

House Bill 818

By: Representatives Welch of the 110<sup>th</sup>, Williamson of the 115<sup>th</sup>, Hawkins of the 27<sup>th</sup>,  
Gravley of the 67<sup>th</sup>, and Caldwell of the 20<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 38 of Title 50 of the Official Code of Georgia Annotated, relating to the  
2 Compact for a Balanced Budget, so as to extend the sunset provision of the compact; to  
3 provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 Chapter 38 of Title 50 of the Official Code of Georgia Annotated, relating to the Compact  
7 for a Balanced Budget, is amended by revising Code Section 50-38-1, relating to compact  
8 enacted and entered into and provisions of compact, as follows:

9 "50-38-1.

10 The State of Georgia enacts, adopts, and agrees to be bound by the following compact:

11 'ARTICLE I

12 DECLARATION OF POLICY, PURPOSE, AND INTENT

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

17 Now, therefore, in consideration of their expressed mutual promises and obligations, be it  
18 enacted by every State enacting, adopting, and agreeing to be bound by this Compact, and  
19 resolved by each of their respective legislatures, as the case may be, to exercise herewith  
20 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."

Section 2. "Convention" means the convention for proposing amendments organized by this Compact under Article V of the Constitution of the United States and, where contextually appropriate to ensure the terms of this Compact are not evaded, any other similar gathering or body, which might be organized as a consequence of Congress receiving the application set out in this Compact and claim authority to propose or effectuate any amendment, alteration or revision to the Constitution of the United States. This term is not intended to pertain to any convention held under Article V of the Constitution of the United States which originates as a result of a separate and distinct application by any State.

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

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

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

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

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

51 ARTICLE \_\_\_\_

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

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

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

70 Section 4. Whenever the outstanding debt exceeds 98 percent of the debt limit set by  
71 Section 2, the President shall enforce said limit by publicly designating specific  
72 expenditures for impoundment in an amount sufficient to ensure outstanding debt shall  
73 not exceed the authorized debt. Said impoundment shall become effective thirty (30)  
74 days thereafter, unless Congress first designates an alternate impoundment of the same  
75 or greater amount by concurrent resolution, which shall become immediately effective.  
76 The failure of the President to designate or enforce the required impoundment is an  
77 impeachable misdemeanor. Any purported issuance or incurrence of any debt in excess  
78 of the debt limit set by Section 2 is void.

79 Section 5. No bill that provides for a new or increased general revenue tax shall become  
80 law unless approved by a two-thirds roll call vote of the whole number of each House of  
81 Congress. However, this requirement shall not apply to any bill that provides for a new

82 end user sales tax which would completely replace every existing income tax levied by  
83 the government of the United States; or for the reduction or elimination of an exemption,  
84 deduction, or credit allowed under an existing general revenue tax.

85 Section 6. For purposes of this article, "debt" means any obligation backed by the full  
86 faith and credit of the government of the United States; "outstanding debt" means all debt  
87 held in any account and by any entity at a given point in time; "authorized debt" means  
88 the maximum total amount of debt that may be lawfully issued and outstanding at any  
89 single point in time under this article; "total outlays of the government of the United  
90 States" means all expenditures of the government of the United States from any source;  
91 "total receipts of the government of the United States" means all tax receipts and other  
92 income of the government of the United States, excluding proceeds from its issuance or  
93 incurrence of debt or any type of liability; "impoundment" means a proposal not to spend  
94 all or part of a sum of money appropriated by Congress; and "general revenue tax" means  
95 any income tax, sales tax, or value-added tax levied by the government of the United  
96 States excluding imposts and duties.

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

### 99 ARTICLE III

#### 100 COMPACT MEMBERSHIP AND WITHDRAWAL

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

103 Section 2. By becoming a Member State, each such State offers, promises and agrees to  
104 perform and comply strictly in accordance with the terms and conditions of this Compact,  
105 and has made such offer, promise, and agreement in anticipation and consideration of, and  
106 in substantial reliance upon, such mutual and reciprocal performance and compliance by  
107 each other current and future Member State, if any. Accordingly, in addition to having the  
108 force of law in each Member State upon its respective effective date, this Compact and  
109 each of its Articles shall also be construed as contractually binding each Member State  
110 when: (a) at least one other State has likewise become a Member State by enacting  
111 substantively identical legislation adopting and agreeing to be bound by this Compact; and  
112 (b) notice of such State's Member State status is or has been seasonably received by the

113 Compact Administrator, if any, or otherwise by the chief executive officer of each other  
114 Member State.

115 Section 3. For purposes of determining Member State status under this Compact, as long  
116 as all other provisions of the Compact remain identical and operative on the same terms,  
117 legislation enacting, adopting and agreeing to be bound by this Compact shall be deemed  
118 and regarded as "substantively identical" with respect to such other legislation enacted by  
119 another State notwithstanding: (a) any difference in section 2 of Article IV with specific  
120 regard to the respectively enacting State's own method of appointing its member to the  
121 Commission; (b) any difference in section 5 of Article IV with specific regard to the  
122 respectively enacting State's own obligation to fund the Commission; (c) any difference in  
123 sections 1 and 2 of Article VI with specific regard to the number and identity of each  
124 delegate respectively appointed on behalf of the enacting State, provided that no more than  
125 three delegates may attend and participate in the Convention on behalf of any State; or (d)  
126 any difference in section 7 of Article X with specific regard to the respectively enacting  
127 State as to whether section 1 of Article V of this Compact shall survive termination of the  
128 Compact, and thereafter become a continuing resolution of the Legislature of such State  
129 applying to Congress for the calling of a convention of the states under Article V of the  
130 Constitution of the United States, under such terms and limitations as may be specified by  
131 such State.

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

#### 140 ARTICLE IV

#### 141 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

142 Section 1. Nature of the Compact Commission. The Compact Commission  
143 ("Commission") is hereby established. It has the power and duty: (a) to appoint and  
144 oversee a Compact Administrator; (b) to encourage States to join the Compact and  
145 Congress to call the Convention in accordance with this Compact; (c) to coordinate the

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

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

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

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

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

Section 6. Compact Administrator. The Compact Administrator has the power and duty: (a) to timely notify the States of the date, time, and location of the Convention; (b) to

organize and direct the logistical operations of the Convention; (c) to maintain an accurate list of all Member States, their appointed delegates, including contact information; and (d) to formulate, transmit, and maintain all official notices, records, and communications relating to this Compact. The Compact Administrator shall only have such implied powers as are essential to carrying out these express powers and duties; and shall take no action that contravenes or is inconsistent with this Compact or any law of any State that is not superseded by this Compact. The Compact Administrator serves at the pleasure of the Commission and must keep the Commission seasonably apprised of the performance or nonperformance of the terms and conditions of this Compact. Any notice sent by a Member State to the Compact Administrator concerning this Compact shall be adequate notice to each other Member State provided that a copy of said notice is seasonably delivered by the Compact Administrator to each other Member State's respective chief executive officer.

Section 7. Notice of Key Events. Upon the occurrence of each of the following described events, or otherwise as soon as possible, the Compact Administrator shall immediately send the following notices to all Compact Notice Recipients, together with certified conforming copies of the chaptered version of this Compact as maintained in the statutes of each Member State: (a) whenever any State becomes a Member State, notice of that fact shall be given; (b) once at least three-fourths of the States are Member States, notice of that fact shall be given together with a statement declaring that the legislatures of at least two-thirds of the several states have applied for a convention for proposing amendments under Article V of the Constitution of the United States, petitioning Congress to call the Convention contemplated by this Compact, and further requesting cooperation in organizing the same in accordance with this Compact; (c) once Congress has called the Convention contemplated by this Compact, and whenever the date, time, and location of the Convention has been determined, notice of that fact shall be given together with the date, time, and location of the Convention and other essential logistical matters; (d) upon approval of the Balanced Budget Amendment by the Convention, notice of that fact shall be given together with the transmission of certified copies of such approved proposed amendment and a statement requesting Congress to refer the same for ratification by three-fourths of the legislatures of the several states under Article V of the Constitution of the United States (however, in no event shall any proposed amendment other than the Balanced Budget Amendment be transmitted); and (e) when any Article of this Compact prospectively ratifying the Balanced Budget Amendment is effective in any Member State, notice of the same shall be given together with a statement declaring such ratification and further requesting cooperation in ensuring that the official record confirms and reflects the

effective corresponding amendment to the Constitution of the United States. However, whenever any Member State enacts appropriate legislation, as determined by the laws of the respective state, withdrawing from this Compact, the Compact Administrator shall immediately send certified conforming copies of the chaptered version of such withdrawal legislation as maintained in the statutes of each such withdrawing Member State, solely to each chief executive officer of each remaining Member State, giving notice of such 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. This Member State shall be entitled to three delegates to represent its sovereign interests at the Convention.



Section 2. Identity. The Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate of this Member State, or their respective designee, as identified in a sworn affidavit executed by such officer, are each appointed in an individual capacity to represent this Member State at the Convention as its sole and exclusive delegates. A majority vote of this delegation shall serve to decide any issue at the Convention on behalf of this Member State.

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

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

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

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

Section 7. Delegate Authority. No delegate of any Member State may introduce, debate, vote upon, reject, or propose for ratification any constitutional amendment at the

273 Convention unless: (a) the Convention Rules specified in this Compact govern the  
274 Convention and their actions; and (b) the constitutional amendment is the Balanced Budget  
275 Amendment.

276 Section 8. Delegate Authority. The power and authority of any delegate at the Convention  
277 does not include any power or authority associated with any other public office held by the  
278 delegate. Any person appointed to serve as a delegate shall take a temporary leave of  
279 absence from any other public office held by the delegate while attending the Convention,  
280 and may not exercise any power or authority associated with any other public office held  
281 by the delegate while attending the Convention. All actions taken by any delegate in  
282 violation of this section are void ab initio.

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

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

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

298 ARTICLE VII  
299 CONVENTION RULES

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

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

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

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

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

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

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

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

351 Section 9. Transmittal. Upon approval of the Balanced Budget Amendment by the  
352 Convention to propose for ratification, the chair of the Convention shall immediately  
353 transmit certified copies of such approved proposed amendment to the Compact  
354 Administrator and all Compact Notice Recipients, notifying them respectively of such  
355 approval and requesting Congress to refer the same for ratification by the States under  
356 Article V of the Constitution of the United States. However, in no event shall any  
357 proposed amendment other than the Balanced Budget Amendment be transmitted as  
358 aforesaid.

359 Section 10. Transparency. Records of the Convention, including the identities of all  
360 attendees and detailed minutes of all proceedings, shall be kept by the chair of the  
361 Convention or secretary designated by the Convention. All proceedings and records of the  
362 Convention shall be open to the public upon request subject to reasonable regulations  
363 adopted by the Convention that are closely tailored to preventing disruption of proceedings  
364 under this Article.

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

## ARTICLE VIII

## PROHIBITION ON ULTRA VIRES CONVENTION

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

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

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

## ARTICLE IX

RESOLUTION PROSPECTIVELY RATIFYING THE  
BALANCED BUDGET AMENDMENT

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

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

## ARTICLE X

## CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

Section 1. To the extent that the effectiveness of this Compact or any of its Articles or provisions requires the alteration of local legislative rules, drafting policies, or procedure to be effective, the enactment of legislation enacting, adopting, and agreeing to be bound

397 by this Compact shall be deemed to waive, repeal, supersede, or otherwise amend and  
398 conform all such rules, policies, or procedures to allow for the effectiveness of this  
399 Compact to the fullest extent permitted by the constitution of any affected Member State.

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

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

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

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

424 Section 6. Article VIII of this Compact is hereby deemed non-severable prior to  
425 termination of the Compact. However, if any other phrase, clause, sentence, or provision  
426 of this Compact, or the applicability of any other phrase, clause, sentence, or provision of  
427 this Compact to any government, agency, person, or circumstance, is declared in a final  
428 judgment to be contrary to the Constitution of the United States, contrary to the state

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

Section 7. Termination. This Compact shall terminate and be held for naught when it is fully performed and the Constitution of the United States is amended by the Balanced Budget Amendment. However, notwithstanding anything to the contrary set forth in this Compact, in the event such amendment does not occur ~~within seven (7) years after the first State passes legislation enacting, adopting, and agreeing to be bound to this Compact on or before April 12, 2031,~~ the Compact shall terminate as follows: (a) the Commission shall dissolve and wind up its operations within ninety (90) days thereafter, with the Compact Administrator giving notice of such dissolution and the operative effect of this section to the Compact Notice Recipients; (b) upon the completed dissolution of the Commission, Articles I, II, III, IV, VI, VII, VIII, and IX, as well as sections 2 and 3 of Article V and sections 1 through 6 of Article X, of this Compact for this Member State shall be deemed terminated, repealed, and held for naught; and (c) section 1 of Article V of this Compact, together with the constructional rule of this subsection, both of which shall survive termination of the Compact, shall thereafter become and be construed as an immediately effective freestanding continuing resolution, passed by the Legislature of this Member State, applying to Congress for the calling of a convention for proposing amendments under Article V of the Constitution of the United States, limited to proposing amendments such as a balanced budget amendment, which shall be capable of aggregation with any other similar application."

## SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.