

HOUSE BILL NO. 284

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KELLER, Lynn, Isaacson, Hughes

Introduced: 1/29/14

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an interstate compact on a balanced federal budget."**

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

3 *** Section 1.** AS 44.99 is amended by adding new sections to read:

4 **Article 6. Compact for a Balanced Budget.**

5 **Sec. 44.99.600. Entry into agreement.** The Compact for a Balanced Budget is
6 hereby enacted into law and entered into with all jurisdictions legally joining it in a
7 form substantially as contained in AS 44.99.610.

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

10 **COMPACT FOR A BALANCED BUDGET**

11 **ARTICLE I**

12 **DECLARATION OF POLICY, PURPOSE AND INTENT**

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

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

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

8 ARTICLE II 9 DEFINITIONS

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

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

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

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

29 Section 5. "Compact Notice Recipients" means the Archivist of the United
30 States, the President of the United States, the President of the United States Senate, the
31 Office of the Secretary of the United States Senate, the Speaker of the United States

1 House of Representatives, the Office of the Clerk of the United States House of
 2 Representatives, the chief executive officer of each State, and the presiding officer(s)
 3 of each house of the Legislatures of the several States.

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

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

8 "Article ____

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

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

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

28 Section 4. Whenever the outstanding debt exceeds 98 percent of the debt limit
 29 set by Section 2, the President shall enforce said limit by publicly designating specific
 30 expenditures for impoundment in an amount sufficient to ensure outstanding debt shall
 31 not exceed the authorized debt. Said impoundment shall become effective thirty (30)

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

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

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

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

28 ARTICLE III

29 COMPACT MEMBERSHIP AND WITHDRAWAL

30 Section 1. This Compact governs each Member State to the fullest extent
 31 permitted by their respective constitutions, superseding and repealing any conflicting

1 or contrary law.

2 Section 2. By becoming a Member State, each such State offers, promises and
3 agrees to perform and comply strictly in accordance with the terms and conditions of
4 this Compact, and has made such offer, promise and agreement in anticipation and
5 consideration of, and in substantial reliance upon, such mutual and reciprocal
6 performance and compliance by each other current and future Member State, if any.
7 Accordingly, in addition to having the force of law in each Member State upon its
8 respective effective date, this Compact and each of its Articles shall also be construed
9 as contractually binding each Member State when: (a) at least one other State has
10 likewise become a Member State by enacting substantively identical legislation
11 adopting and agreeing to be bound by this Compact; and (b) notice of such State's
12 Member State status is or has been seasonably received by the Compact
13 Administrator, if any, or otherwise by the chief executive officer of each other
14 Member State.

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

1 specified by such State.

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

11 ARTICLE IV

12 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

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

28 Section 2. Commission Membership. The Commission initially consists of
29 three unpaid members. Each Member State may appoint one member to the
30 Commission through an appointment process to be determined by their respective
31 chief executive officer until all positions on the Commission are filled. Positions shall

1 be assigned to appointees in the order in which their respective appointing States
2 became Member States. The bylaws of the Commission may expand its membership
3 to include representatives of additional Member States and to allow for modest
4 salaries and reimbursement of expenses if adequate funding exists.

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

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

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

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

31 Section 7. Notice of Key Events. Upon the occurrence of each of the following

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

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

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

ARTICLE V

RESOLUTION APPLYING FOR CONVENTION

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

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

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

ARTICLE VI

DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

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

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

Section 3. Replacement or Recall of Delegates. A delegate appointed hereunder may be replaced or recalled by the Legislature of his or her respective State at any time for good cause, such as criminal misconduct or the violation of this Compact. If replaced or recalled, any delegate previously appointed hereunder must

1 immediately vacate the Convention and return to delegate's respective State's capitol.

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

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

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

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

27 Section 8. Delegate Authority. The power and authority of any delegate at the
28 Convention does not include any power or authority associated with any other public
29 office held by the delegate. Any person appointed to serve as a delegate shall take a
30 temporary leave of absence, or otherwise shall be deemed temporarily disabled, from
31 any other public office held by the delegate while attending the Convention, and may

1 not exercise any power or authority associated with any other public office held by the
2 delegate while attending the Convention. All actions taken by any delegate in violation
3 of this section are void ab initio.

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

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

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

20 ARTICLE VII

21 CONVENTION RULES

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

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

31 Section 3. Delegate Identity and Procedure. States shall be represented at the

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

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

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

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

28 Section 7. Emergency Suspension and Relocation of the Convention. In the
 29 event that the Chair of the Convention declares an emergency due to disorder or an
 30 imminent threat to public health and safety prior to the completion of the business on
 31 the Agenda, and a majority of the States present at the Convention do not object to

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

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

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

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

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

30 ARTICLE VIII

31 PROHIBITION ON ULTRA VIRES CONVENTION

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

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

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

17 ARTICLE IX

18 RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED BUDGET 19 AMENDMENT

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

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

26 ARTICLE X

27 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

28 Section 1. To the extent that the effectiveness of this Compact or any of its
 29 Articles or provisions requires the alteration of local legislative rules, drafting policies,
 30 or procedure to be effective, the enactment of legislation enacting, adopting and
 31 agreeing to be bound by this Compact shall be deemed to waive, repeal, supersede, or

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

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

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

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

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

29 Section 6. Article VIII of this Compact is hereby deemed non-severable prior
30 to termination of the Compact. However, if any other phrase, clause, sentence or
31 provision of this Compact, or the applicability of any other phrase, clause, sentence or

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

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

27 * Sec. 2. The uncoded law of the State of Alaska is amended by adding a new section to
 28 read:

29 REVISOR'S INSTRUCTION. Notwithstanding AS 01.05.031(c), the revisor of
 30 statutes is instructed not to edit or revise the text of the compact in AS 44.99.610, enacted by
 31 sec. 1 of this Act, so as to avoid the use of pronouns denoting masculine or feminine gender.