

As Introduced

131st General Assembly

Regular Session

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H. B. No. 369

Representatives Koehler, Hambley

Cosponsors: Representatives Maag, Boose, Thompson, Romanchuk

A BILL

To enact section 2.01 of the Revised Code to adopt 1
the Compact for a Balanced Budget and to declare 2
an emergency. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2.01 of the Revised Code be 4
enacted to read as follows: 5

Sec. 2.01. The State of Ohio enacts, adopts and agrees to 6
be bound by the following compact: 7

COMPACT FOR A BALANCED BUDGET 8

ARTICLE I. DECLARATION OF POLICY, PURPOSE AND INTENT 9

Whereas, every State enacting, adopting and agreeing to be 10
bound by this Compact intends to ensure that their respective 11
Legislature's use of the power to originate a Balanced Budget 12
Amendment under Article V of the Constitution of the United 13
States will be exercised conveniently and with reasonable 14
certainty as to the consequences thereof. 15

Now, therefore, in consideration of their expressed mutual 16
promises and obligations, be it enacted by every State enacting, 17

adopting and agreeing to be bound by this Compact, and resolved 18
by each of their respective Legislatures, as the case may be, to 19
exercise herewith all of their respective powers as set forth 20
herein notwithstanding any law to the contrary. 21

ARTICLE II. DEFINITIONS 22

Section 1. "Compact" means this "Compact for a Balanced 23
Budget." 24

Section 2. "Convention" means the convention for proposing 25
amendments organized by this Compact under Article V of the 26
Constitution of the United States and, where contextually 27
appropriate to ensure the terms of this Compact are not evaded, 28
any other similar gathering or body, which might be organized as 29
a consequence of Congress receiving the application set out in 30
this Compact and claim authority to propose or effectuate any 31
amendment, alteration or revision to the Constitution of the 32
United States. This term does not encompass a convention for 33
proposing amendments under Article V of the Constitution of the 34
United States that is organized independently of this Compact 35
based on the separate and distinct application of any State. 36

Section 3. "State" means one of the several States of the 37
United States. Where contextually appropriate, the term "State" 38
shall be construed to include all of its branches, departments, 39
agencies, political subdivisions, and officers and 40
representatives acting in their official capacity. 41

Section 4. "Member State" means a State that has enacted, 42
adopted and agreed to be bound to this Compact. For any State to 43
qualify as a Member State with respect to any other State under 44
this Compact, each such State must have enacted, adopted and 45
agreed to be bound by substantively identical compact 46

legislation. 47

Section 5. "Compact Notice Recipients" means the Archivist 48
of the United States, the President of the United States, the 49
President of the United States Senate, the Office of the 50
Secretary of the United States Senate, the Speaker of the United 51
States House of Representatives, the Office of the Clerk of the 52
United States House of Representatives, the chief executive 53
officer of each State, and the presiding officer(s) of each 54
house of the Legislatures of the several States. 55

Section 6. Notice. All notices required by this Compact 56
shall be by U.S. Certified Mail, return receipt requested, or an 57
equivalent or superior form of notice, such as personal delivery 58
documented by evidence of actual receipt. 59

Section 7. "Balanced Budget Amendment" means the 60
following: 61

"Article 62

Section 1. Total outlays of the government of the United 63
States shall not exceed total receipts of the government of the 64
United States at any point in time unless the excess of outlays 65
over receipts is financed exclusively by debt issued in strict 66
conformity with this article. 67

Section 2. Outstanding debt shall not exceed authorized 68
debt, which initially shall be an amount equal to 105 percent of 69
the outstanding debt on the effective date of this article. 70
Authorized debt shall not be increased above its aforesaid 71
initial amount unless such increase is first approved by the 72
legislatures of the several states as provided in Section 3. 73

Section 3. From time to time, Congress may increase 74
authorized debt to an amount in excess of its initial amount set 75

by Section 2 only if it first publicly refers to the 76
legislatures of the several states an unconditional, single 77
subject measure proposing the amount of such increase, in such 78
form as provided by law, and the measure is thereafter publicly 79
and unconditionally approved by a simple majority of the 80
legislatures of the several states, in such form as provided 81
respectively by state law; provided that no inducement requiring 82
an expenditure or tax levy shall be demanded, offered or 83
accepted as a quid pro quo for such approval. If such approval 84
is not obtained within sixty (60) calendar days after referral 85
then the measure shall be deemed disapproved and the authorized 86
debt shall thereby remain unchanged. 87

Section 4. Whenever the outstanding debt exceeds 98 88
percent of the debt limit set by Section 2, the President shall 89
enforce said limit by publicly designating specific expenditures 90
for impoundment in an amount sufficient to ensure outstanding 91
debt shall not exceed the authorized debt. Said impoundment 92
shall become effective thirty (30) days thereafter, unless 93
Congress first designates an alternate impoundment of the same 94
or greater amount by concurrent resolution, which shall become 95
immediately effective. The failure of the President to designate 96
or enforce the required impoundment is an impeachable 97
misdemeanor. Any purported issuance or incurrence of any debt in 98
excess of the debt limit set by Section 2 is void. 99

Section 5. No bill that provides for a new or increased 100
general revenue tax shall become law unless approved by a two- 101
thirds roll call vote of the whole number of each House of 102
Congress. However, this requirement shall not apply to any bill 103
that provides for a new end user sales tax which would 104
completely replace every existing income tax levied by the 105
government of the United States; or for the reduction or 106

elimination of an exemption, deduction, or credit allowed under 107
an existing general revenue tax. 108

Section 6. For purposes of this article, "debt" means any 109
obligation backed by the full faith and credit of the government 110
of the United States; "outstanding debt" means all debt held in 111
any account and by any entity at a given point in time; 112
"authorized debt" means the maximum total amount of debt that 113
may be lawfully issued and outstanding at any single point in 114
time under this article; "total outlays of the government of the 115
United States" means all expenditures of the government of the 116
United States from any source; "total receipts of the government 117
of the United States" means all tax receipts and other income of 118
the government of the United States, excluding proceeds from its 119
issuance or incurrence of debt or any type of liability; 120
"impoundment" means a proposal not to spend all or part of a sum 121
of money appropriated by Congress; and "general revenue tax" 122
means any income tax, sales tax, or value-added tax levied by 123
the government of the United States excluding imposts and 124
duties. 125

Section 7. This article is immediately operative upon 126
ratification, self-enforcing, and Congress may enact conforming 127
legislation to facilitate enforcement." 128

ARTICLE III. COMPACT MEMBERSHIP AND WITHDRAWAL 129

Section 1. This Compact governs each Member State to the 130
fullest extent permitted by their respective constitutions, 131
superseding and repealing any conflicting or contrary law. 132

Section 2. By becoming a Member State, each such State 133
offers, promises and agrees to perform and comply strictly in 134
accordance with the terms and conditions of this Compact, and 135

has made such offer, promise and agreement in anticipation and 136
consideration of, and in substantial reliance upon, such mutual 137
and reciprocal performance and compliance by each other current 138
and future Member State, if any. Accordingly, in addition to 139
having the force of law in each Member State upon its respective 140
effective date, this Compact and each of its Articles shall also 141
be construed as contractually binding each Member State when: 142
(a) at least one other State has likewise become a Member State 143
by enacting substantively identical legislation adopting and 144
agreeing to be bound by this Compact; and (b) notice of such 145
State's Member State status is or has been seasonably received 146
by the Compact Administrator, if any, or otherwise by the chief 147
executive officer of each other Member State. 148

Section 3. For purposes of determining Member State status 149
under this Compact, as long as all other provisions of the 150
Compact remain identical and operative on the same terms, 151
legislation enacting, adopting and agreeing to be bound by this 152
Compact shall be deemed and regarded as "substantively 153
identical" with respect to such other legislation enacted by 154
another State notwithstanding: (a) any difference in section 2 155
of Article IV with specific regard to the respectively enacting 156
State's own method of appointing its member to the Commission; 157
(b) any difference in section 5 of Article IV with specific 158
regard to the respectively enacting State's own obligation to 159
fund the Commission; (c) any difference in sections 1 and 2 of 160
Article VI with specific regard to the number and identity of 161
each delegate respectively appointed on behalf of the enacting 162
State, provided that no more than three delegates may attend and 163
participate in the Convention on behalf of any State; or (d) any 164
difference in section 7 of Article X with specific regard to the 165
respectively enacting State as to whether section 1 of Article V 166

of this Compact shall survive termination of the Compact, and 167
thereafter become a continuing resolution of the Legislature of 168
such State applying to Congress for the calling of a convention 169
of the states under Article V of the Constitution of the United 170
States, under such terms and limitations as may be specified by 171
such State. 172

Section 4. When fewer than three-fourths of the States are 173
Member States, any Member State may withdraw from this Compact 174
by enacting appropriate legislation, as determined by state law, 175
and giving notice of such withdrawal to the Compact 176
Administrator, if any, or otherwise to the chief executive 177
officer of each other Member State. A withdrawal shall not 178
affect the validity or applicability of the compact with respect 179
to remaining Member States, provided that there remain at least 180
two such States. However, once at least three-fourths of the 181
States are Member States, then no Member State may withdraw from 182
the Compact prior to its termination absent unanimous consent of 183
all Member States. 184

ARTICLE IV. COMPACT COMMISSION AND COMPACT ADMINISTRATOR 185

Section 1. Nature of the Compact Commission. The Compact 186
Commission ("Commission") is hereby established. It has the 187
power and duty: (a) to appoint and oversee a Compact 188
Administrator; (b) to encourage States to join the Compact and 189
Congress to call the Convention in accordance with this Compact; 190
(c) to coordinate the performance of obligations under the 191
Compact; (d) to oversee the Convention's logistical operations 192
as appropriate to ensure this Compact governs its proceedings; 193
(e) to oversee the defense and enforcement of the Compact in 194
appropriate legal venues; (f) to request funds and to disburse 195
those funds to support the operations of the Commission, Compact 196

Administrator, and Convention; and (g) to cooperate with any 197
entity that shares a common interest with the Commission and 198
engages in policy research, public interest litigation or 199
lobbying in support of the purposes of the Compact. The 200
Commission shall only have such implied powers as are essential 201
to carrying out these express powers and duties. It shall take 202
no action that contravenes or is inconsistent with this Compact 203
or any law of any State that is not superseded by this Compact. 204
It may adopt and publish corresponding bylaws and policies. 205

Section 2. Commission Membership. The Commission initially 206
consists of three unpaid members. Each Member State may appoint 207
one member to the Commission through an appointment process to 208
be determined by their respective chief executive officer until 209
all positions on the Commission are filled. Positions shall be 210
assigned to appointees in the order in which their respective 211
appointing States became Member States. The bylaws of the 212
Commission may expand its membership to include representatives 213
of additional Member States and to allow for modest salaries and 214
reimbursement of expenses if adequate funding exists. 215

Section 3. Commission Action. Each Commission member is 216
entitled to one vote. The Commission shall not act unless a 217
majority of its appointed membership is present, and no action 218
shall be binding unless approved by a majority of the 219
Commission's appointed membership. The Commission shall meet at 220
least once a year, and may meet more frequently. 221

Section 4. First Order of Business. The Commission shall 222
at the earliest possible time elect from among its membership a 223
Chairperson, determine a primary place of doing business, and 224
appoint a Compact Administrator. 225

Section 5. Funding. The Commission and the Compact 226

Administrator's activities shall be funded exclusively by each 227
Member State, as determined by their respective state law, or by 228
voluntary donations. 229

Section 6. Compact Administrator. The Compact 230
Administrator has the power and duty: (a) to timely notify the 231
States of the date, time and location of the Convention; (b) to 232
organize and direct the logistical operations of the Convention; 233
(c) to maintain an accurate list of all Member States, their 234
appointed delegates, including contact information; and (d) to 235
formulate, transmit, and maintain all official notices, records, 236
and communications relating to this Compact. The Compact 237
Administrator shall only have such implied powers as are 238
essential to carrying out these express powers and duties; and 239
shall take no action that contravenes or is inconsistent with 240
this Compact or any law of any State that is not superseded by 241
this Compact. The Compact Administrator serves at the pleasure 242
of the Commission and must keep the Commission seasonably 243
apprised of the performance or nonperformance of the terms and 244
conditions of this Compact. Any notice sent by a Member State to 245
the Compact Administrator concerning this Compact shall be 246
adequate notice to each other Member State provided that a copy 247
of said notice is seasonably delivered by the Compact 248
Administrator to each other Member State's respective chief 249
executive officer. 250

Section 7. Notice of Key Events. Upon the occurrence of 251
each of the following described events, or otherwise as soon as 252
possible, the Compact Administrator shall immediately send the 253
following notices to all Compact Notice Recipients, together 254
with certified conforming copies of the chaptered version of 255
this Compact as maintained in the statutes of each Member State: 256
(a) whenever any State becomes a Member State, notice of that 257

fact shall be given; (b) once at least three-fourths of the 258
States are Member States, notice of that fact shall be given 259
together with a statement declaring that the Legislatures of at 260
least two-thirds of the several States have applied for a 261
convention for proposing amendments under Article V of the 262
Constitution of the United States, petitioning Congress to call 263
the Convention contemplated by this Compact, and further 264
requesting cooperation in organizing the same in accordance with 265
this Compact; (c) once Congress has called the Convention 266
contemplated by this Compact, and whenever the date, time and 267
location of the Convention has been determined, notice of that 268
fact shall be given together with the date, time and location of 269
the Convention and other essential logistical matters; (d) upon 270
approval of the Balanced Budget Amendment by the Convention, 271
notice of that fact shall be given together with the 272
transmission of certified copies of such approved proposed 273
amendment and a statement requesting Congress to refer the same 274
for ratification by three-fourths of the Legislatures of the 275
several States under Article V of the Constitution of the United 276
States (however, in no event shall any proposed amendment other 277
than the Balanced Budget Amendment be transmitted); and (e) when 278
any Article of this Compact prospectively ratifying the Balanced 279
Budget Amendment is effective in any Member State, notice of the 280
same shall be given together with a statement declaring such 281
ratification and further requesting cooperation in ensuring that 282
the official record confirms and reflects the effective 283
corresponding amendment to the Constitution of the United 284
States. However, whenever any Member State enacts appropriate 285
legislation, as determined by the laws of the respective state, 286
withdrawing from this Compact, the Compact Administrator shall 287
immediately send certified conforming copies of the chaptered 288
version of such withdrawal legislation as maintained in the 289

statutes of each such withdrawing Member State, solely to each 290
chief executive officer of each remaining Member State, giving 291
notice of such withdrawal. 292

Section 8. Cooperation. The Commission, Member States and 293
Compact Administrator shall cooperate with each other and give 294
each other mutual assistance in enforcing this Compact and shall 295
give the chief law enforcement officer of each other Member 296
State any information or documents that are reasonably necessary 297
to facilitate the enforcement of this Compact. 298

Section 9. This Article does not take effect until there 299
are at least two Member States. 300

ARTICLE V. RESOLUTION APPLYING FOR CONVENTION 301

Section 1. Be it resolved, as provided for in Article V of 302
the Constitution of the United States, the Legislature of each 303
Member State herewith applies to Congress for the calling of a 304
convention for proposing amendments limited to the subject 305
matter of proposing for ratification the Balanced Budget 306
Amendment. 307

Section 2. Congress is further petitioned to refer the 308
Balanced Budget Amendment to the States for ratification by 309
three-fourths of their respective Legislatures. 310

Section 3. This Article does not take effect until at 311
least three-fourths of the several States are Member States. 312

ARTICLE VI. DELEGATE APPOINTMENT, LIMITATIONS AND 313
INSTRUCTIONS 314

Section 1. Number of Delegates. Each Member State shall be 315
entitled to one delegate as its sole and exclusive 316
representative at the Convention as set forth in this Article. 317

Section 2. Identity of Delegates. Each Member State's 318
chief executive officer, who is serving on the enactment date of 319
this Compact, is appointed in an individual capacity to 320
represent his or her respective State at the Convention as its 321
sole and exclusive delegate. 322

Section 3. Replacement or Recall of Delegates. A delegate 323
appointed hereunder may be replaced or recalled by the 324
Legislature of his or her respective State at any time for good 325
cause, such as criminal misconduct or the violation of this 326
Compact. If replaced or recalled, any delegate previously 327
appointed hereunder must immediately vacate the Convention and 328
return to their respective State's capitol. 329

Section 4. Oath. The power and authority of a delegate 330
under this Article may only be exercised after the Convention is 331
first called by Congress in accordance with this Compact and 332
such appointment is duly accepted by such appointee publicly by 333
taking the following oath or affirmation: "I do solemnly swear 334
(or affirm) that I accept this appointment and will act strictly 335
in accordance with the terms and conditions of the Compact for a 336
Balanced Budget, the Constitution of the State I represent, and 337
the Constitution of the United States. I understand that 338
violating this oath (or affirmation) forfeits my appointment and 339
may subject me to other penalties as provided by law." 340

Section 5. Term. The term of a delegate hereunder 341
commences upon acceptance of appointment and terminates upon the 342
permanent adjournment of the Convention, unless shortened by 343
recall, replacement or forfeiture under this Article. Upon 344
expiration of such term, any person formerly serving as a 345
delegate must immediately withdraw from and cease participation 346
at the Convention, if any is proceeding. 347

Section 6. Delegate Authority. The power and authority of 348
any delegate appointed hereunder is strictly limited: (a) to 349
introducing, debating, voting upon, proposing and enforcing the 350
Convention Rules specified in this Compact, as needed to ensure 351
those rules govern the Convention; and (b) to introducing, 352
debating, voting upon, and rejecting or proposing for 353
ratification the Balanced Budget Amendment. All actions taken by 354
any delegate in violation of this section are void ab initio. 355

Section 7. Delegate Authority. No delegate of any Member 356
State may introduce, debate, vote upon, reject or propose for 357
ratification any constitutional amendment at the Convention 358
unless: (a) the Convention Rules specified in this Compact 359
govern the Convention and their actions; and (b) the 360
constitutional amendment is the Balanced Budget Amendment. 361

Section 8. Delegate Authority. The power and authority of 362
any delegate at the Convention does not include any power or 363
authority associated with any other public office held by the 364
delegate. Any person appointed to serve as a delegate shall take 365
a temporary leave of absence, or otherwise shall be deemed 366
temporarily disabled, from any other public office held by the 367
delegate while attending the Convention, and may not exercise 368
any power or authority associated with any other public office 369
held by the delegate, while attending the Convention. All 370
actions taken by any delegate in violation of this section are 371
void ab initio. 372

Section 9. Order of Business. Before introducing, 373
debating, voting upon, or rejecting or proposing for 374
ratification any constitutional amendment at the Convention, 375
each delegate of every Member State must first ensure the 376
Convention Rules in this Compact govern the Convention and their 377

actions. Every delegate and each Member State must immediately 378
vacate the Convention and notify the Compact Administrator by 379
the most effective and expeditious means if the Convention Rules 380
set forth in this Compact are not adopted to govern the 381
Convention and their actions. 382

Section 10. Forfeiture of Appointment. If any Member State 383
or delegate violates any provision of this Compact, then every 384
delegate of that Member State immediately forfeits his or her 385
appointment, and shall immediately cease participation at the 386
Convention, vacate the Convention, and return to his or her 387
respective State's capitol. 388

Section 11. Expenses. A delegate appointed hereunder is 389
entitled to reimbursement of reasonable expenses for attending 390
the Convention from his or her respective Member State. No 391
delegate may accept any other form of remuneration or 392
compensation for service under this Compact. 393

ARTICLE VII. CONVENTION RULES 394

Section 1. Nature of the Convention. The Convention shall 395
be organized, construed and conducted as a body exclusively 396
representing and constituted by the several States. 397

Section 2. Agenda of the Convention. The agenda of the 398
Convention shall be entirely focused upon and exclusively 399
limited to introducing, debating, voting upon, and rejecting or 400
proposing for ratification the Balanced Budget Amendment under 401
the Convention Rules specified in this Article and in accordance 402
with the Compact. It shall not be in order for the Convention to 403
consider any matter that is outside the scope of this agenda. 404

Section 3. Delegate Identity and Procedure. States shall 405
be represented at the Convention through duly appointed 406

delegates. The number, identity and authority of delegates 407
assigned to each State shall be determined by this Compact in 408
the case of Member States or, in the case of States that are not 409
Member States, by their respective state laws. However, to 410
prevent disruption of proceedings, no more than three delegates 411
may attend and participate in the Convention on behalf of any 412
State. A certified chaptered conforming copy of this Compact, 413
together with government-issued photographic proof of 414
identification, shall suffice as credentials for delegates of 415
Member States. Any commission for delegates of States that are 416
not Member States shall be based on their respective state laws, 417
but it shall furnish credentials that are at least as reliable 418
as those required of Member States. 419

Section 4. Voting. Each State represented at the 420
Convention shall have one vote, exercised by the vote of that 421
State's delegate in the case of States represented by one 422
delegate, or, in the case of any State that is represented by 423
more than one delegate, by the majority vote of that State's 424
respective delegates. 425

Section 5. Quorum. A majority of the several States of the 426
United States, each present through its respective delegate in 427
the case of any State that is represented by one delegate, or 428
through a majority of its respective delegates, in the case of 429
any State that is represented by more than one delegate, shall 430
constitute a quorum for the transaction of any business on 431
behalf of the Convention. 432

Section 6. Action by the Convention. The Convention shall 433
only act as a committee of the whole, chaired by the delegate 434
representing the first State to become a Member State, if that 435
State is represented by one delegate, or otherwise by the 436

delegate chosen by the majority vote of that State's respective 437
delegates. The transaction of any business on behalf of the 438
Convention, including the designation of a Secretary, the 439
adoption of parliamentary procedures and the rejection or 440
proposal of any constitutional amendment, requires a quorum to 441
be present and a majority affirmative vote of those States 442
constituting the quorum. 443

Section 7. Emergency Suspension and Relocation of the 444
Convention. In the event that the Chair of the Convention 445
declares an emergency due to disorder or an imminent threat to 446
public health and safety prior to the completion of the business 447
on the Agenda, and a majority of the States present at the 448
Convention do not object to such declaration, further Convention 449
proceedings shall be temporarily suspended, and the Commission 450
shall subsequently relocate or reschedule the Convention to 451
resume proceedings in an orderly fashion in accordance with the 452
terms and conditions of this Compact with prior notice given to 453
the Compact Notice Recipients. 454

Section 8. Parliamentary Procedure. In adopting, applying 455
and formulating parliamentary procedure, the Convention shall 456
exclusively adopt, apply or appropriately adapt provisions of 457
the most recent editions of Robert's Rules of Order and the 458
American Institute of Parliamentarians Standard Code of 459
Parliamentary Procedure. In adopting, applying or adapting 460
parliamentary procedure, the Convention shall exclusively 461
consider analogous precedent arising within the jurisdiction of 462
the United States. Parliamentary procedures adopted, applied or 463
adapted pursuant to this section shall not obstruct, override or 464
otherwise conflict with this Compact. 465

Section 9. Transmittal. Upon approval of the Balanced 466

Budget Amendment by the Convention to propose for ratification, 467
the Chair of the Convention shall immediately transmit certified 468
copies of such approved proposed amendment to the Compact 469
Administrator and all Compact Notice Recipients, notifying them 470
respectively of such approval and requesting Congress to refer 471
the same for ratification by the States under Article V of the 472
Constitution of the United States. However, in no event shall 473
any proposed amendment other than the Balanced Budget Amendment 474
be transmitted as aforesaid. 475

Section 10. Transparency. Records of the Convention, 476
including the identities of all attendees and detailed minutes 477
of all proceedings, shall be kept by the Chair of the Convention 478
or Secretary designated by the Convention. All proceedings and 479
records of the Convention shall be open to the public upon 480
request subject to reasonable regulations adopted by the 481
Convention that are closely tailored to preventing disruption of 482
proceedings under this Article. 483

Section 11. Adjournment of the Convention. The Convention 484
shall permanently adjourn upon the earlier of twenty-four (24) 485
hours after commencing proceedings under this Article or the 486
completion of the business on its Agenda. 487

ARTICLE VIII. PROHIBITION ON ULTRA VIRES CONVENTION 488

Section 1. Member States shall not participate in the 489
Convention unless: (a) Congress first calls the Convention in 490
accordance with this Compact; and (b) the Convention Rules of 491
this Compact are adopted by the Convention as its first order of 492
business. 493

Section 2. Any proposal or action of the Convention is 494
void ab initio and issued by a body that is conducting itself in 495

an unlawful and ultra vires fashion if that proposal or action: 496
(a) violates or was approved in violation of the Convention 497
Rules or the delegate instructions and limitations on delegate 498
authority specified in this Compact; (b) purports to propose or 499
effectuate a mode of ratification that is not specified in 500
Article V of the Constitution of the United States; or (c) 501
purports to propose or effectuate the formation of a new 502
government. All Member States are prohibited from advancing or 503
assisting in the advancement of any such proposal or action. 504

Section 3. Member States shall not ratify or otherwise 505
approve any proposed amendment, alteration or revision to the 506
Constitution of the United States, which originates from the 507
Convention, other than the Balanced Budget Amendment. 508

ARTICLE IX. RESOLUTION PROSPECTIVELY RATIFYING THE 509
BALANCED BUDGET AMENDMENT 510

Section 1. Each Member State, by and through its 511
respective Legislature, hereby adopts and ratifies the Balanced 512
Budget Amendment. 513

Section 2. This Article does not take effect until 514
Congress effectively refers the Balanced Budget Amendment to the 515
States for ratification by three-fourths of the Legislatures of 516
the several States under Article V of the Constitution of the 517
United States. 518

ARTICLE X. CONSTRUCTION, ENFORCEMENT, VENUE, AND 519
SEVERABILITY 520

Section 1. To the extent that the effectiveness of this 521
Compact or any of its Articles or provisions requires the 522
alteration of local legislative rules, drafting policies, or 523
procedure to be effective, the enactment of legislation 524

enacting, adopting and agreeing to be bound by this Compact 525
shall be deemed to waive, repeal, supersede, or otherwise amend 526
and conform all such rules, policies or procedures to allow for 527
the effectiveness of this Compact to the fullest extent 528
permitted by the constitution of any affected Member State. 529

Section 2. Date and Location of the Convention. Unless 530
otherwise specified by Congress in its call, the Convention 531
shall be held in Dallas, Texas and commence proceedings at 9:00 532
a.m. Central Standard Time on the sixth Wednesday after the 533
latter of the effective date of Article V of this Compact or the 534
enactment date of the Congressional resolution calling the 535
Convention. 536

Section 3. In addition to all other powers and duties 537
conferred by state law which are consistent with the terms and 538
conditions of this Compact, the chief law enforcement officer of 539
each Member State is empowered to defend the Compact from any 540
legal challenge, as well as to seek civil mandatory and 541
prohibitory injunctive relief to enforce this Compact; and shall 542
take such action whenever the Compact is challenged or violated. 543

Section 4. The exclusive venue for all actions in any way 544
arising under this Compact shall be in the United States 545
District Court for the Northern District of Texas or the courts 546
of the State of Texas within the jurisdictional boundaries of 547
the foregoing district court. Each Member State shall submit to 548
the jurisdiction of said courts with respect to such actions. 549
However, upon written request by the chief law enforcement 550
officer of any Member State, the Commission may elect to waive 551
this provision for the purpose of ensuring an action proceeds in 552
the venue that allows for the most convenient and effective 553
enforcement or defense of this Compact. Any such waiver shall be 554

limited to the particular action to which it is applied and not 555
construed or relied upon as a general waiver of this provision. 556
The waiver decisions of the Commission under this provision 557
shall be final and binding on each Member State. 558

Section 5. The effective date of this Compact and any of 559
its Articles is the latter of: (a) the date of any event 560
rendering the same effective according to its respective terms 561
and conditions; or (b) the earliest date otherwise permitted by 562
law. 563

Section 6. Article VIII of this Compact is hereby deemed 564
non-severable prior to termination of the Compact. However, if 565
any other phrase, clause, sentence or provision of this Compact, 566
or the applicability of any other phrase, clause, sentence or 567
provision of this Compact to any government, agency, person or 568
circumstance, is declared in a final judgment to be contrary to 569
the Constitution of the United States, contrary to the state 570
constitution of any Member State, or is otherwise held invalid 571
by a court of competent jurisdiction, such phrase, clause, 572
sentence or provision shall be severed and held for naught, and 573
the validity of the remainder of this Compact and the 574
applicability of the remainder of this Compact to any 575
government, agency, person or circumstance shall not be 576
affected. Furthermore, if this Compact is declared in a final 577
judgment by a court of competent jurisdiction to be entirely 578
contrary to the state constitution of any Member State or 579
otherwise entirely invalid as to any Member State, such Member 580
State shall be deemed to have withdrawn from the Compact, and 581
the Compact shall remain in full force and effect as to any 582
remaining Member State. Finally, if this Compact is declared in 583
a final judgment by a court of competent jurisdiction to be 584
wholly or substantially in violation of Article I, Section 10, 585

of the Constitution of the United States, then it shall be 586
construed and enforced solely as reciprocal legislation enacted 587
by the affected Member State(s). 588

Section 7. Termination. This Compact shall terminate and 589
be held for naught when the Compact is fully performed and the 590
Constitution of the United States is amended by the Balanced 591
Budget Amendment. However, notwithstanding anything to the 592
contrary set forth in this Compact, in the event such amendment 593
does not occur within seven (7) years after the first State 594
passes legislation enacting, adopting and agreeing to be bound 595
to this Compact, the Compact shall terminate as follows: (a) the 596
Commission shall dissolve and wind up its operations within 597
ninety (90) days thereafter, with the Compact Administrator 598
giving notice of such dissolution and the operative effect of 599
this section to the Compact Notice Recipients; and (b) upon the 600
completed dissolution of the Commission, this Compact shall be 601
deemed terminated, repealed, void ab initio, and held for 602
naught. 603

Section 2. This act is hereby declared to be an emergency 604
measure necessary for the immediate preservation of the public 605
peace, health, and safety. The reason for such necessity is that 606
the General Assembly finds that it is in the best interests of 607
the state to be able to appoint a member of the Compact 608
Commission so that the state has a pivotal role in overseeing 609
the constitutional amendment process initiated by the Compact 610
for a Balanced Budget and in working with the United States 611
Congress in supporting the passage of a resolution to activate 612
the amendment process; that only the first three member states 613
are allowed to appoint a member of the Compact Commission and 614
there are already two member states; that the General Assembly 615
must adopt the Compact for a Balanced Budget to become a member 616

state and be eligible to appoint a member to the Compact 617
Commission; and that Congress is expected to vote on a 618
resolution to activate the Compact for a Balanced Budget in 2015 619
and it is anticipated that numerous states will quickly join the 620
Compact for a Balanced Budget as a result. Therefore, this act 621
shall go into immediate effect. 622