of any business on behalf of the Convention,

1 including the designation of a Secretary, the adoption of  
2 parliamentary procedures and the rejection or proposal of any  
3 constitutional amendment, requires a quorum to be present and a  
4 majority affirmative vote of those States constituting the quorum.

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

15 Section 8. Parliamentary Procedure. In adopting, applying and  
16 formulating parliamentary procedure, the Convention shall  
17 exclusively adopt, apply or appropriately adapt provisions of the  
18 most recent editions of Robert's Rules of Order and the American  
19 Institute of Parliamentarians Standard Code of Parliamentary  
20 Procedure. In adopting, applying or adapting parliamentary  
21 procedure, the Convention shall exclusively consider analogous  
22 precedent arising within the jurisdiction of the United States.  
23 Parliamentary procedures adopted, applied or adapted pursuant to  
24

1 this section shall not obstruct, override or otherwise conflict with  
2 this Compact.

3 Section 9. Transmittal. Upon approval of the Balanced Budget  
4 Amendment by the Convention to propose for ratification, the Chair  
5 of the Convention shall immediately transmit certified copies of  
6 such approved proposed amendment to the Compact Administrator and  
7 all Compact Notice Recipients, notifying them respectively of such  
8 approval and requesting Congress to refer the same for ratification  
9 by the States under Article V of the Constitution of the United  
10 States. However, in no event shall any proposed amendment other  
11 than the Balanced Budget Amendment be transmitted as aforesaid.

12 Section 10. Transparency. Records of the Convention, including  
13 the identities of all attendees and detailed minutes of all  
14 proceedings, shall be kept by the Chair of the Convention or  
15 Secretary designated by the Convention. All proceedings and records  
16 of the Convention shall be open to the public upon request subject  
17 to reasonable regulations adopted by the Convention that are closely  
18 tailored to preventing disruption of proceedings under this Article.

19 Section 11. Adjournment of the Convention. The Convention  
20 shall permanently adjourn upon the earlier of twenty-four (24) hours  
21 after commencing proceedings under this Article or the completion of  
22 the business on its Agenda.

23 ARTICLE VIII

24 PROHIBITION ON ULTRA VIRES CONVENTION

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

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

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

21 ARTICLE IX

22 RESOLUTION PROSPECTIVELY RATIFYING THE

23 BALANCED BUDGET AMENDMENT

24

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

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

8 ARTICLE X

9 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

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

19 Section 2. Date and Location of the Convention. Unless  
20 otherwise specified by Congress in its call, the Convention shall be  
21 held in Dallas, Texas, and commence proceedings at 9:00 a.m. Central  
22 Standard Time on the sixth Wednesday after the latter of the  
23 effective date of Article V of this Compact or the enactment date of  
24 the Congressional resolution calling the Convention.

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

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

22       Section 5. The effective date of this Compact and any of its  
23 Articles is the latter of: (a) the date of any event rendering the  
24



1 same effective according to its respective terms and conditions; or  
2 (b) the earliest date otherwise permitted by law.

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

24

1 then it shall be construed and enforced solely as reciprocal  
2 legislation enacted by the affected Member State(s).

3 Section 7. Termination. This Compact shall terminate and be  
4 held for naught when the Compact is fully performed and the  
5 Constitution of the United States is amended by the Balanced Budget  
6 Amendment. However, notwithstanding anything to the contrary set  
7 forth in this Compact, in the event such amendment does not occur  
8 within seven (7) years after the first State passes legislation  
9 enacting, adopting and agreeing to be bound to this Compact, the  
10 Compact shall terminate as follows: (a) the Commission shall  
11 dissolve and wind up its operations within ninety (90) days  
12 thereafter, with the Compact Administrator giving notice of such  
13 dissolution and the operative effect of this section to the Compact  
14 Notice Recipients; and (b) upon the completed dissolution of the  
15 Commission, this Compact shall be deemed terminated, repealed, void  
16 ab initio, and held for naught.

17

18 55-1-1004 CD 1/22/2015 2:03:55 PM

19

20

21

22

23

24