

By: White of Tyler

H.B. No. 1109

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of the Compact for a Balanced Budget.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 7, Government Code, is amended by adding Chapter 793 to read as follows:

CHAPTER 793. COMPACT FOR A BALANCED BUDGET

Sec. 793.001. EXECUTION OF COMPACT. The State of Texas enacts, adopts and agrees to be bound by the following Compact:

ARTICLE I. DECLARATION OF POLICY, PURPOSE AND INTENT

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

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

ARTICLE II. DEFINITIONS

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

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

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

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

23 Section 5. "Compact Notice Recipients" means the Archivist of
24 the United States, the President of the United States, the
25 President of the United States Senate, the Office of the Secretary
26 of the United States Senate, the Speaker of the United States House
27 of Representatives, the Office of the Clerk of the United States

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

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

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

9 "Article _

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

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

21 Section 3. From time to time, Congress may increase
22 authorized debt to an amount in excess of its initial amount set by
23 Section 2 only if it first publicly refers to the legislatures of
24 the several states an unconditional, single subject measure
25 proposing the amount of such increase, in such form as provided by
26 law, and the measure is thereafter publicly and unconditionally
27 approved by a simple majority of the legislatures of the several

1 states, in such form as provided respectively by state law;
2 provided that no inducement requiring an expenditure or tax levy
3 shall be demanded, offered or accepted as a quid pro quo for such
4 approval. If such approval is not obtained within sixty (60)
5 calendar days after referral then the measure shall be deemed
6 disapproved and the authorized debt shall thereby remain unchanged.

7 Section 4. Whenever the outstanding debt exceeds 98 percent
8 of the debt limit set by Section 2, the President shall enforce said
9 limit by publicly designating specific expenditures for
10 impoundment in an amount sufficient to ensure outstanding debt
11 shall not exceed the authorized debt. Said impoundment shall become
12 effective thirty (30) days thereafter, unless Congress first
13 designates an alternate impoundment of the same or greater amount
14 by concurrent resolution, which shall become immediately
15 effective. The failure of the President to designate or enforce the
16 required impoundment is an impeachable misdemeanor. Any purported
17 issuance or incurrence of any debt in excess of the debt limit set
18 by Section 2 is void.

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

27 Section 6. For purposes of this article, "debt" means any

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

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

19 ARTICLE III. COMPACT MEMBERSHIP AND WITHDRAWAL

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

23 Section 2. By becoming a Member State, each such State
24 offers, promises and agrees to perform and comply strictly in
25 accordance with the terms and conditions of this Compact, and has
26 made such offer, promise and agreement in anticipation and
27 consideration of, and in substantial reliance upon, such mutual and

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

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

1 respectively enacting State as to whether section 1 of Article V of
2 this Compact shall survive termination of the Compact, and
3 thereafter become a continuing resolution of the Legislature of
4 such State applying to Congress for the calling of a convention of
5 the states under Article V of the Constitution of the United States,
6 under such terms and limitations as may be specified by such State.

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

18 ARTICLE IV. COMPACT COMMISSION AND COMPACT ADMINISTRATOR

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

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

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

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

27 Section 4. First Order of Business. The Commission shall at

1 the earliest possible time elect from among its membership a
2 Chairperson, determine a primary place of doing business, and
3 appoint a Compact Administrator.

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

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

27 Section 7. Notice of Key Events. Upon the occurrence of each

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

1 in any Member State, notice of the same shall be given together with
2 a statement declaring such ratification and further requesting
3 cooperation in ensuring that the official record confirms and
4 reflects the effective corresponding amendment to the Constitution
5 of the United States. However, whenever any Member State enacts
6 appropriate legislation, as determined by the laws of the
7 respective state, withdrawing from this Compact, the Compact
8 Administrator shall immediately send certified conforming copies
9 of the chaptered version of such withdrawal legislation as
10 maintained in the statutes of each such withdrawing Member State,
11 solely to each chief executive officer of each remaining Member
12 State, giving notice of such withdrawal.

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

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

21 ARTICLE V. RESOLUTION APPLYING FOR CONVENTION

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

27 Section 2. Congress is further petitioned to refer the

1 Balanced Budget Amendment to the States for ratification by
2 three-fourths of their respective Legislatures.

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

5 ARTICLE VI. DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

6 Section 1. Number of Delegates. This Member State is entitled
7 to three delegates to represent the state's interests at the
8 Convention.

9 Section 2. Identity of Delegates. The Governor, Speaker of
10 the House of Representatives, and Lieutenant Governor, or their
11 respective designees, are appointed to represent this Member State
12 at the Convention as its exclusive delegates.

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

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

1 the United States. I understand that violating this oath (or
2 affirmation) forfeits my appointment and may subject me to other
3 penalties as provided by law."

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

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

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

25 Section 8. Delegate Authority. The power and authority of any
26 delegate at the Convention does not include any power or authority
27 associated with any other public office held by the delegate. Any

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

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

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

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

1 ARTICLE VII. CONVENTION RULES

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

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

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

27 Section 4. Voting. Each State represented at the Convention

1 shall have one vote, exercised by the vote of that State's delegate
2 in the case of States represented by one delegate, or, in the case
3 of any State that is represented by more than one delegate, by the
4 majority vote of that State's respective delegates.

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

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

21 Section 7. Emergency Suspension and Relocation of the
22 Convention. In the event that the Chair of the Convention declares
23 an emergency due to disorder or an imminent threat to public health
24 and safety prior to the completion of the business on the Agenda,
25 and a majority of the States present at the Convention do not object
26 to such declaration, further Convention proceedings shall be
27 temporarily suspended, and the Commission shall subsequently

1 relocate or reschedule the Convention to resume proceedings in an
2 orderly fashion in accordance with the terms and conditions of this
3 Compact with prior notice given to the Compact Notice Recipients.

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

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

24 Section 10. Transparency. Records of the Convention,
25 including the identities of all attendees and detailed minutes of
26 all proceedings, shall be kept by the Chair of the Convention or
27 Secretary designated by the Convention. All proceedings and records

1 of the Convention shall be open to the public upon request subject
2 to reasonable regulations adopted by the Convention that are
3 closely tailored to preventing disruption of proceedings under this
4 Article.

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

9 ARTICLE VIII. PROHIBITION ON ULTRA VIRES CONVENTION

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

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

26 Section 3. Member States shall not ratify or otherwise
27 approve any proposed amendment, alteration or revision to the

1 Constitution of the United States, which originates from the
2 Convention, other than the Balanced Budget Amendment.

3 ARTICLE IX. RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED BUDGET
4 AMENDMENT

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

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

12 ARTICLE X. CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

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

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

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

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

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

26 Section 6. Article VIII of this Compact is hereby deemed
27 non-severable prior to termination of the Compact. However, if any

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

22 Section 7. Termination. This Compact shall terminate and be
23 held for naught when the Compact is fully performed and the
24 Constitution of the United States is amended by the Balanced Budget
25 Amendment. However, notwithstanding anything to the contrary set
26 forth in this Compact, in the event such amendment does not occur
27 within seven (7) years after the first State passes legislation

1 enacting, adopting and agreeing to be bound to this Compact, the
2 Compact shall terminate as follows: (a) the Commission shall
3 dissolve and wind up its operations within ninety (90) days
4 thereafter, with the Compact Administrator giving notice of such
5 dissolution and the operative effect of this section to the Compact
6 Notice Recipients; and (b) upon the completed dissolution of the
7 Commission, this Compact shall be deemed terminated, repealed, void
8 ab initio, and held for naught.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2015.