

SENATE BILL NO. 102

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR HUGHES

Introduced: 3/10/21

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Compact for a Balanced Budget."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 44.99.610 is amended to read:

4 **Sec. 44.99.610. Compact terms.** The terms and provisions of the compact
5 referred to in AS 44.99.600 are as follows:

6 COMPACT FOR A BALANCED BUDGET

7 ARTICLE I

8 DECLARATION OF POLICY, PURPOSE AND INTENT

9 Whereas, every State enacting, adopting and agreeing to be bound by this
10 Compact intends to ensure that their respective Legislature's use of the power to
11 originate a Balanced Budget Amendment under Article V of the Constitution of the
12 United States will be exercised conveniently and with reasonable certainty as to the
13 consequences thereof.

14 Now, therefore, in consideration of their expressed mutual promises and
15 obligations, be it enacted by every State enacting, adopting and agreeing to be bound

1 by this Compact, and resolved by each of their respective Legislatures, as the case
 2 may be, to exercise herewith all of their respective powers as set forth herein
 3 notwithstanding any law to the contrary.

4 ARTICLE II

5 DEFINITIONS

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

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

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

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

25 Section 5. "Compact Notice Recipients" means the Archivist of the United
 26 States, the President of the United States, the President of the United States Senate, the
 27 Office of the Secretary of the United States Senate, the Speaker of the United States
 28 House of Representatives, the Office of the Clerk of the United States House of
 29 Representatives, the chief executive officer of each State, and the presiding officer(s)
 30 of each house of the Legislatures of the several States.

31 Section 6. Notice. All notices required by this Compact shall be by U.S.

1 Certified Mail, return receipt requested, or an equivalent or superior form of notice,
2 such as personal delivery documented by evidence of actual receipt.

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

4 "Article _____

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

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

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

24 Section 4. Whenever the outstanding debt exceeds 98 percent of the debt limit
25 set by Section 2, the President shall enforce said limit by publicly designating specific
26 expenditures for impoundment in an amount sufficient to ensure outstanding debt shall
27 not exceed the authorized debt. Said impoundment shall become effective thirty (30)
28 days thereafter, unless Congress first designates an alternate impoundment of the same
29 or greater amount by concurrent resolution, which shall become immediately
30 effective. The failure of the President to designate or enforce the required
31 impoundment is an impeachable misdemeanor. Any purported issuance or incurrence

1 of any debt in excess of the debt limit set by Section 2 is void.

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

9 Section 6. For purposes of this article, "debt" means any obligation backed by
10 the full faith and credit of the government of the United States; "outstanding debt"
11 means all debt held in any account and by any entity at a given point in time;
12 "authorized debt" means the maximum total amount of debt that may be lawfully
13 issued and outstanding at any single point in time under this article; "total outlays of
14 the government of the United States" means all expenditures of the government of the
15 United States from any source; "total receipts of the government of the United States"
16 means all tax receipts and other income of the government of the United States,
17 excluding proceeds from its issuance or incurrence of debt or any type of liability;
18 "impoundment" means a proposal not to spend all or part of a sum of money
19 appropriated by Congress; and "general revenue tax" means any income tax, sales tax,
20 or value-added tax levied by the government of the United States excluding imposts
21 and duties.

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

24 ARTICLE III

25 COMPACT MEMBERSHIP AND WITHDRAWAL

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

29 Section 2. By becoming a Member State, each such State offers, promises and
30 agrees to perform and comply strictly in accordance with the terms and conditions of
31 this Compact, and has made such offer, promise and agreement in anticipation and

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

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

29 Section 4. When fewer than three-fourths of the States are Member States, any
30 Member State may withdraw from this Compact by enacting appropriate legislation,
31 as determined by state law, and giving notice of such withdrawal to the Compact

1 Administrator, if any, or otherwise to the chief executive officer of each other Member
2 State. A withdrawal shall not affect the validity or applicability of the compact with
3 respect to remaining Member States, provided that there remain at least two such
4 States. However, once at least three-fourths of the States are Member States, then no
5 Member State may withdraw from the Compact prior to its termination absent
6 unanimous consent of all Member States.

7 ARTICLE IV

8 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

9 Section 1. Nature of the Compact Commission. The Compact Commission
10 ("Commission") is hereby established. It has the power and duty: (a) to appoint and
11 oversee a Compact Administrator; (b) to encourage States to join the Compact and
12 Congress to call the Convention in accordance with this Compact; (c) to coordinate the
13 performance of obligations under the Compact; (d) to oversee the Convention's
14 logistical operations as appropriate to ensure this Compact governs its proceedings; (e)
15 to oversee the defense and enforcement of the Compact in appropriate legal venues; (f)
16 to request funds and to disburse those funds to support the operations of the
17 Commission, Compact Administrator, and Convention; and (g) to cooperate with any
18 entity that shares a common interest with the Commission and engages in policy
19 research, public interest litigation or lobbying in support of the purposes of the
20 Compact. The Commission shall only have such implied powers as are essential to
21 carrying out these express powers and duties. It shall take no action that contravenes
22 or is inconsistent with this Compact or any law of any State that is not superseded by
23 this Compact. It may adopt and publish corresponding bylaws and policies.

24 Section 2. Commission Membership. The Commission initially consists of
25 three unpaid members. Each Member State may appoint one member to the
26 Commission through an appointment process to be determined by their respective
27 chief executive officer until all positions on the Commission are filled. Positions shall
28 be assigned to appointees in the order in which their respective appointing States
29 became Member States. The bylaws of the Commission may expand its membership
30 to include representatives of additional Member States and to allow for modest
31 salaries and reimbursement of expenses if adequate funding exists.

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

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

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

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

27 Section 7. Notice of Key Events. Upon the occurrence of each of the following
28 described events, or otherwise as soon as possible, the Compact Administrator shall
29 immediately send the following notices to all Compact Notice Recipients, together
30 with certified conforming copies of the chaptered version of this Compact as
31 maintained in the statutes of each Member State: (a) whenever any State becomes a

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

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

1 the enforcement of this Compact.

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

4 ARTICLE V

5 RESOLUTION APPLYING FOR CONVENTION

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

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

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

15 ARTICLE VI

16 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

17 Section 1. Number of Delegates. Each Member State shall be entitled to **three**
18 **delegates to represent its sovereign interests** [ONE DELEGATE AS ITS SOLE
19 AND EXCLUSIVE REPRESENTATIVE] at the Convention [AS SET FORTH IN
20 THIS ARTICLE].

21 Section 2. Identity of Delegates. **The Governor, Speaker of the House of**
22 **Representatives, and President of the Senate of this Member State who hold**
23 **office at the time of the Convention, or their respective designee, as identified in a**
24 **sworn affidavit executed by such officer, are each appointed in an individual**
25 **capacity to represent this Member State at the Convention as its sole and**
26 **exclusive delegates. A majority vote of this delegation shall serve to decide any**
27 **issue at the Convention on behalf of this Member State** [EACH MEMBER
28 STATE'S CHIEF EXECUTIVE OFFICER, WHO IS SERVING ON THE
29 ENACTMENT DATE OF THIS COMPACT, IS APPOINTED IN AN INDIVIDUAL
30 CAPACITY TO REPRESENT HIS OR HER RESPECTIVE STATE AT THE
31 CONVENTION AS ITS SOLE AND EXCLUSIVE DELEGATE].

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

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

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

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

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

31 Section 8. Delegate Authority. The power and authority of any delegate at the

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

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

15 Section 10. Forfeiture of Appointment. If any Member State or delegate
 16 violates any provision of this Compact, then every delegate of that Member State
 17 immediately forfeits his or her appointment, and shall immediately cease participation
 18 at the Convention, vacate the Convention, and return to his or her respective State's
 19 capitol.

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

24 ARTICLE VII

25 CONVENTION RULES

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

29 Section 2. Agenda of the Convention. The agenda of the Convention shall be
 30 entirely focused upon and exclusively limited to introducing, debating, voting upon,
 31 and rejecting or proposing for ratification the Balanced Budget Amendment under the

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

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

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

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

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

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

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

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

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

31 Section 11. Adjournment of the Convention. The Convention shall

1 permanently adjourn upon the earlier of twenty-four (24) hours after commencing

2 ARTICLE VIII

3 PROHIBITION ON ULTRA VIRES CONVENTION

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

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

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

20 ARTICLE IX

21 RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED BUDGET

22 AMENDMENT

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

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

29 ARTICLE X

30 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

31 Section 1. To the extent that the effectiveness of this Compact or any of its

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

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

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

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

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

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

19 Section 7. Termination. This Compact shall terminate and be held for naught
20 when the Compact is fully performed and the Constitution of the United States is
21 amended by the Balanced Budget Amendment. However, notwithstanding anything to
22 the contrary set forth in this Compact, in the event such amendment does not occur **on**
23 **or before April 12, 2031** [WITHIN SEVEN (7) YEARS AFTER THE FIRST
24 STATE PASSES LEGISLATION ENACTING, ADOPTING AND AGREEING TO
25 BE BOUND TO THIS COMPACT], the Compact shall terminate as follows: (a) the
26 Commission shall dissolve and wind up its operations within ninety (90) days
27 thereafter, with the Compact Administrator giving notice of such dissolution and the
28 operative effect of this section to the Compact Notice Recipients; and (b) upon the
29 completed dissolution of the Commission, this Compact shall be deemed terminated,
30 repealed, void ab initio, and held for naught.